



SECURITY COUNCIL REPORT

MONTHLY FORECAST

DEC 2008



26 November 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 DECEMBER

Croatia will hold the presidency of the Council in December. December is always a very full month because of the numerous mandates that come due for renewal. In addition, the Council is likely to be under pressure to maintain an ongoing role with respect to the crisis in eastern DRC.

Croatia will host an open debate on **Global Security and International Terrorism**, scheduled for 9 December. Croatian President Stjepan Mesić is expected to preside. A presidential statement is a possible outcome. An open debate on **protection of civilians**, delayed from November at the request of OCHA, is also possible but pressure on time in December may make this impossible.

An open debate on the **Middle East** is also expected.

Developments in several situations will be closely watched. These include **Somalia**, **DRC** and **Guinea-Bissau**.

The Council will likely receive briefings on:

- the deployment of **UNAMID** in Darfur by the Under Secretaries-General for Field Support and Peacekeeping Operations;
- the **ICC's work in Sudan** by Prosecutor Luis Moreno-Ocampo;
- the November Council visit to **Afghanistan**;
- Iraq's compliance with resolution 1284 regarding the **repatriation of Kuwaiti and third-country nationals** by the High-Level Coordinator Gennady P. Tarasov;
- the biannual reports from the **ICTR and the ICTY**, from their respective presidents and perhaps also Belgium as the chair of the Council's working group on tribunals;
- **Guinea Bissau**, on UNOGBIS;

>>page 2

CONTENTS OF THIS ISSUE

Status Update since our November Forecast	2
Bosnia and Herzegovina	3
Democratic Republic of Congo	3
Somalia	6
Chad/CAR	8
Central African Republic	9
Sudan/Darfur	11
Northern Uganda and LRA-Affected Areas	13
Iraq	14
Iraq/Kuwait	16
International Tribunals	17
Cyprus	19
Guinea-Bissau	20
Burundi	22
Lebanon	23
Golan Heights	25
Liberia	26
Notable Dates for November	28
Important Dates over the Horizon ...28	

Aide-Memoire

Important matters pending for the Council include:

- The Council is yet to take up the Secretary-General's recommendations regarding **protection of civilians**, presented in his October 2007 report (S/2007/643).
- The 2005 World Summit requested that the Security Council consider reforms for the **Military Staff Committee**. This has yet to be addressed.
- There was no monthly report from KFOR in Kosovo in November. These reports which are submitted every month also have a significant time-lag. The last one available covers the period 1-31 July 2008.
- In resolution 1327 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 quarterly reports from EUFOR in **Bosnia and Herzegovina** have been submitted several months late. The last one covered the period from 1 March to 31 May.
- The December 2004 report by the Secretary-General on human rights violations in **Côte d'Ivoire**, requested by presidential statement 2004/17, has still not been made public. Also on Côte d'Ivoire, the December 2005 report by the Secretary-General's Special Adviser on the Prevention of Genocide has not been published.
- The quarterly reports of the International Security Assistance Force in **Afghanistan** are now routinely outdated when released (The last report, released in September, covered the period 1 February-30 April

2008.) The next report covering the period 1 May-30 July 2008 is yet to be released.

- Similarly, **UNAMI reports on human rights**, which in the past were produced every two to three months, are now usually delayed by several months and are therefore quite outdated. (The last report, released in March, covered the period from 1 July-31 December 2007.)
- The Council requested the Secretary-General on 21 November 2006 (S/2006/928) to **update the index to Council notes and statements on working methods**. This has not been published.
- On **Western Sahara**, in April the Council in resolution 1813 called upon the parties to continue negotiations. But there have been no further talks, nor any briefing to the Council on the situation. The Secretary-General's

>>page 2

Personal Envoy Peter van Walsum left his post in when his contract expired at the end of July and no successor has been appointed at this writing.

- On the **DRC**, the Council sanctions committee has not acted on individual sanctions under resolutions 1698 and 1807 against armed groups that recruit children and or “commit serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement,” respectively, despite MONUC reports about the problem continuing on a serious scale.
- The Secretary-General has yet to put forward proposals for the delineation of the international borders of Lebanon, especially in the **Sheb’a Farms** area, in accordance with resolution 1701, and respond to the cartographic, legal and political implications of the alternative path suggested by the Government of Lebanon in its seven-point plan.
- The Council is awaiting the PBC’s response to its May 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 the 6 February presidential statement (S/PRST/2008/4).
- The Council has yet to address the latest report of the **Lebanon Independent Border Assessment Team**, which was issued on 25 August 2008 (S/2008/582).

Status Update since our November Forecast

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

- **Counter Terrorism:** On 12 November Chairmen of the three subsidiary bodies dealing with terrorism briefed the Council (S/PV.6015) The Council was told the Committees had increased their cooperation with each other and their experts were working towards a strategy for cooperation with key international, regional and subregional organisations and relevant UN bodies
- **International Court of Justice:** On 6 November, the General Assembly and the Security Council elected five judges to serve nine-year terms on the ICJ, starting February 2009 In

- **Lebanon**, and specifically the work of the **International Independent Investigation Commission** from the Chief Investigator Daniel Bellemare; and
- the **situation in Bosnia and Herzegovina** by High Representative and European Union Special Representative to the Secretary General for Bosnia and Herzegovina, Miroslav Lajčák. That briefing had originally been expected in November.
- Miroslav Jenca, the Secretary-General’s Special Representative and the Head of the UN Regional Centre for Preventive Diplomacy in Central Asia (UNRCCA) is expected to brief the Council on its work which was established in December last year.

Also possible is a briefing on **Central African Republic** before the renewal of BONUCA’s mandate expiring on 31 December.

A briefing by the by the Secretary-General’s Special Envoy for the **Lord’s Resistance Army-Affected Areas**, Joaquim Chissano, on the peace process between the Ugandan government and the LRA and his future role as envoy (Chissano’s mandate expires on 31 December) is also possible.

Formal meetings to adopt resolutions can be expected on:

- The **DRC:** to renew the mandates of the peace operation there, MONUC and the sanctions Group of Experts, as well as the sanctions regime, which all expire on 31 December;
- **Burundi:** to renew the mandate of BINUB expiring on 31 December;

- **Cyprus:** to renew the mandate of UNFICYP which expires on 15 December;
- **Lebanon:** to extend the mandate of UNIIIC, due to expire on 31 December;
- **Liberia** sanctions and the sanctions’ Panel of Experts, which expire on 19 and 20 December, respectively;
- **Iraq:** to extend the arrangements relating to the Development Fund for Iraq and its independent auditor, the International Advisory and Monitoring Board, including immunity provisions relating to the DFI which are due to expire on 31 December. The mandate of Multinational Forces in Iraq also expires on 31 December but will not be renewed unless the bilateral agreement on status of forces between the US and Iraq is not finalised; and
- **Somalia:** to renew resolution 1816 authorising measures to combat piracy due to expire on 2 December, and the mandate of the sanctions Monitoring Group which expires on 20 December.

Two Arria formula meetings are expected in December. The first, which South Africa will be hosting is on **responsibility to protect**, scheduled for 1 December.

An Arria meeting on **Chad** is also likely early in the month. This is in conjunction with Council’s on-going discussions of the proposed UN military component to follow on the EU operation in Eastern Chad and Central African Republic. A decision on the military component, which was expected by 15 December, is likely to be delayed.

combatants would be completed by January 2009, UNMIN might need an extension beyond 23 January. Following the open meeting the Council held consultations on Nepal. The president of the Council, in his remarks to the press, said that the Council reaffirmed support for the peace process and welcomed progress made so far. It also urged the government and other political parties to “work together in the spirit of compromise” to expedite the peace process and take decisions which would allow UNMIN to carry out its work.

- **Collective Security and Armament Regulation:** On 19 November Costa Rica, as president of the Council in November, organised an open debate on “Maintenance of International Peace and Security: strengthen-

>>page 3

ing collective security through general regulation and reduction of armaments” (please see our 14 November *Update* for more details). The debate was presided over by Costa Rica’s President Oscar Arias. Sergio Duarte, UN High Representative for Disarmament Affairs, gave a briefing (S/PV.6017 and resumption 1). After the debate the Council adopted a presidential statement reaffirming that disarmament, non-proliferation and arms control are necessary to strengthen international peace and security, noting the link between disarmament and development, expressing concern at increasing global military expenditures and urging states to devote resources to economic and social development. It also stressed the importance of an effective multilateral system, expressed support for all measures adopted

by governments to reduce military expenditures and underlined the importance of promoting norms setting. Finally, it called on member states, regional organisations and the UN to make more efforts to strengthen international and regional cooperation in arms control, non-proliferation and disarmament through further implementation, development and strengthening of relevant agreements (S/PRST/2008/43).

- **Côte d’Ivoire:** At press time a new date for the polls previously scheduled for 30 November had not yet been set. The Council had issued a presidential statement (S/PRST/2008/42) on 7 November expressing concern about the delay of the elections, and urged the parties in the country to take immediate, concrete and credible steps towards holding elections before the end of spring 2009.

- **Kosovo:** The Council was briefed by the Secretary-General’s Special Representation and head of UNMIK, Lamberto Zannier on 26 November 2008. The Secretary-General’s report which was circulated on 25 November (S/2008/692) indicated that while Kosovo did not accept the six-point plan of action for administering northern Kosovo which Serbia has accepted, it was “willing to cooperate with EULEX”. At press time a draft presidential statement was on the table for possible adoption on 26 November. It would note the Secretary-General’s report welcoming the intentions of Belgrade and Pristina “to cooperate with the international position” and the cooperation between the UN and other international actors within the framework of resolution 1244.

Bosnia and Herzegovina

In December the Council will hear the delayed briefing from the High Representative for the Implementation of the Peace Agreement in Bosnia and Herzegovina, Miroslav Lajcak of Slovakia. His report on the implementation of the Peace Agreement covering the period 1 April to 31 October 2008 was circulated on 13 November by the Secretary-General and the briefing was expected in November, but was delayed at Lajcak’s request. The Council therefore had to take up the resolution reauthorising EUFOR without the benefit of the briefing, which may have contributed to the procedural problems that bedeviled the adoption of the resolution. There were also differences over substance in the Contact Drafting Group (made up of the US, UK, France, Italy, Russia and Germany) which led to the resolution only being circulated the day before it was adopted. Resolution 1845 was eventually adopted at the last minute before expiry of EUFOR on 20 November 2008. Please see our November 2008 *Forecast* for more background on developments in Bosnia and Herzegovina. It seems likely that the postponement of the briefing to December, which is both an extremely busy and short month on the Council’s calendar, will mean that Council focus on the issues will be limited.

The Democratic Republic of the Congo

Expected Council Action

The Council is expected in December to renew the mandate of the UN Mission in the Democratic Republic of the Congo (MONUC), which expires on 31 December and take stock of the situation in eastern DRC in the light of the ongoing crisis and its decision to expand MONUC. Possible options are discussed below.

The Security Council’s Sanctions Committee on the DRC expects to consider the report of the Group of Experts monitoring the sanctions regime in early December. The mandate of the Group of Experts and the sanctions regime which expire on 31 December are also expected to be renewed.

Key Recent Developments

Recent violence in eastern DRC and the attendant humanitarian crisis, along with the latent threat that the hostilities could spawn ethnic violence or another major regional conflict, resulted in a flurry of international diplomatic activity by the UN and African regional initiatives. The Security Council on 20 November acted under Chapter VII of the UN Charter and adopted a resolution authorising a temporary increase of MONUC’s troop size by up to 3085 additional personnel, in line with recommendations made by the Secretariat in briefings on 3 October when it warned about the possible outbreak of hostilities.

The Council also:

- stressed that the temporary increase was intended to enable MONUC to enhance its capacity to protect civilians;
- emphasised the importance of MONUC implementing its mandate in full, including through robust rules of engagement;
- expressed strong support for MONUC’s efforts to restore peace in the Kivus, welcomed the appointment of former Nigerian president Olusegun Obasanjo by the Secretary-General as his Special Envoy for the Great Lakes Region and called on all parties to cooperate with him in finding a political solution to the crisis; and
- expressed concern at the deteriorating humanitarian situation and urged all parties to ensure timely, safe and unhindered humanitarian access and to comply fully with their obligations under international law.

On 24 November the Secretary-General submitted recommendations on MONUC’s future mandate and reconfiguration. At press time the Council was scheduled to begin considering the report on 26 November.

On 11 November the Council was briefed by Under Secretary-General for Peacekeeping Operations, Alain Le Roy, on his recent visit to the DRC. Le Roy reiterated the Secretary-General’s request for additional peacekeepers for MONUC.

The Secretary-General and Obasanjo, attended a summit on 7 November in Nairobi with key regional players including

presidents Joseph Kabila of the DRC and Paul Kagame of Rwanda and Jakaya Kikwete of Tanzania (president of the AU) to deliberate on the DRC problem. The summit called for an urgent end to hostilities and requested Obasanjo and former Tanzanian president Benjamin Mpaka to help seek a political solution. The summit also indicated its willingness to contribute African peacekeepers to pacify eastern DRC. It was unclear whether this was intended as additional contingents under the UN mandate or something quite separate.

The Executive Secretary of the Southern African Development Community indicated after a regional summit in South Africa on 9 November that it would send military advisers to help the DRC “if and when necessary”.

Congolese rebel chief Laurent Nkunda refused to recognise the Nairobi talks, called for direct negotiations with Kabila, and later said he would fight African peacekeeping troops if attacked. Obasanjo met Nkunda on 16 November, with the latter pledging to observe a ceasefire and subsequently announcing that his forces would retire from the frontlines to create a zone of separation between the belligerent forces to allow in humanitarian aid. On 24 November Obasanjo spoke to the media at the UN after providing an update to the Secretary-General on his mediation work, which he indicated had resulted in his contacting leaders in Luanda, Kinshasa, Nairobi, Kampala and Kigali, as well as Nkunda. He announced that the second phase of his work will begin on 28 November with the objective of getting the DRC government and Nkunda’s faction to begin initial dialogue.

The EU held a ministerial meeting on 3 November on the DRC. However the possibility of sending a temporary EU multinational force to bolster MONUC, mooted earlier by current EU chair France, did not gain support.

On 7 November the Special Adviser of the Secretary-General on the Prevention of Genocide, Francis Deng, issued a statement on the DRC expressing concern about the recent escalation of violence and “noting the history of loss of life in the region over at least the past 15 years, including on the basis of ethnicity.” He has since embarked on a visit the region to assess developments.

On 18 November the International Criminal Court (ICC) decided to proceed with the

trial of former Congolese rebel leader Thomas Lubanga accused of using child soldiers. (The ICC trial chamber had suspended the trial on 13 June because of concerns about his fair trial since his defence had been unable to gain access to possibly exonerating information. Lubanga remained in custody as the prosecution appealed the decision.)

The northern Uganda Lord’s Resistance Army (LRA) continued its violent campaign in northeastern DRC, with reports by human rights and humanitarian agencies of attacks and scores of abductions in villages in the Orientale province in November. A major incident reportedly took place on 1 November when DRC government forces clashed with LRA fighters in Dungu resulting in the deaths of three government soldiers and the LRA abducting 36 boys and 21 girls.

Developments in the Human Rights Council

The Human Rights Council in Geneva decided to hold a special session on events in the DRC. The session is likely to begin on 28 November. There are proposals for an appointment of a special human rights envoy for the DRC.

Key Issues

The key issue is the huge impact of the fighting on civilians and the risk of the violence playing into wider ethnically based violence. A second key issue is the risk of a return to regional conflict in light of reports of Angolan military support for the DRC government (Angola, Namibia and Zimbabwe backed the DRC government during the 1998-2003 war, while Rwanda and Uganda supported the RCD Goma rebel faction.)

A related major issue is the regional nature of the situation and the need, in order to find solutions, to progress issues involving not only DRC and Rwanda but also the unresolved status of minorities in eastern DRC and the future of the Rwandan Hutu exiles in DRC.

Another major issue for the Council is containing renewed attacks by the LRA.

Related issues include the MONUC mandate and whether the UN forces could—or should—have used more robust force to protect civilians and their role vis-à-vis the DRC military.

Other issues concern the renewal of the mandates for the Group of Experts, and the sanctions regime (covering arms embargo, travel ban and assets freeze) which all end on 31 December.

Options

Options for the Council include:

- deciding to send a small, high-level Council mission to the region with a simple but open-ended mandate to persuade the parties to deal with the underlying causes (in practice this includes Kinshasa making the necessary political concessions to reduce the vulnerability of the Tutsi minority, Kigali making the necessary concessions to reintegrate Hutu exiles not indicted for genocide and ensuring that the remainder are disarmed and cantoned in DRC pending judicial action against them—a commitment involving some shuttle diplomacy and perhaps a sequence of visits would be needed and no doubt a succession of meetings with Nkunda as well);
- encouraging the ongoing Secretary-General’s good offices efforts, by involving Special Envoy Obasanjo directly with the mission;
- making reference to the role of the Special Adviser of the Secretary-General on the Prevention of Genocide and welcoming his visit to the area and his advice;
- reenergising efforts to deal with the LRA, in line with options in the separate brief in the *Forecast on Northern Uganda and LRA-Affected Areas*;
- in their national capacities encouraging UN and especially EU members to rapidly send in troops either as part of the additional temporary MONUC reinforcement or as a multinational force to help contain the situation until the authorised additional MONUC forces arrive in the DRC; and
- mobilising influential global and regional institutions to exert leverage on both DRC and Rwanda to cease any support and assist in demobilising rival rebel groups as a longer term political solution, and to avoid a descent into wider regional war.

On the sanctions-related issues, one option is simply renewing the Group of Experts’ mandates, as well as the sanctions regime, without modifications. Another option is to request the Sanctions Committee to explore possible measures against commanders responsible for allowing attacks on civilians. (The Committee has been slow to develop

lists of individuals to be targeted with sanctions for recruiting and using child soldiers, and targeting women or children for violence in line with resolution 1698 of July 2006 and 1807 of March 2008.)

Council Dynamics

The UK, US and France seemed to eventually overcome their perennial differences about MONUC and agreed to support additional troops and resources for MONUC in eastern DRC. The force of the outcry of international public opinion seemed to play a key role along with the unsettling prospect of involvement of African regional actors. The persistent efforts by the Secretariat to get the Council to strengthen MONUC also appears to have been catalytic in galvanising Council members to act. Members are conscious however that it is an entirely different question how soon the additional troops will actually be available on the ground, with estimates ranging to several months.

At this stage, members seem ready to maintain MONUC's current deployment level when it comes up for renewal on 19 December and to maintain the additional capacity because of concerns about the eastern DRC security situation and the risk that premature withdrawal might preclude long-term stability.

Differences may still need to be resolved however regarding MONUC's mandate. In the past some members have stressed the need to protect civilians. Reports of predatory misconduct by the DRC army against civilians will be of further concern in this regard. This may lead into discussion as to whether the language in the resolution 1794 (which Kinshasa seems to see as a decision that MONUC should fight on their side) needs to be revisited. Another related issue may arise from calls by France that the rules of engagement (ROE) should be changed to allow more robust UN action. In general a majority of Council members seem likely to feel that neither the mandate nor the ROE need to be changed but it may be that there will be interest in the Secretary-General providing some greater clarity about what MONUC's mandate and ROE means.

Some members are also questioning the positions of various regional actors including the value of an African peacekeeping force, which might unwittingly draw in neighboring armies resulting in a repeat of the 1998-2003 DRC-regional war.

The DRC Sanctions Committee members (comprising all 15 Council members) seem generally comfortable with the current mandate of the Group of Experts and the sanctions regime and are likely to renew it. However with violence escalating in the eastern parts of the DRC, including against children, women and innocent civilians, some members appear more ready to consider the possibility of taking action against those believed to be responsible.

UN Documents

Selected Security Council Resolutions

- S/RES/1843 (20 November 2008) authorised the temporary deployment of additional troops to reinforce MONUC's capacity.
- S/RES/1820 (19 June 2008) on women, peace and security 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, strengthened measures related to aviation and customs, renewed until 31 December 2008 the sanctions regime on the DRC and extended the mandate of the Group of Experts for the same period.
- 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 Statements

- S/PRST/2008/40 (29 October 2008) condemned the rebel CNDP offensive in the eastern region of the DRC and noted the request for reinforcement of MONUC.
- S/PRST/2008/38 (21 October 2008) expressed concern about the resurgence of violence in the eastern parts of the DRC, requested a comprehensive analysis of the situation from the Secretary-General and recommendations for the renewal of MONUC's mandate in the next report for the



Council's consideration.

Latest Secretary-General's Report

- S/2008/433 (3 July 2008) was the twenty-sixth 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

- S/2008/685 (5 November 2008) and S/2008/686 (4 November 2008) was an exchange of letters between the president of the Council to the UN Secretary-General regarding Obasanjo's appointment as special envoy for the DRC.
- S/2008/684 (3 November 2008) was a letter from the Rwandan ambassador to the UN to the president of the Council conveying the Rwanda government's positions on the efforts to resolve the crisis in the DRC.
- S/2008/682 and S/2008/681 (31 October 2008) was an exchange of letters between the president of the Council and the UN Secretary-General regarding the reappointment Lieutenant General Babacar Gaye as Interim Force Commander of MONUC.
- S/2008/703 (31 October 2008) was a letter from the Secretary-General to the president of the Security Council requesting additional capacities for MONUC in order to ensure effective implementation of its mandate.
- S/2008/652 (15 October 2008) was a letter from the Rwandan ambassador to the UN to the president of the Council conveying the Rwanda government's request to the Council to condemn the collaboration between the Armed Forces of the DRC and the Ex-FAR Interahamwe/FDLR, sanction implicated FARDC commanders and suspend MONUC support to the FARDC.
- S/2008/649 (14 October 2008) was a letter from the Rwandan ambassador to the UN to the president of the Council

conveying the Rwanda governments' allegations of collaboration between the Armed Forces of the DRC and the Ex-FAR Interahamwe/FDLR.

- S/2008/526 (6 August 2008) was a letter from the Secretary-General informing the president of the Council about his appointment of two people to replace the arms and aviation experts of the Group of Experts on the DRC for the remainder of the Group's current mandate.
- S/2008/312 (9 May 2008) was the letter from the Secretary-General informing the president of the Council about his appointment of six persons to serve on the Group of Experts.
- SC/9312 (28 April 2008) was the press release on the DRC Sanctions Committee delisting of Kisoni Kambale from its consolidated list on assets freezes and travel bans.
- 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

- Sergio Finardi (Italy, aviation expert)
- Jason Stearns (USA, regional expert and Coordinator of the Group)
- Mouctar Kokouma Diallo (Guinea, customs expert)
- Peter Danssaert (Belgium, arms expert)
- Dinesh Mahtani (UK, finance expert)

Special Representative of the Secretary-General and Head of Mission

Alan Doss (UK)

MONUC Interim Force Commander

Lieutenant General Babacar Gaye (Senegal)

Size, Composition and Cost of Mission

- *Strength as of 30 August:* 16,668 troops, 670 military observers, 1,051 police, 937 international civilian personnel and 2,120 local civilian staff.

- *Approved budget (1 July 2008-30 June 2009):* \$1,242.73 million

Duration

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

Somalia

Expected Council Action

In December the Council will receive a report from the Monitoring Group tasked with investigating violations of the arms embargo established by resolution 733. Its mandate expires on 20 December and is likely to be renewed. The Council is also likely to renew the provision in resolution 1816 authorising states to enter Somalia's territorial waters to combat piracy that expires on 2 December. Addressing the rapidly deteriorating situation inside Somalia is a possibility.

Recent Developments

On 30 October the Council adopted a presidential statement condemning the 29 October suicide bombings in Hargeysa and Bosasso which killed 28 people, including two UN employees.

On 20 November the Council, after nearly two months of discussions, adopted resolution 1844 on targeted sanctions, expanding the current Somalia sanctions regime to include a travel ban and assets freeze on violators of the arms embargo, individuals who threaten the peace, security and stability of Somalia or impede the delivery of or access to humanitarian assistance. (This is the first time the Council has imposed sanctions related to obstruction of humanitarian assistance.) Negotiations took longer than expected and included discussions on listing and delisting criteria and procedures, a key issue for European members, and the need for a uniform approach across sanctions regimes. The adopted resolution incorporates most of the elements agreed in resolution 1822 of 30 June 2008 on listing and delisting procedures for the 1267 Committee on Al-Qaida and the Taliban.

Anti-piracy operations off the coast of Somalia seem to have had only a limited effect. There have been several major new hijackings this month, including of a Saudi-owned oil tanker, the largest and most valuable vessel to date captured by Somali pirates.

The Council received the Secretary-General's report on Somalia on 17 November and on 20 November heard briefings in an open meeting by Assistant Secretary-General for Political Affairs, Haile Menkerios; Director of the Africa II Division of the Department of Peacekeeping Operations, Raisedon Zenenga; and Secretary-General of the International Maritime Organization, Efthimios Mitropoulos, followed by a debate and closed consultations.

In response to the Council's request for more details on a feasible multinational force (MNF) and possible peacekeeping operation, the Secretary-General stated in his report that deployment of a UN peacekeeping operation would only be possible once security is established in Mogadishu by a robust multinational force. It is assumed that a reinforced AMISOM would be part of such a force. The Secretary-General is still waiting for responses from potential troop contributors for an MNF.

Since the Secretary-General's report was written, developments in Somalia have taken a turn for the worse. The 26 October ceasefire agreement between the Transitional Federal Government (TFG) and the Alliance for the Reliberation of Somalia (ARS) that went into effect on 5 November has not been reflected in the field. On 12 November insurgents took control of the port city of Merka, 90 kilometres south of Mogadishu, one of the two key delivery points for food aid to Somalia. The capture of Merka represents the most important territorial gain by the insurgents since the fall of Kismayo last August. In a meeting with Somali members of parliament in Kenya, Somali President Abdullahi Yusuf Ahmed reportedly said that Islamist insurgents controlled most of the country and that the government was on the verge of collapse.

The TFG was unable to meet the deadline of 12 November for appointment of a new cabinet that was set by the Inter-Governmental Authority on Development (IGAD) declaration of 29 October. Prime Minister Nur Hassan Hussein put forward a proposal for a new cabinet before the 12 November deadline, but the list was rejected by the president, revealing once again serious differences between the two leaders. On 17 November Ahmedou Ould-Abdallah, the Secretary-General's Special Representative for Somalia, issued a statement urging Somalia's political leaders to put aside their differences and agree on a new cabinet quickly.

At press time Ethiopian troops had yet to begin the withdrawal that according to the 26 October agreement should have started on 21 November. Meanwhile, talks between the TFG and the ARS within the framework of the Djibouti Agreement resumed on 24 November, this time focusing on power sharing.

Key Issues

In December the issue of a possible international force for Somalia (see our November 2008 *Forecast*) will still be on the table, but it has now become more poignant given the failure in implementation of the Djibouti Agreement and the insurgents' consolidation of control in Somalia, as well as the continued presence of Ethiopian troops. In light of these developments the prospects for a UN force are equally if not more problematic.

On piracy a question is whether new measures are needed. Jurisdiction issues related to detention and prosecution of pirates apprehended in international waters have been raised. Some suggest that national laws do not allow their countries to continue to hold pirates because of lack of jurisdiction. The need for more coordination is another issue. The EU has signaled willingness to take on a coordinating role once their joint anti-piracy operation is launched at the beginning of December and has proposed the establishment of a focal point within the Secretariat. Some are asking whether this is an appropriate task for the Military Staff Committee to assist with.

A related issue is whether the piracy problem can in fact be solved as long as the root cause, which is the absence of authority on land in Somalia, has not been dealt with. There is a perception in the humanitarian community that the Council is quick to act when commercial interests are at stake, but unwilling to address the suffering of the Somali civilian population.

In the Somalia Sanctions Committee the key issue for Council members now is whether there is actual political will to implement resolution 1844 and establish a list of individuals and entities to be targeted by the new sanctions resolution. A related issue is how to ensure that the sanctions are effective. They constitute an important tool to punish and potentially deter those who do not support the Djibouti Agreement, violate the arms embargo or impede humanitarian assistance, but it is unclear whether the individuals and entities in ques-

tion will actually be affected by a travel ban and assets freeze.

Options

Options for the Council in December include:

- renewing the piracy resolution without any major changes, or
- including some new elements, possibly asking the Secretary-General for recommendations on a coordinating role, and addressing the issue of jurisdiction;
- adopting a resolution renewing the Monitoring Group's mandate and expanding it to include new tasks in accordance with the new sanctions resolution;
- starting discussions in the Somalia Sanctions Committee on the list of individuals and entities to be targeted by sanctions;
- demanding that Somali leaders resolve their disagreements on the new cabinet and implement previous commitments, and urging all parties in Somalia to join the Djibouti Agreement and observe the ceasefire;
- taking a much more active role in national diplomacy to assist in recruiting countries to contribute to an MNF, building on the momentum that the piracy issue has created and the fact that the multinational force proposed by the Secretary-General in his latest report would include a maritime element to support land-based operations, possibly mandating a naval operation as a first step of an MNF; and
- requesting the Secretary-General to continue contingency planning.

Council Dynamics

Resolution 1844 provides a significant new framework for the Sanctions Committee to ensure an effective sanctions regime for Somalia, but it remains to be seen whether Council members will actually be able to agree on the list of individuals and entities to be targeted. South Africa and other members have had reservations about targeted sanctions all along, arguing that such measures will only make it more difficult to move the political process forward. Some are concerned that the mechanism will be used as an attempt to link Somalia to anti-terrorism efforts given that the US has included Al-Shabaab on its list of terrorist organisations, with adverse long-term impacts on the prospect for peace.

On the wider issues there seems to be general frustration among Council members about the lack of progress in the implemen-



tation of the Djibouti Agreement. The Department Of Peacekeeping Operation's assessment that a UN peacekeeping operation is not feasible under the current circumstances, but has to be preceded by a more robust multinational force, appears to have gained wider acceptance. However, some members, most notably the US and South Africa, still argue that a UN peacekeeping operation must be an option if efforts to establish an MNF fail.

UN Documents

Selected Security Council Resolutions

- S/RES/1844 (20 November 2008) imposed targeted sanctions
- S/RES/1838 (7 October 2008) called for intensified action against piracy in Somalia.
- S/RES/1831 (19 August 2008) renewed AMISOM for six months.
- S/RES/1816 (2 June 2008) authorised action against piracy in Somalia.
- S/RES/1814 (15 May 2008) reiterated the Council's intention to strengthen the arms embargo.
- S/RES/1811 (29 April 2008) renewed the mandate of the Monitoring Group
- S/RES/733 (23 January 1992) imposed an arms embargo.

Selected Presidential Statements

- S/PRST/2008/41 (30 October 2008) condemned suicide bombings in Hargeysa and Bosasso on 29 October
- S/PRST/2008/33 (4 September 2008) requested detailed planning on an international stabilisation force and peacekeeping force.

Selected Report of the Secretary-General

- S/2008/709 (17 November 2008) was the most recent report.

Latest Monitoring Group's Report

- S/2008/274 (24 April 2008)

Other

- S/PV.6020 (20 November 2008) was the meeting record from the open meeting on Somalia.

Other Relevant Facts

Special Representative of the Secretary-General

Ahmedou Ould-Abdallah (Mauritania)

UNPOS

- Maximum authorised size: 44 international and 28 local civilians
- Size as of 30 June 2008: 16 international and 11 local civilians
- Cost: \$16.2 million (2008 budget)
- Duration: 15 April 1995 to present; mandate expires on 31 December 2009

AMISOM

- *Maximum authorised strength:* 8,000 troops plus maritime and air components
- *Strength as of November 2008:* about 3,450 Ugandan and Burundian troops
- *Key resource contributors:* US, EU, Italy, Sweden, China and the Arab League
- *Duration:* February 2007 to present: AU mandate expires on 17 January 2009 and Council authorisation expires on 19 February 2009.

Chad/CAR

Expected Council Action

At press time, the Council was awaiting the Secretary-General's report updating planning for the proposed UN military component to follow on the EU operation in eastern Chad and including options on the size, structure and mandate of the proposed UN military presence in northeastern Central African Republic. The report, expected by 15 November, has been delayed while the Secretariat consults the Chadian government, particularly on troop levels. An Arria style meeting is expected in early December and is likely to be followed by consultations.

Due to the delay in the Secretary-General's report, it will be a challenge for the Council will adopt a resolution authorising deployment of the UN military component to follow-on the EU operation (EUFOR Chad/CAR) as had been intended by 15 December.

The mandates of EUFOR Chad/CAR and of the UN Mission in the Central African Republic and Chad (MINURCAT) expire on 15 March.

Key Recent Developments

The security situation in eastern Chad and northeastern CAR remains volatile. In

October, attacks by bandits caused the suspension of humanitarian operations in eastern Chad in Dogdore and Ade, affecting 36,500 people. As the dry season begins, there are concerns of serious new violence (Sudanese backed rebels and militias have launched attacks in Chad in each of the last three dry seasons).

On 8 November, EUFOR troops evacuated nine aid workers from Sam Ouandja in northeastern CAR after fighting broke out in a nearby military base. Approximately forty armed fighters raided the military base but were repelled after about two hours. There were no reports of civilian injuries.

On 28 October, Chad wrote to the president of the Council arguing that MINURCAT was not a conventional UN operation implying some kind of "neutrality", "impartiality" or "good offices" within the framework of a peace agreement. The Chadian government suggested the Secretary-General's proposal for an impartial UN military force requiring liaison with all armed elements in the subregion was inappropriate. Nor did they welcome expanding the existing mandate of MINURCAT to assist the government to strengthen mechanisms aimed at ensuring a stable and peaceful environment. The Chadian government said it preferred a follow-on military force of approximately 3,000 troops. This force should be better equipped than the current 3,400 EUFOR force, and it should have better mobility to protect civilians and to facilitate humanitarian assistance.

Consultations have been ongoing in November between the Chadian government and Secretariat on deployment details. A significant issue has been the Secretary-General's assessment that upward of 6000 troops are required for eastern Chad. It seems the Chadian government has now agreed to more than 3,000 UN troops but short of the 6000. Based on this figure, the Secretariat is reassessing its concept of operations for the follow-on force.

For the military component in the CAR, the Secretary-General may present three options to the Council:

- approximately 15 military liaison officers based in Chad to overview the situation in CAR on a fly-in fly-out basis;
- a force of up to 500 in CAR to conduct more extensive patrolling than the current EUFOR deployment; and

- a force of up to 1000 in CAR, a more robust force to patrol a greater area in CAR.

On 15 November the Dakar Contact Group (formed in March to follow up implementation of measures to normalise relations between Chad and Sudan) met in N'Djamena to further discuss deployment of a 2000-strong Chad-Sudan border observation mission. This followed the exchange of ambassadors between Chad and Sudan the previous week and agreement on concrete steps for the full normalisation of relations. Sudan had suspended diplomatic relations in May, accusing N'Djamena of sponsoring an assault on Khartoum by the Darfur rebel group, Justice and Equality Movement. In turn, Chad accused Sudan of backing a Chadian rebel attack on N'Djamena in February. An AU mission chaired by former Burundian president Pierre Buyoya is currently working on recommendations to address the root causes of tension between Sudan and Chad.

Options

One option is to proceed to try to adopt a resolution as intended by 15 December authorising a UN military component to follow EUFOR Chad/CAR. However, given the complex consultations on the Secretary-General's proposals which will be necessary and the lead time which some members expect, decisions on the follow-on military force seem unlikely in December and may be rolled over to January.

A second option is to accept at the outset that the decision on a follow-on force should be postponed to January to allow members more time to consider the Secretary-General's proposals and to begin, instead, the discussion on MINURCAT's political mandate. However, this seems unlikely given Chad's linkage of this issue with the decision on the peacekeeping force.

A further option is for the Council to begin discussions at the expert level on:

- a long-term strategy for dealing with the Chadian government on political reconciliation and reform issues, linked to MINURCAT's future role;
- drafting language acknowledging that the fragile situation in Chad and threats to civilians are due not only to the conflict in Darfur, and addressing the root causes of conflict within Chad as well;
- demanding real progress in implementing the 13 August and Sirte Agreements; and

- encouraging regional actors to be more proactive in reenergising talks between the Chadian government and rebels, and perhaps requesting updates from these participants in future Council debates.

Key Issues

A key issue for the Council is timing and having in place a follow-on military component after EUFOR's mandate ends and whether, given force generation times that would be possible by 15 March and if not whether some rehatting of EUFOR will be necessary

A related issue is the link between numbers and capability of the forces. In general UN contingents are unlikely to have equivalent capability to EU forces. Accordingly the Secretary-General is likely to recommend more than the 3,700 approved EUFOR troops. But some Council members are likely to want clear justification for additional troops.

Other issues include:

- demand for troops elsewhere. (On 20 November the Council authorised an additional 3085 troops and police officers for MONUC in the DRC and there are a further 10,000 troops yet to be deployed to UNAMID to bring it to full strength);
- the impact on the overall peacekeeping budget;
- sustainability requirements, particularly for water; and
- an assessment of the security threat to refugees and internally displaced persons, particularly in CAR.

A key issue in postponing the decision from December will be to ensure that EUFOR troop contributors, (particularly France, which provides 1701 of the 3396 EUFOR troops) are willing to transfer forces to the UN military component for an interim period to avoid a security vacuum after 15 March.

Other issues are the continuing lawlessness, the decreasing humanitarian space in eastern Chad, and the Chadian government's capacity to improve security. A significant factor will be the Secretariat's assessment of the Chadian government's request to increase the number of DIS (*Détachement Intégré de Sécurité*) forces from 850 to 1700 and to expand their area of operations.

Another issue which remains is the underlying domestic causes which contribute to the crisis in Chad and whether the Council should have strategies to support reform of key institutions and encourage the govern-

ment to engage meaningfully in political reconciliation and facilitate the opposition's capacity for positive strategy and coherence. Overcoming Chad's resistance to MINURCAT undertaking a greater role in assisting to strengthen mechanisms to address the underlying causes of insecurity seems likely to be an ongoing issue.

An underlying issue is the relationship between Chad and Sudan and the need for normalisation and non-interference in each other's affairs.

Council Dynamics

There seems to be broad support for a follow-on military presence in Chad, although some question the justification for significantly higher troop levels than EUFOR. Some seem unconvinced that a follow-on military component is warranted in CAR.

Most members seem to agree that political dialogue and reform in Chad are necessary to resolve the crisis, but some argue that it is premature to contemplate inclusive dialogue involving the armed opposition.

UN Documents

Selected Security Council Resolutions

- S/RES/1834 (24 September 2008) renewed MINURCAT's mandate and expressed an intention to replace EUFOR with a UN military component.
- S/RES/1778 (25 September 2007) established MINURCAT and authorised the EU protection force.

Selected Security Council Presidential Statements

- S/PRST/2008/22 (16 June 2008) was a statement on the June rebel offensive in Chad.
- S/PRST/2008/15 (13 May 2008) condemned a Darfur rebel attack near Khartoum.

Latest Secretary-General's Reports

- S/2008/601/Add.1 (15 September 2008) described the financial implications for the establishment of a UN military force.
- S/2008/532 (7 August 2008) was a report on children and armed conflict in Chad.

Latest Letter

- S/2008/679 (28 October 2008) was a letter to the Council from the Chadian Ambassador regarding the follow-on UN military force in Chad.



Other Relevant Facts

MINURCAT: Special Representative of the Secretary-General

Victor da Silva Ângelo (Portugal)

MINURCAT: Size, Composition and Cost

- *Authorised strength*: 1549 including up to 300 police and 50 military liaison officers
- *Strength as of November 2008*: 752 including 226 police and 45 military observers
- *Main police contributors*: Côte d'Ivoire, Senegal, Burkina Faso, Benin and France
- *Cost*: approved budget 1 July 2008 to 30 June 2009: \$315 million

MINURCAT: Duration

September 2007 to present; mandate expires on 15 March 2009

EU Force: Size, Composition and Cost

- *Expected strength*: 3700 troops and 600 on reserve
- *Strength in area of operation as of November*: 3396 troops
- *Main contributors*: France (1701), Ireland (441), Poland (524) and Austria (183)
- *Cost*: €119.6 million

EU Force: Duration

17 March 2008 to present; mandate expires on 15 March 2009

Central African Republic

Expected Council Action

The Council is expected to discuss the situation in the Central African Republic (CAR) in December and renew the mandate of the UN Peacebuilding Office in the Central African Republic (BONUCA) by 31 December. Depending on the recommendations from the Secretary-General, whose report was expected by 30 November, the Council could agree to BONUCA becoming an integrated mission to coordinate the multidimensional aspects of the UN's activities to confront peacebuilding challenges in the country. The renewal of the mandate is

usually done through an exchange of letters between the Secretary-General and the president of the Council. (The Council is also expected to deal with CAR in the context of considering a UN military component to follow on the current EU operation in eastern Chad and north-east CAR (EUFOR Chad/CAR) after its mandate expires on 15 March. See our brief on this issue in this *Forecast*.)

Key Recent Developments

Peace in CAR has remained fragile over the past months. In May the government signed a separate peace agreement with the rebel APRD (*Armée pour la restauration de la république et la démocratie*) in Libreville, Gabon. A comprehensive peace accord was signed in CAR on 21 June between the government and the rebel groups of APRD and UFDR (*Union des forces démocratiques pour le rassemblement*), following talks in Libreville facilitated by Gabonese President Omar Bongo.

On 27 June the Secretary-General's Special Representative in CAR, François Lonsény Fall, briefed the Council in private consultations on the Secretary-General's report on BONUCA, issued on 23 June. In a subsequent press release the Council welcomed the peace agreement reached between CAR authorities and the UFDR and APRD rebel groups and said the accord needed to be fully implemented as part of efforts to bring peace to CAR. The Council called on other rebel groups in CAR to reach peace deals with the government and cautioned that the political, economic and humanitarian situation remained fragile, despite the peace agreement. It welcomed the placement of CAR on the agenda of the UN Peacebuilding Commission in June.

In early August the APRD withdrew from the comprehensive agreement, together with other armed groups and opposition groups, over aspects of an amnesty law. The originally planned date for the opening of the all inclusive political dialogue in June was postponed pending agreement on amnesty provisions for rebels and plans for their eventual demobilisation and reintegration. At press time, reports indicated that some form of agreement had been reached between the opposing groups with respect to the amnesty law and disarmament programme, which created a possibility for the inclusive political dialogue to be held in December.

On 12 July the Economic and Monetary Community of Central Africa transferred operational responsibilities of its multinational force (FOMUC, which was established in 2002) to the Economic Community of Central African States, to operate the sub-regional force under the name Mission for the Consolidation of Peace, or MICOPAX. In addition to having combat troops, police and gendarmes, MICOPAX has incorporated a civilian branch to help revive political dialogue, and is expected to become fully operational in January 2009.

In late October a UN interagency mission undertook a week-long visit to CAR to study improving coordination and coherence of the UN actors in the country. The assessment team was expected to draft recommendations following its visit for the Council on how to integrate UN activities in CAR.

Developments in the Peacebuilding Commission

On 12 June the Organisational Committee of the PBC placed CAR on the Commission's agenda. Belgium was elected chair of the country-specific configuration set up for CAR. Belgian Ambassador Jan Grauls subsequently undertook an exploratory visit in July to meet national authorities, explain the work of the PBC, identify the country's peacebuilding priorities and meet representatives of civil society and international organisations.

In October the PBC country-specific configuration for CAR formally adopted its peacebuilding priorities (including security sector reform, the rule of law and good governance). Subsequently, work has been largely concentrated on drawing up an integrated peacebuilding framework for CAR. A framework may be adopted by February 2009 (that is, once an inclusive political dialogue is held in CAR).

Beginning 5 November, Ambassador Grauls led a ten-member PBC mission to CAR, focusing on interaction with the government and stakeholders on CAR's peacebuilding priorities and challenges, and the nature and scope of international support the country would require.

Key Issues

The key issue for the Council relates to renewing BONUCA's mandate. Closely related is

the issue of possibly transforming BONUCA into an integrated mission to effectively coordinate activities of UN agencies and UN general presence in CAR, now that the country is on the agenda of the PBC.

Options

Options for the Council include:

- simply renewing the mandate of BONUCA and postponing the wider issue of transforming BONUCA to a later date (perhaps in two to three months once there is greater clarity regarding the sustainability of the all inclusive political dialogue); or
- renewing the mandate of BONUCA in December with provisions to transform it into an integrated mission.

Council Dynamics

The question of whether and when Council members will decide on converting BONUCA into an integrated mission, coordinating the multidimensional aspects of the UN's peacebuilding activities, remains open as members await the Secretary-General's report (due at press time on 30 November). Council members generally seem comfortable with renewing the mandate in view of the ongoing peace consolidation needs of CAR.

Underlying Problems

High levels of poverty and unemployment heightened by arrears in salaries of civil servants and military personnel in CAR, along with poorly motivated state security forces, banditry, the proliferation of small arms and relative impunity present threats to peace and security in the country.

UN Documents

Latest Secretary-General's Report

- S/2008/410 (23 June 2008) was the latest BONUCA report

Relevant Letters

- S/2007/702 (28 November 2007) and S/2007/703 (3 December 2007) was the exchange of letters between the Secretary-General and the president of the Council that extended the mandate of BONUCA until 31 December 2008.

PBC Related Documents

- PBC/3/OC/5 (30 June 2008) was the letter from the acting chair of the PBC to the president of the Security Council informing him of the composition of the country configuration for CAR.

- A/63/92-S/2008/417 (24 June 2008) was the report of the PBC on its second session.
- S/2008/419 (17 June 2008) was the letter from the chair of the PBC to the president of the Security Council informing him of the addition of the Central African Republic on the agenda of the PBC.
- S/2008/383 (30 May 2008) was the letter from the president of the Council to the chair of the PBC supporting the request by CAR to be placed on the agenda of the PBC and requesting advice and recommendations on the situation in the country.

Other Relevant Facts

CAR: Special Representative of the Secretary-General

François Lonseny Fall (Guinea)

BONUCA: Size

Strength as of October 2008: 26 international civilian staff, five military and six police

BONUCA: Duration

15 February 2000 to present; mandate expires 31 December 2008

Sudan/Darfur

Expected Council Action

The report of the Secretary-General on the AU-UN Hybrid Operation in Darfur (UNAMID) is expected by 30 November, and the Council is expected to discuss it in December. The Under Secretary-General for Field Support, Susana Malcorra, and the Under Secretary-General for Peacekeeping Operations, Alain Le Roy, are expected to brief the Council on efforts to expedite the deployment of UNAMID. A briefing by the Chief Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, on his work in Sudan is also expected.

It is unclear whether any formal Council action will arise from these briefings.

Key Recent Developments

Fighting between government forces, militias and armed opposition groups, coupled with interethnic conflicts has increased the numbers of persons in Darfur needing humanitarian support to over 4.7 million, of whom 2.7 million are internally displaced

(representing an increase in internally displaced of 200,000 from July). Humanitarian access is increasingly constrained as aid workers and international peacekeepers continue to be targeted.

The total number of UNAMID personnel killed since operations were launched on 31 December rose to 16 after two UNAMID peacekeepers were killed in October. On 9 November a UNAMID patrol was ambushed in west Darfur.

The Sudanese government seems to be feeling increased pressure to seek a political solution in Darfur. During the first meeting of the tripartite (Sudanese government, AU and UN) committee for the deployment of UNAMID on 7 October, the government agreed to measures to facilitate deployment of UNAMID. This included ensuring government helicopters were not painted white (like UN equipment); approving use of Darfur airports from 7am to 7pm leading to 24-hour access; escorting UNAMID convoys every 48 hours; expediting visas for UNAMID personnel and establishing an office in El Fasher to ensure local implementation of national decisions. A second tripartite meeting was held on 17 November to review progress.

At the conclusion on 12 November of the Sudan People's Forum, a government initiative intended to advance a political settlement for Darfur, Bashir announced an immediate unconditional and unilateral ceasefire in Darfur with the caveat that an effective monitoring mechanism was in place and observed by all parties. Darfur rebel groups boycotted the forum and have not agreed to the ceasefire. On 14 November rebels accused the Sudanese military of bombing north Darfur in breach of the ceasefire. Further, on 20 November fighting between government troops and rebels erupted in north Darfur and on 21 November there were reports of government troops attacking rebels in south Darfur.

The forum recommended the government cease hostilities and declare a unilateral ceasefire and support UNAMID and peace talks mediated by AU-UN Chief Mediator Djibril Bassolé. It also called for a compensation fund for internally displaced persons and refugees, the creation of an additional vice-president position to be filled by a Darfuri and the restoration of Darfur to one administration area.

On 15 November the Dakar Contact Group, formed in March to follow up implementation of measures to normalise relations between Chad and Sudan, met in N'Djamena to further discuss deployment of a Chad-Sudan border observation mission. This followed the exchange of ambassadors between Chad and Sudan the previous week and an agreement on concrete steps for full normalisation of relations. An AU mission chaired by former Burundian president Pierre Buyoya is currently working on recommendations to address the root causes of tension between the two countries.

On 17 November Sudan extended the moratorium facilitating humanitarian aid to Darfur until 2010. The moratorium of 3 July 2004 allegedly removes obstacles to humanitarian work.

In his 20 October report on UNMIS, the Secretary-General said he had received warnings of possible serious consequences for the mission if Bashir was indicted by the ICC. During the UNMIS briefing to the Council on 5 November, the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, said the request for an arrest warrant could potentially derail the Comprehensive Peace Agreement between the north and south. He expressed concern UN staff members may be expelled. In October, Bashir said his prosecution would have a catastrophic impact on stability in the entire region.

In October, Sudanese officials announced the new special prosecutor for Darfur (appointed in August) had completed investigations into the actions of Ali Kushayb, a former Janjaweed commander and one of the two individuals already subject to an ICC arrest warrant. It remains unclear whether or when he might stand trial. During a meeting of Arab justice ministers in Cairo on 12 October, the ministers said Bashir's arrest warrant should be channelled through Sudanese legislation and offered to assist modifying Sudan's penal codes to incorporate crimes that are part of the ICC's jurisdiction. The status of the earlier proposal of the AU Commission to form

a panel of lawyers to conduct investigations in Sudan is unclear.

On 15 October the pre-trial chamber of the ICC requested the Chief Prosecutor submit additional supporting materials in relation to Bashir by 17 November. On 20 November the Prosecutor requested arrest warrants for three rebels leaders believed to be responsible for attacks against AU peacekeepers in Haskanita in south Darfur in 2007 which killed 12 peacekeepers.

Related Developments in the Sudan Sanctions Committee

On 15 October the Council extended the mandate of the Panel of Experts. Because Council members received the Panel's final report (in English only) in early October, its recommendations were not considered before the mandate renewal. The Committee began its consideration of the report's recommendations in November. Despite the continued flow of military equipment legitimately supplied to Sudan to Darfur, it seems there is strong opposition from some against the recommendation to broaden the embargo to the whole of Sudan, eastern Chad and northeastern Central African Republic. It is therefore unlikely other recommendations, including that UNAMID and the UN operation in Chad/CAR (MINURCAT) and its European Union protection force (EUFOR Chad/CAR) be given the mandate and resources to monitor and robustly enforce the extended embargo, and that the Panel of Experts be provided with additional capacity to coordinate the monitoring of the extended embargo, will be adopted.

Key Issues

A key question is whether any Council member will introduce a resolution seeking a one year suspension of ICC proceedings against Bashir. A key consideration is whether the interaction between judicial and political processes and the related tensions will advance or hinder the recent improvements in Khartoum's cooperation with UNAMID.

Another key issue is whether Khartoum is genuinely committed to end the conflict in Darfur and whether it implements commitments made in October to expedite the deployment of UNAMID and honours promises made at the conclusion of the Sudan People's Forum, beginning with the ceasefire.

Another question is whether initiatives to seek a political solution can be translated into a successful new framework involving substantive rebel participation and unity.

Another issue is UNAMID's lack of critical resources which continues to hinder its ability to discharge its mandate leaving the people of Darfur, humanitarian agencies and UNAMID itself vulnerable.

Options

Options include:

- requesting the Secretariat include in future reports to the Council comprehensive benchmarks of performance over time by Khartoum, rebel groups and other key stakeholders in terms of pledges made and the status of their implementation;
- more active practical support by Council members in their national capacity for the Secretariat to encourage generation of key assets for UNAMID;
- a statement reinforcing support for the peace talks led by Joint Chief Mediator Djibril Bassolé and welcoming the outcome of the Darfur People's Forum and encouraging swift implementation, particularly of the ceasefire; and
- reminding the parties on the need to cooperate with the ICC under resolution 1593 (which referred the situation in Darfur to the Court in 2005).

Another option for the Council is to resume discussion of ICC proceedings in Sudan.

Council Dynamics

The new approach adopted by the Secretariat on expediting UNAMID's deployment via the tripartite meeting mechanism seems to have provided some members with renewed optimism but it seems that this optimism could quickly erode should Khartoum fail to honour its commitments.

Some members—including the US, France, UK and Libya—have individually expressed support for the overall leadership of Bassolé in securing a lasting peace settlement in Darfur. The EU has also called on Sudanese authorities and rebel groups to cooperate actively with Bassolé.

Despite a spike of diplomatic activity in late October and early November on the ICC issue, the restoration of diplomatic ties between Sudan and Chad, Bashir's peace initiative and his undertaking to cooperate on the UNAMID deployment, Council divisions on the possible suspension of ICC proceedings against Bashir

remain. Some members fear the possible indictment of Bashir would undercut the recent political efforts particularly of Bassolé and Khartoum and the progress in Chad/Sudan relations. At press time, France, the UK and the US seemed unconvinced that Bashir has yet had a radical change of attitude and that Council deferral of ICC action would be justified.

UN Documents

Selected Security Council Resolutions

- S/RES/1841 (15 October 2008) extended the mandate of the Panel of Experts for 12 months.
- S/RES/1828 (31 July 2008) renewed UNAMID.
- S/RES/1812 (30 April 2008) renewed UNMIS.
- 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.

Selected Reports

- S/2008/647 (11 November 2008) was the final report of the Panel of Experts.
- S/2008/662 (20 October 2008) was the latest UNMIS report.
- S/2008/659 (17 October 2008) was the latest UNAMID report.

Selected Council Meeting Records

- S/PV.6010 (5 November 2008) was the latest UNMIS briefing.
- S/PV.6003 (28 October 2008) was the latest UNMID briefing.

Other Relevant Facts

UNAMID: Joint AU-UN Special Representative for Darfur

Rodolphe Adada (Republic of Congo)

Joint AU-UN Chief Mediator

Djibril Yipènè Bassolé (Burkina Faso)

UNAMID: Size, Composition and Cost

- *Maximum authorised strength:* up to 19,555 military, 6,432 police (including 3,772 police and 19 formed police units)
- *Strength as of mid-November 2008:* 9,254 military personnel, 1808 police and two formed police units
- *Main troop contributors:* Nigeria, Rwanda, South Africa and Senegal
- *Cost:* 1 July 2008 to 30 June 2009: \$1.5 billion

UNAMID: Duration

31 July 2007 to present; mandate expires 31 July 2009

Northern Uganda and LRA-Affected Areas

Expected Council Action

A briefing by the Secretary-General's Special Envoy for the Lord's Resistance Army-Affected Areas, Joaquim Chissano, on the peace process between the Ugandan government and the LRA and his future role as envoy is possible.

The Special Envoy's appointment and mandate and his political mission expire on 31 December.

Recent Developments

At press time the Final Peace Agreement, aimed at ending the 22-year conflict between the Ugandan government and the LRA, remained unsigned by LRA leader Joseph Kony. In early November, stakeholders in the peace process—including representatives from the governments of Uganda and South Sudan, the LRA, UN, AU, donor countries and civil society—met in Kampala and called on Kony to sign the Agreement by 29 November.

Key parties say the Final Peace Agreement, which was concluded in March and awaits only the signature of Kony, "cannot be renegotiated". Kony has reportedly said he will sign, but will not disarm or disband his forces until the Ugandan government seeks suspension from the Security Council of International Criminal Court (ICC) warrants of arrest against him and other LRA leaders. Ugandan President Yoweri Museveni has said he would only take this action after Kony signs the accord.

The absence of LRA activity in northern Uganda has led to an improved security and humanitarian situation. Half of the more than 1.8 million people internally displaced at the height of the conflict have returned to their villages, while approximately another 359,000 have moved to transit sites nearer to their homes. However, LRA violence elsewhere means the security concerns continue. And lack of services in the return areas and lack of access to land and shelter continue to inhibit displaced people returning home.

While not currently present in northern Uganda, the LRA has increasingly become a regional security threat operating in northeastern Democratic Republic of Congo (DRC), South Sudan and the Central African

Republic. In July, an attack against a Sudan Liberation Army barracks left more than thirty dead. Since mid-September at least 52 civilians have been killed and approximately 200 children abducted by the LRA in northeastern DRC, exacerbating the already dire situation in that country. Up to 50,000 people have fled their homes in northeastern DRC. After launching a military operation against the LRA in September, Congolese President Joseph Kabila said he would cease the operation if Kony signs the Final Peace Agreement by the end of November.

In a presidential statement on 21 October, the Council strongly condemned LRA attacks, including the recent abduction of 159 children. It also recalled the ICC indictments against LRA leaders. On 3 November the Secretary-General appointed the former president of Nigeria, Olusegun Obasanjo, as his Special Envoy for eastern DRC and said he would work in close coordination with Chissano.

Also on 21 October, the ICC pre-trial chamber commenced consideration of the case against Kony and his top commanders Vincent Otti, Okot Odhiambo and Dominic Ongwen, in light of submissions made by Uganda on the status of the execution of warrants of arrest. (Odhiambo and Otti are both thought to be dead after reportedly clashing with forces loyal to Kony in April 2008 and November 2007 respectively.) Uganda's submissions refer to the establishment in May of a special division of the Ugandan High Court as an alternative to the ICC process. (Under the Rome Statute, the Court can find a case to be inadmissible if a state with jurisdiction is investigating or prosecuting the case in a way that meets ICC standards.) The pre-trial chamber requested the DRC government to provide details of measures taken to execute the leaders' warrants of arrest by 17 November. ICC Prosecutor Luis Moreno-Ocampo has called for renewed efforts to arrest the four LRA leaders.

Key Issues

The Council has not been briefed by Chissano since June. A key issue for Council members will be to get a sense of the current state of the peace process and the proposed future role of the special political mission.

A related consideration is what role regional stakeholders, Chissano and the Council can play in developing and



implementing a new strategy to bring the LRA back to the peace process, or if Kony does sign, to support implementation of the Final Peace Agreement.

A key issue is the continued LRA attacks resulting in civilian casualties, abductions and displacements. A further concern is the compounding effect the attacks are having on regional instability. A consideration for the Council may be what role, if any given the current situation in eastern DRC, the UN and stakeholders in the region could have, particularly in protecting civilians and possibly supporting the execution of arrest warrants.

Another issue is whether sustainable peace will follow signing of the peace agreement and how to manage the related justice and accountability issues, especially if Kony is to be tried before the new domestic Ugandan judicial framework.

Options

In the event the peace agreement remains unsigned, a Council statement condemning the LRA and building on previous statements referring to northern Uganda is possible. Other options include encouraging assistance to the Ugandan government to implement elements of the peace agreement, particularly the Northern Uganda Peace, Recovery and Development Plan. The Council would also have the option of moving to address the LRA problem as a regional issue and convening a meeting to discuss the full regional dimensions. Options in this regard include:

- requesting the Secretary-General to develop a regional strategy for coordination and cooperation on protection of civilians and execution of the arrest warrants;
- supporting creation of a joint monitoring cell combining elements from UNMIS, MONUC and other key stakeholders including UN agencies and the Cessation of Hostilities Monitoring Team; and
- establish a Panel of Experts to investigate external support for the LRA with a view to recommending measures for the Council.

If the agreement is signed, one option is to adopt a statement welcoming the Final Peace Agreement and the facilitation work done by Chissano and encouraging immediate implementation of the agreement's provisions. The Council could make reference to its request in resolution 1812 of 30 April, which called for a report on possible measures that UNMIS could take to assist with implementation of the peace agreement between the Ugandan government and the LRA.

A further option whether or not the agreement is signed is to express support for an extension of Chissano's appointment and mandate and the special political mission. In September the Secretary-General indicated that a continued facilitation role of the Envoy was critical to help the parties overcome current obstacles and create a propitious environment for implementing the future Final Peace Agreement. If the Final Peace Agreement is signed, the Secretary-General would expect the Envoy to play a key role in supervising its implementation. In the event of further delays, the Special Envoy was expected to continue to provide good offices and facilitation.

Another option, albeit unlikely given the fragility of the peace process and instability in the region, would be to terminate the mandate.

The Council could also request an update from the Chairman of its Working Group on Children and Armed Conflict on the Secretary-General's recommendation for the development of a strategy to increase regional joint capabilities to monitor and report on cross-border recruitment and use of children by the LRA.

Council and Wider Dynamics

While there seems to be wide support, including from the Ugandan government, for Chissano's efforts, Council members appear now to be waiting for the briefing by Chissano to determine their approach, particularly on his future role. The UK is supportive of early implementation of the Northern Uganda Peace, Recovery and Development Plan. With Uganda becoming an elected member of the Council in January, the LRA issue may become more frequently visited by the Council.

On 21 October the European Parliament adopted a resolution calling for Uganda and

regional governments to cooperate in arresting and surrendering Kony and his commanders charged by the ICC, stressing that peace and reconciliation could not be achieved without justice. It further called on the Sudanese government to stop providing financial and military support to the LRA.

UN Documents

Selected Security Council Resolution

- S/RES/1812 (30 April 2008), 1663 (24 March 2006) and 1653 (27 January 2006) requested reports on LRA issues from the Secretariat.

Selected Security Council Presidential Statements

- S/PRST/2008/38 (21 October 2008) strongly condemned the recent attacks by the LRA in DRC and recalled the ICC indictments against members of the LRA leadership.
- S/PRST/2007/6 (22 March 2007) welcomed the efforts of Special Envoy Chissano and emphasised support for a negotiated settlement to the conflict

Selected Press Statement

- SC/9167 (13 November 2007) conveyed the Council's continued support for Special Envoy Chissano's facilitation role and its views on the security and humanitarian situation in northern Uganda.

Selected Meeting Record

- S/PV.5415 (19 April 2006) was a briefing by the Ugandan government on the LRA.

Selected Secretary-General's Report

- S/2008/409 (23 June 2008) was report on children and armed conflict in Uganda.
- S/2006/478 (29 June 2006) was the report on the LRA.

Other

- S/2008/684 (3 November 2008) was a letter from the Secretary-General to the Security Council advising of the appointment of a Special Envoy for eastern DRC who would work in close coordination with Chissano.
- A/63/346/Add.1 (22 September 2008) was the proposed resource requirements for the special political mission in 2009.
- A/63/323 (22 August 2008) was the report of the ICC.

- S/2008/414 (23 June 2008) was the report and recommendations of the Chief Mediator.
- S/2007/720 (6 December 2007) and S/2000/719 (21 November 2007) was the exchange of letters between the Secretary-General and Security Council extending the mandate of Special Envoy and upgrading its Liaison Office to a special political mission until 31 December 2008.
- S/2006/930 (1 December 2006) was a Secretary-General's letter informing the Council of Chissano's appointment and mandate.
- S/2006/861 (3 November 2006) and S/2006/944 (6 December 2006) contained the Cessation of Hostilities Agreement and its addendum.

Iraq

Expected Council Action

The mandate of the multinational forces in Iraq (MNF-I) expires on 31 December. Resolution 1790, which had renewed the mandate on 18 December 2007, is therefore expected to be the last extension of MNF-I's mandate, assuming that the bilateral agreement on status of forces (SOFA) between the US and Iraq is approved by Iraq's parliament.

Resolution 1790 also extended arrangements relating to the Development Fund for Iraq (DFI) and its independent auditor, the International Advisory and Monitoring Board (IAMB), including immunity provisions relating to the DFI which prevent creditors from being able to seize Iraqi funds or oil shipments. Council action in response to a request from Iraq seeking a resolution in December to extend the arrangements relating to the DFI and the IAMB is likely.

A statement from the Council in December to acknowledge new security arrangements for the UN Assistance Mission in Iraq (UNAMI) following 31 December is also possible and, given the significance for Iraq of the end of the MNF-I mandate, a Council debate giving the possibility for a statement by Iraq in the Council is also possible.

Key Recent Developments

Violence has continued to lessen (October had fewer than 1000 security incidents, the

lowest monthly figure since January 2004). However, serious lethal attacks continue on a daily basis. Iraq's humanitarian needs remain extensive and acute. More than 4 million Iraqis remain internally displaced or refugees in the region.

On 16 November Iraq's cabinet approved the final draft of SOFA. It includes provisions that US forces would not launch attacks on another country from Iraq and that US troops would withdraw from Iraqi cities, villages, and localities by 30 June 2009 and from Iraq completely by 31 December 2011. The US retains primary jurisdiction over US forces unless its troops commit grave, premeditated felonies while off-duty and outside US bases. Detainees who are currently held by US forces will be transferred to Iraqi custody. (Iraqi and international NGOs have raised concerns about the human rights implications of this.)

At press time, Iraq's parliament was expected to vote on SOFA on 26 November. Some parliamentarians object to SOFA as a matter of principle. Others object to addressing it before a more generic "law to ratify international treaties and agreements" is passed. Parliament held the first readings of the treaties law and SOFA on 17 November. Shia cleric Moqtada al-Sadr opposes the pact and threatened to resume attacks on US forces if they did not immediately withdraw from Iraq. Some Sunni parliamentarians object to elements of the pact. Iraq's most influential Shia cleric, Grand Ayatollah Ali al-Sistani, indicated that he would not object to the pact if it passes with a comfortable majority in parliament.

On 3 November, the new provincial election law was amended to include provisions for minority representation in Baghdad, Basra and Nineveh. The six seats reserved for minorities were divided among Christians (three seats) and Yazidis, Shabaks and Sabian (one each). The amendment fell short of an earlier draft which provided 13 seats for minorities and UNAMI's recommendation, which called for 12. Provincial elections are expected to be held on 31 January.

In late October, the IAMB indicated concern at the Iraqi government's relatively slow implementation of recommendations following earlier audits, particularly by the spending ministries (e.g. transport,

defence, education etc). Previously the IAMB has raised concerns regarding the absence of oil metering, the use of barter transactions for oil sales, and weak financial management controls in spending ministries. The IAMB continues to work actively alongside its eventual successor, the Committee of Financial Experts (COFE). Should an extension to IAMB and DFI arrangements be approved, IAMB intends to propose COFE assume its oversight role of the DFI.

On resolving residual issues from the Iraq oil-for-food programme, it appears the P5 are discussing a draft letter which provides Iraq 45 days to credibly contest the some 123 remaining letters of credit with claims of delivery, at which point the Council would consider next steps. (For more details on the oil-for-food issue please see our October 2008 *Forecast*.)

Options

The most likely option, should the US/Iraq security pact be finalised before 31 December, is to allow the MNF-I mandate to lapse. A resolution formally terminating the mandate of MNF-I is an option but is unlikely. A related option may be a more general statement from the Council marking the historical significance of the situation.

Another option is for the Council to address the security vacuum for UNAMI. (Resolution 1546 had provided for an arrangement under MNF-I command to provide security for UNAMI.) An option for UNAMI, which will still require security support after 31 December, is a new security arrangement with US forces. Council recognition of this new arrangement could be done either in a more general presidential statement or via a letter to the Secretary-General from the Council president.

If the Iraqi parliament does not approve SOFA by 31 December, a temporary roll-over of MNF-I's mandate remains an option.

The most likely option on DFI and IAMB arrangements is adoption of a resolution to extend them. Other options include allowing them to lapse or formally terminating them in a resolution.

Key Issues

In accordance with resolution 1546 and its subsequent renewals, security remains essential for UNAMI to carry out its work in



Iraq. To date UNAMI security has been provided by troops operating under the MNF-I mandate. A key issue therefore is how new arrangements beyond 31 December provide necessary security support. This is particularly important for UNAMI in Baghdad given, under SOFA, Iraq will have full responsibility for security in the "green zone" (although Iraq can request US support).

Another issue is what response the Council should take if the Iraqi parliament does not approve the security pact. A related issue is whether the new elements agreed in the current SOFA negotiations should then be included in any extended mandate.

A separate issue for the Council is whether to renew the DFI and IAMB arrangements and the associated immunity provisions which prevent creditors from being able to seize Iraqi funds or oil shipments. The DFI, which holds all of Iraq's oil and gas proceeds, has accounts with the Federal Reserve Bank of New York and the Central Bank of Iraq. Iraq's ambassador to the UN, Hamid al-Bayati, has reportedly said, should the immunities lapse, Iraq had other options to protect its funds, including in the US (executive order 13303 of 22 May 2003 protects from US judicial process the DFI and certain other property in which Iraq has an interest). There are reports of \$20 billion in outstanding court judgements against Iraq in the US. Iraq has over \$60 billion dollars in external debt.

A possible issue will be how to mark the significance of the expiry of the MNF-I mandate and the historical importance of it for Iraq and the UN, as well as the MNF-I countries. Related issues include whether a debate should be held or a statement issued—and if so the content—or both.

Council Dynamics

There seems to be support to extend the mandate of MNF-I if the security pact is not finalised before 31 December, should the request for such an extension originate from Iraq.

The Iraqi government is keen for the DFI immunity provisions to continue after 31 December. Members, including South Africa, Costa Rica, Panama, China and Russia, have previously raised concerns regarding irregularities in the administration of the fund. Some, such as Russia, have previously argued for the DFI's closure given its lack of transparency, poor administration and repeated failure to reform. It appears SOFA includes provisions for continued US protection of the DFI account in New York from its judicial system, as well as US support for a resolution extending immunity provisions.

On the oil-for-food programme, the Iraqi government would like to be provided with more time to resolve residual issues, particularly the legitimacy of the remaining contracts.

UN Documents

Selected Security Council Resolutions

- S/RES/1830 (7 August 2008) renewed UNAMI for a further year.
- 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) expanded UNAMI's mandate.
- S/RES/1546 (8 June 2004)

Latest UNAMI Report

- S/2008/688 (6 November 2008)

Last Security Council Briefing and Debate on Iraq

- S/PV.6016 (14 November 2008)

Latest Letter

- S/2008/676 (28 October 2008) was a letter from the Syrian ambassador condemning US aggression in Syrian territory.

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 October 2008*: 147,800
- *Composition as of November 2008*: US, UK, Georgia, Australia, Romania, El Salvador, Bulgaria, Albania, Czech Republic, Azerbaijan, Denmark, Ukraine, Macedonia, Japan, Lithuania, Korea, Moldova, Bosnia-Herzegovina, Estonia, Tonga.

UNAMI

- *Composition as of 30 September 2008*: 222 troops (Fiji), seven military observers, up to 446 international civilian staff and 592 local civilian staff.

Iraq/Kuwait

Expected Council Action

The Secretary-General's periodic report to the Council on Iraq's compliance with resolution 1284 of 1999 is due in early December. This report deals with the repatriation of Kuwaiti and third-country nationals, or their remains, and the return of property following the first Gulf War. The Council is likely to hold consultations and hear a briefing by High-Level Coordinator Gennady P. Tarasov. At press time, the briefing was scheduled for 10 December. The Council is expected to follow its usual practice and issue a press statement

Key Recent Developments

During his recent visits to Baghdad (from 12 to 15 October) and to Kuwait (from 17 to 19 November), Tarasov met with high level Iraqi interlocutors to address these issues. The UN Assistance Mission for Iraq is currently formulating a technical assistance and capacity-building project for the Iraqi Ministry of Human Rights in order to facilitate and expedite the work of technical teams exhuming graves of missing Kuwaiti prisoners of war.

On 29 October the Council's subsidiary body, the UN Compensation Commission (UNCC), which settles the damage claims of those who suffered losses because of Iraq's 1990 invasion of Kuwait, announced that it will pay \$889 million to 16 further claimants.

A comprehensive report is due to be delivered to the Council by Tarasov in April 2009.

Background on the Missing Persons and Property Report

Under resolution 1284, the Secretary-General reports on Iraq's compliance regarding the return of all Kuwaiti and third-country nationals, or their remains, and on the return of all Kuwaiti property seized by Iraq. (Since June 2006, these reports have been issued simultaneously every six months on both issues.)

As of 29 January 2008, the remains of a total of 235 Kuwaiti prisoners of war and third-country nationals (citizens of Egypt, Iran, Lebanon, Oman and Saudi Arabia) have been identified by the Kuwaiti authorities.

Since 1991, the UNCC has received nearly three million claims. The recent payments bring the total compensation paid out by UNCC to \$26 billion. The majority of funds for compensation payments come from the sale of Iraqi petroleum under the oil-for-food programme, which ended in 2003.

Council Dynamics

Within the Council, this issue is principally followed by the P5. The UK has the lead. Given the slow progress made, there are some concerns about continuing the mandate of resolution 1284 indefinitely. However, Council members seem to continue to support Kuwait's desire to persist. The improving security situation in Iraq may allow progress on these issues. Council dynamics are expected to become clearer after the High-Level Coordinator's comprehensive report is delivered next April.

UN Documents

Selected Security Council Resolutions

- S/RES/1483 (22 May 2003) decided that 5 percent of Iraqi oil proceeds be deposited into the Compensation Fund unless an internationally recognised Iraqi government and the Governing Council of the UN decide otherwise.
- S/RES/1284 (17 December 1999) requested the Secretary-General to report to the Council on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals.
- S/RES/692 (20 May 1991) established the UNCC and the UN Compensation Fund.

- S/RES/687 (3 April 1991) established Iraq's legal responsibility for any direct loss, damage, or injury to foreign governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait.

Latest Secretary-General's Report

- S/2008/405 (19 June 2008)

Latest Security Council Press Statement

- SC/9375 (25 June 2008)

Selected Letters

- S/2008/658 (23 October 2008) letter from the President of the Governing Council of the UNCC to the president of the Security Council.

International Tribunals

Expected Council Action

On 12 December the Council will receive briefings from the presidents and prosecutors of the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) on their biannual progress reports about completion strategies for each tribunal. The reports are expected to provide updates on trials and cooperation by states in arresting fugitives as well as downsizing of the tribunals and residual issues.

Belgium, as chair of the Informal Working Group on Tribunals, is also expected to report to the Council on the Working Group's activities over the year and present a resolution on a mechanism to handle the tribunals' residual issues and essential functions once the tribunals close. At press time it was not clear whether this would be a resolution establishing the mechanism, or one indicating to the Secretary-General the Council's preferred basic framework for the mechanism and requesting him to provide a report fleshing out details.

Key Recent Developments

There have been several recent developments related to individuals indicted or convicted by both tribunals.

On 10 November, Serbian special police searched the town of Valjevo for Ratko Mladić. Serbian president Boris Tadić has said Serbia is determined to capture Mladić if he is in the country. (Mladić's capture is a key condition for Serbia to join the EU.)

Former Bosnian Serb president Radovan Karadžić made his first appearance before the ICTY on 31 July. Representing himself, he filed his first legal brief on 1 August. On 22 September prosecutors proposed reducing the geographic scope of Karadžić's criminal responsibility in order to make the proceedings more efficient. If this is accepted, he will be charged on 11 counts of war crimes and crimes against humanity, including two counts of genocide. Little progress was made at the 28 October pre-trial conference as Karadžić claimed there had been insufficient time to review proposed amendments. The next pre-trial conference is scheduled for 20 January 2009.

On 8 October the appeals chamber of the ICTY reaffirmed the trial chamber's decision of June 2007 to sentence Milan Martić, a former political leader of rebel Serbs in Croatia, to 35 years in jail for 16 crimes against humanity.

The ICTR appeals chamber on 8 October upheld the 28 May decision by the trial chamber denying the application by the prosecution for referral of the case of genocide suspect Yussuf Munyakazi to Rwanda, dismissing three of the four grounds of the prosecutor's appeal.

Augustin Ngirabatware, a former Minister of Planning in Rwanda, pleaded not guilty at the ICTR on 8 October to charges of genocide and crimes against humanity for murder, extermination and rape. He was arrested in Frankfurt in September 2008 and transferred to the ICTR in early October.

Rwanda's government protocol chief Rose Kabuye was arrested in Frankfurt on 9 November at the request of a French judge who had issued an arrest warrant against her in connection with the April 1994 aircraft crash that killed Rwandan President Juvénal Habyarimana. Kabuye was in Germany preparing for a visit by Rwandan President Paul Kagame. Rwanda has written to the Secretary-General and UN member states stating the arrest violated the Vienna Convention on Diplomatic and Consular Relations. The AU has noted the arrest with dismay and concern, and it expressed the hope that an EU or international regulatory mechanism could be put in place to ensure that indictments against

African leaders meet certain criteria and are not politically motivated. Rwanda expelled Germany's envoy to Kigali and recalled its ambassador from Berlin.

The Council's Informal Working Group on Tribunals has met regularly since September to discuss elements of a resolution on residual issues. The Working Group visited the ICTY and the ICTR from 26 September to 3 October.

The report of the Advisory Committee on the Archives of the UN Tribunals, chaired by former ICTY and ICTR Prosecutor Richard Goldstone, originally expected in June, was circulated in mid-November to the Working Group.

Patrick Robinson of Jamaica and O-Gon Kwon of South Korea were elected as president and vice-president, respectively, of the ICTY on 4 November.

Options

The Council may consider the following options.

- A resolution with the details of the mechanism, and its statute attached or adopted separately. This is unlikely at this stage given the lack of consensus among members over the details of the mechanism;
- A resolution (or other Council decision) providing some basic elements of a framework for the mechanism for the two tribunals and requesting the Secretary-General to provide a detailed report and draft statute. This option would look forward to a further resolution setting up the mechanism to be adopted in 2009 following the report.
- A letter to the Secretary-General from the president of the Council attaching a working paper from the Working Group on the mechanism and residual issues and requesting a report.

Another option is to include in any resolution or presidential statement a call for greater cooperation from the international community in apprehending the remaining fugitives.

Key Issues

The most significant issue for the Council is how to develop a mechanism for dealing with residual issues created by the closure of the Tribunals. Among the issues are:

- trials of fugitives;
- review of earlier judgments;
- referrals of cases to national jurisdictions;
- supervision of prison sentences, early release, pardon and commutation;
- contempt or perjury proceedings;
- prevention of double jeopardy in national courts;
- witness protection;
- issues relating to defense counsel and legal aid;
- claims for compensation;
- archives;
- public information, capacity building and outreach; and
- human resources issues.

Closely related is whether the Council is ready to decide on the type of mechanism, specifically whether it should be one (with two branches) or two, where it should be located, and what the start-up date should be. Key residual issues are still undecided.

- **Trials of fugitives after 2010:** What type of trial capacity is needed and who will be tried by this mechanism? There appears to be some agreement that the remaining ICTY fugitives (Ratko Mladić and Goran Hadžić) should be on the list. Less clear is how to handle the 13 ICTR fugitives still at-large.
- **Witness protection:** How to ensure protection after the tribunals close?
- **Archives:** Location and whether there should be one or two archives? The Goldstone report for the ICTR suggested Arusha, Nairobi or Addis Ababa. Rwanda has also expressed interest. The report suggests The Hague, Vienna, Geneva or Budapest for the ICTY. Where the archives are located will impact the location of the new mechanism.

For some members a key issue is whether the Council needs to formally extend the timeframe for first instance trials beyond December 2008. Resolution 1503 in 2003 asked the tribunals to: “take all possible measures to complete investigations by 2004, to complete trial activities at first instance by the end of 2008 and all work in

2010.” Clearly this goal has proved optimistic since a number of first instance trials are outstanding.

Some members see resolution 1503 as indicative only. Others regard it as mandatory. However, the Council’s decision in July (S/RES/1824) and September (S/RES/1837) to extend the term of office of ICTR and ICTY permanent and ad litem judges till 31 December 2009 suggests a tacit understanding that first-instance trials will continue at least until the end of 2009. However, a resolution formally agreeing to a new time line may be needed at some point for budgetary purposes and extending judges beyond 2009.

Then there is the issue of when the tribunals will finally close. How this is handled could exacerbate staff retention problems and complicate budgetary discussions.

An issue is how the situation in the Democratic Republic of Congo (DRC) will impact arresting ICTR fugitives believed to be in eastern DRC. A related issue is securing Kenya’s cooperation with the ICTR in capturing Félicien Kabuga, believed to be in the country.

Capacity-building in national courts remains a significant issue. The ruling by the ICTR on the Munyakazi appeal is a sign that transferring cases to national jurisdictions may not be an easy option as part of the completion plan and for some fugitives caught after the tribunals have shut.

Council Dynamics

This is the first time the Council has had to consider the winding down of an international judicial body and members are aware of the significance of their decisions for other tribunals, such as the Special Court for Sierra Leone.

There appears to be a broad understanding on the need for some sort of transitional mechanism, but beyond this consensus it has been difficult given differing political and ideological positions. Russia and China have consistently stated their opposition to the tribunals staying open beyond the 2010 deadline. They see transfer of untried and new cases to national bodies as the solution. Other members, in particular the UK and the US, believe that all the remaining fugitives need to be tried by an international tribunal.

Some non-permanent members, like South Africa (who is leaving the Council), have also had strong opinions on a number of these issues. However, given that the differences among the permanent members are unlikely to disappear; protracted discussions are expected before a more detailed resolution can be agreed.

Belgium leaves the Council at the end of the year and members are aware of the need for a replacement that can lead the Informal Working Group on Tribunals with the same level of commitment and energy.

UN Documents

Selected Security Council Resolutions

- S/RES/1837 (29 September 2008) extended the term of permanent judges and ad litem judges in the ICTY Trials Chambers till 31 December 2009 and appeals judges till 31 December 2010.
- 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/2008/555 (15 August 2008) was the letter appointing Christoph Flugge as a permanent judge of the ICTY.
- 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.

Other Relevant Documents

- S/2008/515 (4 August 2008) was the 2008 annual report of the ICTY
- S/2008/514 (4 August 2008) was the 2008 annual report of the ICTR.
- S/PV.5904 (4 June 2008) was the last Council briefing by the presidents and prosecutors of the ICTY and ICTR.

Other Relevant Facts

ICTY

- Two accused at large, including former Bosnian Serb military commander Ratko Mladić.
- Seven accused at the pre-trial stage, six awaiting trial judgment, 13 referred to a national jurisdiction, twenty on trial, eight 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>

Cyprus

Expected Council Action

In December, the Council is expected to renew the mandate of the UN Peacekeeping Force in Cyprus (UNFICYP) to 15 June 2009 without change. The mandate expires on 15 December, and the Secretary-General's report on UNFICYP is expected by 1 December.

The Council is likely to express strong support for the ongoing negotiations between Greek Cypriot and Turkish Cypriot leaders, Demetris Christofias and Mehmet Ali Talat, and provide encouragement for the process.

For a detailed history of the Cyprus conflict and Council involvement, please see our Special Research Report *Cyprus: New*

Hope after 45 Years on the Security Council Agenda of 4 September 2008.

Key Recent Developments

On 3 September 2008, Greek Cypriot and Turkish Cypriot leaders launched new full-fledged negotiations aimed at reunifying Cyprus. (In May, they committed to a partnership of a federal government with a single international identity, with Turkish and Greek Cypriot constituent states of equal status.) This was described as a historic moment by Alexander Downer, the recently appointed Secretary-General's Special Adviser on Cyprus, who was tasked to conduct the good offices mission on behalf of the Secretary-General and provide support to the parties. The Council adopted a presidential statement on 4 September welcoming the launch of negotiations and confirming its readiness to support the process.

Downer held talks with Greek Prime Minister Kostas Karamanlis and Foreign Minister Theadora Bakoyannis on 8 September, and with Turkish President Abdullah Gül, Prime Minister Recep Tayyip Erdoğan and Foreign Minister Ali Babacan on 10 September.

The Greek Cypriot and Turkish Cypriot leaders held their first meetings on 11 September, and then met on a weekly basis to sustain momentum. Their meeting on 10 October received support from Nobel Peace laureates Jimmy Carter and Desmond Tutu.

The Cypriot leaders decided to focus negotiations first on the key issue of governance and power sharing. The composition of the executive branch of government, the electoral system for president and vice-president, as well as issues concerning the legislature have been discussed. Other issues to be addressed include property rights, security guarantees, economic issues and membership in the European Union (including how EU laws and regulations would be implemented on the whole island). At a press conference in Nicosia on 11 November, Downer said negotiations were making good progress although they would be long and difficult.

It seems that the two Cypriot leaders have continued to find common ground. Details have not yet been made public, due to the principle underlying the talks that nothing has been formally agreed before everything is agreed.

A positive development was Turkey's endorsement of the Cyprus talks on 23 September. In his address to the General Assembly plenary meeting, Turkish President Gül said, "We welcome and firmly support the comprehensive settlement negotiations". He said the solution to the Cyprus situation lies in the establishment of a new partnership state composed of two constituent states of equal status, and emphasised that the process toward this goal should be based on the UN parameters of bizonality and political equality of the two sides.

On 24 September at the General Assembly plenary meeting, Cypriot President Demetris Christofias said the UN plays a crucial role in helping Cyprus move towards a bizonal, bicomunal federation through assistance and defining the future Cypriot state. However, he noted that the Secretary-General's good offices were not the same as arbitration or mediation. According to Christofias, experience suggested that importing non-indigenous models would not be welcomed by Cypriots. While reiterating his willingness to solve the problem, he emphasised that Turkey had an active role to play, and hoped that the final solution would provide for a country free of foreign armies and illegal colonists.

During her address to the General Assembly on 27 September, Greek Foreign Minister Bakoyannis said Greece welcomed negotiations between the two communities and emphasised that they needed to take place without artificial deadlines and arbitration.

Options

A resolution renewing UNFICYP's mandate without change is the likely option. An additional option, also likely to be uncontroversial, is to express the Council's strong support and encouragement for the negotiation process.

Key Issues

The main issue for the Council at the moment is how best to express support for the negotiations without appearing

to suggest that the process has encountered unexpected problems. Council members are anticipating that the first assessment of the process in the Secretary-General's report will be helpful in striking a good balance.

A related issue is ensuring that the general environment remains favourable to the talks, as the inevitable difficulties arise.

A further question is how the good offices mission should evolve and whether it should remain focused mainly on process. The Turkish Cypriots are inclined to have the UN play a more substantive role. Greek Cypriots are more reluctant. For the Council, this means that cohesion, especially among the P5 (and avoiding the kinds of differences which have bedevilled the Western Sahara process) will be necessary along the way.

Council Dynamics

There is wide agreement that the Council at present should limit itself to expressing support for the negotiations. Many believe that despite the expected difficulties, the fact that the negotiations are proceeding and that the leaders have been meeting on a weekly basis is very positive.

Turkey's membership in the Security Council, starting in January 2009, is unlikely to affect dynamics. Greece was careful during its term on the Council from 2005 to 2006 to be seen to be playing an even handed role. It remains to be seen what Turkey's overall approach will be, but the fact that it has publicly supported the negotiations at the highest level is an important indicator.

Underlying Problems

Although the talks have been described as making good progress, it appears that the two leaders are already beginning to meet some of the expected difficulties on substance. A main initial sticking point seems to be whether under the new arrangements the Cypriot president would be elected simply by the majority of all Cypriots (favoured by the Greek Cypriots since they constitute the majority) or whether there should be a more complex arrangement reflecting the principle of two equal constituent partners enunciated in May. This echoes a broader problem of what "bizonal" and "bicomunal" will mean in practice in the constitutional context of a newly reunified Cyprus.

Selected UN Documents

Latest Security Council Resolution

- S/RES/1818 (13 June 2008) urged the parties to continue to work so full fledged negotiations can begin expeditiously and renewed the UNFICYP mandate until 15 December.

Latest Presidential Statement

- S/PRST/2008/34 (4 September 2008) confirmed the Council's readiness to support the negotiating process between the leaders of the Greek Cypriot and Turkish Cypriot communities and welcomed the appointment of Alexander Downer as the Secretary-General's Special Advisor.

Latest Report from the Secretary-General

- S/2008/353 (2 June 2008) was the latest report on UNFICYP.

Other Relevant Facts

Secretary-General's Special Adviser on Cyprus

Alexander Downer (Australia)

Special Representative of the Secretary-General, Head of Mission and Deputy Special Adviser

Tayé-Brook Zerihoun (Ethiopia)

Force Commander

Rear Admiral Mario César Sánchez Debernardi (Peru)

Size and Composition of Mission (as of 30 September 2008)

- *Strength:* 915 total uniformed personnel, including 846 troops and 69 police.
- *Contributors of military personnel:* Argentina (including soldiers from Brazil, Chile, Paraguay and Peru) Austria, Canada, Croatia, Hungary, Slovakia and UK.
- *Contributors of police personnel:* Argentina, Australia, Bosnia-Herzegovina, Croatia, El Salvador, India, Ireland, Italy and Netherlands.

Cost

1 July 2008 to 30 June 2009: \$57.39 million (including voluntary contributions of one-third from Cyprus and \$6.5 million from Greece.)

Useful Additional Resources

- Opening Statement of Alexander Downer at the launch of negotiations on Cyprus, 3 September 2008 at www.unficyp.org

Guinea-Bissau

Expected Council Action

The Council is expecting to receive the report of the Secretary-General on the UN Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) in mid-December. The mandate of UNOGBIS expires on 31 December and will therefore come up for renewal.

Key Recent Developments

On 16 November legislative elections were held in Guinea-Bissau. International electoral monitors indicated a high voter turnout of 70 to 80 percent and a calm and orderly voting process. On 20 November the Council welcomed the elections in a press statement and called on the political parties in Guinea-Bissau to respect the election results and peacefully resolve any related concerns. The National Electoral Commission announced that the African Party for the Independence of Guinea-Bissau and Cape Verde won 67 of the 100 National Assembly seats. The leader of the Social Renewal Party, which finished second with 28 seats, contested the result. Former president Koumba Yala stated that he would "never accept fabricated results". The Republican Party for Independence and Development, allied to incumbent President Joao Bernardo Vieira, won three seats.

During the weekend of the 22 November President Vieira escaped unharmed in an overnight attack on his home by mutinous soldiers. One soldier was killed with several others injured. In a televised news conference on 23 November Vieira assured the citizenry that the situation was "under control" and deplored any attempt to seize power by the force of arms. The UN Secretary-General expressed concern and called upon the Guinea-Bissau armed forces to refrain from actions that could further destabilise the country. The AU cautioned against any forceful seizure of power and rejected "all unlawful change of government". On 24 November Senegal's President Abdoulaye Wade, reportedly an ally of Vieira, ordered troop reinforcements to its border with Guinea-Bissau. The Economic Community of West African States scheduled a visit led by its chairman.

Peacebuilding Commission Developments

The Guinea-Bissau configuration of the PBC is currently preparing a monitoring and tracking mechanism for the strategic framework for peacebuilding in Guinea-Bissau adopted on 1 October.

Key Issues

The key issue for the Council is the security situation in the country. The conduct of the elections was seen as a crucial test for Guinea-Bissau, which has a recent history of military coups. The election is a key benchmark in the process of peace consolidation and the coup attempt has raised fresh concerns about security.

A second key issue is the renewal of the mandate of UNOGBIS and the future of the UN presence in Guinea-Bissau. (In October 2007 a Council presidential statement requested the Secretary-General “to present proposals on how best the UN could provide effective assistance in an integrated and holistic manner to national efforts” for stabilisation. In his November 2007 letter, the Secretary-General indicated his intention to explore the possibility of transforming the UNOGBIS into an integrated mission in Guinea-Bissau and to make recommendations to the Council after credible and transparent legislative elections had been held in 2008.)

Another critically important issue is the impact of drug trafficking and organised crime in Guinea-Bissau, and whether the Council will take up the Secretary-General’s recommendation (put forward in his 29 September report on UNOGBIS) to “take strong action and ... consider establishing a panel of experts to investigate the identity and activities of those involved in drug trafficking and organised crime Guinea-Bissau with the possibility of taking measures, including punitive, targeted sanctions that would help reverse the current disturbing growth in the drug trafficking crisis in the country.” The Council previously deferred action on this and requested the Secretary-General to provide in his next report further details of what measures are required to deal with these challenges.

Options

Options for the Council include:

- renewing the UNOGBIS mandate without any amendment;
- renewing the mandate with amendments, particularly related to the future of the mission; and
- responding to the recommendation to set up a panel of experts to study the problem of drug trafficking and organised crime in line with the Secretary-General’s recommendations.

Council Dynamics

Council members seem agreed on the need to extend UNOGBIS given the critical peacebuilding needs of Guinea-Bissau, including security sector reform, dire socio-economic conditions and the multiple threats posed by drug trafficking and organised crime. However, some Council members still have broader questions as to what form the mission should take over the medium term and, to a lesser extent, for how long the UN needs to contemplate involvement. The Secretary-General’s recommendations are likely to crystallise Council members’ positions on the issue.

The Secretary-General’s report is also expected to clarify possible measures to deal with drug trafficking and organised crime in Guinea-Bissau including his earlier recommendations for a related expert panel to be set up and the possible role of a targeted sanctions regime.

Some members, such as Russia and South Africa, are concerned that establishing a panel could automatically lead to targeted sanctions, which they oppose for largely ideological reasons. Instead, they argue for investment in the country’s capacity to curb the drug trade and strengthen state authority. Others members such as Croatia, Belgium, France and UK argue that both tracks are needed and that Council action to address the issue of drug trafficking would complement efforts being made to enhance the capacity of the government, and are necessary since, as the Secretary-General has noted, drug trafficking could undermine peace and security in the wider subregion.

UN Documents

Security Council Resolution

- S/RES/1233 (6 April 1999) supported the Secretary-General’s decision to establish UNOGBIS.

Selected Presidential Statements

- S/PRST/2008/37 (15 October 2008) welcomed the commitment of Guinea-Bissau’s government to hold legislative elections on 16 November.
- S/PRST/2007/38 (19 October 2007) called on the government and the UN system to take further action on drug trafficking and organised crime.

Selected Reports and Letters

- S/2008/628 (29 September 2008) contained the latest report on UNOGBIS.
- S/2008/208 (25 March 2008) was the letter from chairperson of the PBC to the president of the Security Council providing advice on the peacebuilding priorities for Guinea-Bissau.
- S/2007/744 (11 December 2007) was the letter in which the Council requested information from the PBC on the situation in Guinea-Bissau.
- S/2007/700 (28 November 2007) and S/2007/701 (3 December 2007) was the exchange of letters between the Secretary-General and the president of the Security Council that revised and extended the mandate of UNOGBIS until 31 December 2008.

PBC Documents

- PBC/3/GNB/1 (23 September 2008) was the PBC’s conclusions and recommendations on the situation in Guinea-Bissau.
- PBC/2/GNB/5 (19 March 2008) was the Peacebuilding Support Office background note on the situation in Guinea-Bissau.
- PBC/2/OC/9 (1 February 2008) was the letter from the chair of the PBC listing the UN member states, organisations and entities constituting the Guinea-Bissau country-specific configuration of the PBC.

Other

- SC/9506 (20 November 2008) was the latest press statement by the Security Council on Guinea-Bissau.
- S/2008/87 (28 December 2007) was the letter from the chair of the PBC informing the president of the Council about the placement of Guinea-Bissau on the PBC's agenda and taking note of the Council's request for advice on the situation in the country.

Other Relevant Facts

Representative of the Secretary-General and Head of UNOGBIS

Shola Omoregie (Nigeria)

Size of UNOGBIS Staff

About thirty, including international civilians, military advisers, a police adviser and local civilians

Duration

6 April 1999 to present; mandate expires on 31 December 2008

Burundi

Expected Council Action

In December the Council is expected to adopt a resolution renewing the mandate of the UN Integrated Office in Burundi (BINUB), which expires on 31 December 2008. If negotiations between the Burundi government and the rebel Palipehutu-FNL (*Palipehutu-Forces nationales de libération*) are still deadlocked in December, the Council may also discuss ways of moving the process forward bearing in mind the 31 December deadline for completion of the peace process.

Key Recent Developments

Following the outbreak of violence in late April and early May, a ceasefire was signed on 25 May. The 11 June Magaliesburg agreement signed by the Burundian government and the Palipehutu-FNL agreed that both sides would:

- renounce violence and resolve all differences by dialogue;
- respect timelines outlined in the Revised Programme of Action, a regional roadmap of sequenced steps for implementing the 2006 Comprehensive Ceasefire Agreement (CCA); and
- conclude the peace process by the end of 2008.

- Burundian President Pierre Nkurunziza and the Palipehutu-FNL leader Agathon Rwasa met with the peace talk's facilitator Charles Nqakula on 18 August, and the two parties signed an accord agreeing to:
 - speed up implementation of the 2006 Agreement of Principles and the CCA;
 - release political prisoners and prisoners of war; and
 - address Palipehutu-FNL's transformation into a political party including the question of its name (the Burundi government maintains that as "Palipehutu" means party for the liberation of Hutu people its inclusion in a political party's name would be against the intent of the constitution, which forbids ethnic-based political entities).

On 26 August the Council issued a press statement welcoming the 18 August agreement to dismantle roadblocks to the revised ceasefire agreements signed in June. It also:

- urged parties to implement the CCA according to the agreed timeline and in line with mutual commitments;
- called upon parties to demonstrate flexibility in overcoming obstacles hindering implementation of the CCA; and
- encouraged the Palipehutu-FNL to work with the Joint Verification and Monitoring Mechanism, which was set up in 2006 to oversee the implementation of the CCA.

By October implementation had reached an impasse. Nqakula met with Nkurunziza and Rwasa on 20 October. In Kampala, Nqakula then briefed leaders of the Regional Peace Initiative for Burundi (composed of Uganda, South Africa and Tanzania).

At the request of the Regional Initiative, he returned to Burundi on 6 November with the Tanzanian and Ugandan foreign ministers and presented a new proposal asking the Palipehutu-FNL to drop "Palipehutu" from its name. Unless the name is changed, the government will not agree to register it as a political party. The Palipehutu-FNL rejected the proposal. Nqakula asked the two parties to conclude the peace process by the end of the year or forego international mediation. South Africa's facilitation mandate ends on 31 December and it seems reluctant to agree to a renewal.

On 4 November Alexis Sinduhije, a well-known journalist and opposition leader,

was arrested, together with thirty other members of his party. Sinduhije leads the Movement for Security and Democracy (MSD) and founded Radio Publique Africaine. He and his fellow party members were arrested for allegedly attempting to overthrow the government, holding illegal MSD meetings, and sending Tutsi youth to join rebels in eastern Democratic Republic of Congo. Sinduhije claims he has been arrested to prevent his participation in the 2010 presidential elections. The EU condemned the arrests and warned that the action violated terms of EU aid to Burundi. The US called the arrests unacceptable.

On 23 October a Burundian military tribunal convicted 15 soldiers for the massacre of 31 civilians in Muyinga province in 2006. NGOs see this as an important step to promote justice and accountability.

Related Developments in the Peacebuilding Commission

On 26 August, Sweden briefed the Council as Chair of the Burundi Configuration of the Peacebuilding Commission and indicated that while there had been several positive developments, the peace process faced significant challenges requiring coordinated and robust international and regional support.

Sweden's ambassador to the UN, Anders Lidén, visited Burundi in October. This was his first visit since Sweden took over the chair of the PBC Country Specific Configuration for Burundi in July 2008.

Options

One option for the Council is to extend BINUB for a year with no change in its mandate.

Another option is a shorter, six-month extension to apply pressure on the parties to fully implement the CCA without further delay.

If the deadlock in the peace process continues, an option could be to begin discussions about a presidential statement for early January, possibly hinting at stronger action, including the threat of measures such as sanctions if agreement is not reached within a defined period. Alternatively Council members could make a point of emphasising these

possibilities in debate when the BINUB mandate is extended.

Similarly, when the BINUB debate is held another option is a series of statements signaling concern with the arrest of Sinduhije, and calling on the government to respect the civil and political rights of the country's citizens within the context of the good governance framework that the international community expects in Burundi.

Key Issues

A key issue is the whether the Council should now play a bigger role to ensure that the peace process does not unravel, given the potential for return to open hostilities if negotiations fail and the need to provide back-up to the efforts of the PBC.

Another issue is the risk of a return to ethnic-based politics in Burundi's already fragile political arena if Palipehutu-FNL does not fundamentally move away from its ethnic-based beliefs.

A significant issue is whether the arrest of Sinduhije is another step leading to greater restrictions on Burundians' civil and political rights.

An issue that comes under the PBC but also impacts security is the slow pace of demobilisation. The Council may be concerned that with deteriorating living conditions soldiers may rebel.

A future issue is whether Palipehutu-FNL will disrupt the elections and destabilise the security situation if it is not registered as a political party.

Council and Wider Dynamics

Members realise that the situation in Burundi has not only made little progress in recent months but has possibly deteriorated. However, with members focusing on the situation in neighbouring Democratic Republic of Congo, there appears to be little appetite to initiate action to pressure the two parties in Burundi. Most are relying on the Secretary-General's report to shape their decisions on BINUB's future mandate.

France as the lead country is preparing the BINUB resolution. South Africa and Belgium, which have played an active role on Burundi, leave the Council at the end of the year. It is unclear to what extent new members will want to play a role on this issue.

UN Documents

Selected Resolutions

- S/RES/1791 (19 December 2007) extended the mandate of BINUB until 31 December 2008.
- S/RES/1719 (25 October 2006) established BINUB.

Selected Security Council Presidential Statement

- S/PRST/2008/10 (24 April 2008) was the latest statement of the Council on the situation in Burundi.
- S/PRST/2007/16 (30 May 2007) was a statement in which the Council welcomed the establishment of BINUB and called on parties to resolve outstanding issues in a spirit of cooperation.

Selected Secretary-General's Report

- S/2008/330 (15 May 2008) was the latest report on BINUB.
- S/2007/287 (17 May 2007) was the first BINUB report.

Other Selected Documents

- SC/9434 (26 August 2008) was a Council press statement.
- S/PV.5966 (26 August 2008) was the Council briefing by the Executive Representative of the Secretary-General for Burundi, Youssef Mahmoud; the Chair of the PBC country specific configuration on Burundi, Ambassador Anders Lidén of Sweden; and Ambassador Augustin Nsanze of Burundi
- PBC/2/BDI/10 (23 June 2008) was the review of the progress report in the implementation of the Strategic Framework for Peacebuilding in Burundi
- PBC/2/BDI/9 (23 June 2008) was the recommendation of the biannual review of the implementation of the Strategic Framework for Peacebuilding in Burundi.
- PBC/2/BDI/7 (20 March 2008) was the PBC's conclusions and recommendations on the situation in Burundi.

Other Relevant Facts

Executive Representative of the Secretary-General and Head of BINUB

Youssef Mahmoud (Tunisia)

Size and Composition of Mission (1 January 2007)



- *Proposed strength:* 448 personnel (including 141 international civilians, 235 local civilians, four military observers, 11 police and 51 UN volunteers)
- *Strength as of 30 September 2008:* 410 personnel (including 117 international civilians, 229 local civilians, eight military observers, nine police and 47 UN volunteers)

Duration

January 2007 to present; mandate expires 31 December

Recommended Budget

\$33.1 million

Lebanon

Expected Council Action

Early in December, the Council will receive a report from the UN International Independent Investigation Commission (UNIIC) on the murder of former Lebanese Prime Minister Rafik Hariri and others. The Council is expected to receive a public briefing from the Chief Investigator, Daniel Bellemare, and hold consultations, on 16 December. The Council may also receive a report from the Secretary-General on the Lebanon Special Tribunal (unconfirmed at press time) possibly with an indication that the tribunal is ready to start its activities pending a transition period (while activities are being transferred from Beirut to The Hague, where the tribunal is to be based). The Council is likely to discuss a brief technical extension of UNIIC (as its mandate is due to expire on 31 December) until the transfer can be completed.

Key Recent Developments

A report from the Secretary-General on implementation of resolution 1701 was issued on 18 November. The Secretary-General said that although the political climate has improved over the past months, thanks to implementation of elements of the Doha agreement, a number of security incidents have continued to threaten Lebanon's stability. Positive

developments included:

- the exchange of prisoners between Israel and Hezbollah in July;
- the establishment of diplomatic relations between Lebanon and Syria and their agreement to address border delineation and security; and
- the absence of discovery of new military infrastructure or of arms smuggling into the area of operations of the UN Interim Force in Lebanon, UNIFIL (although Israel maintains that Hezbollah is building military capacity north and south of the Litani river).

Remaining challenges include:

- Israel's control of Ghajar, which continues to be a source of tension;
- continued intrusions into Lebanese airspace by Israeli aircraft in high numbers;
- continued threat to stability posed by armed groups operating inside Lebanon and concerns that Hezbollah may have sought to upgrade its military capabilities;
- the porous nature of Lebanon's border with Syria and potential for breaches of the arms embargo;
- continued incidents involving unexploded ordnance and the absence of progress in receiving from Israel data on munitions fired in the 2006 conflict;
- the absence of answer from Israel and Syria on the provisional definition of the Sheb'a Farms;
- repeated exchange of threats between Israel and Hezbollah; and
- incidents of restrictions of UNIFIL's freedom of movement.

The Secretary-General also reaffirmed that disarmament should take place through a Lebanese-led political process, and that regional parties with ties to Hezbollah and other groups should respect the arms embargo. The Council heard a briefing on Lebanon, and had consultations on this report on 26 November. At press time it was unclear whether the Council would adopt a presidential statement.

An important development was the visit to Damascus on 18 November of UK Foreign Secretary David Miliband, who held talks with Syrian President Bashar al-Assad. He is the first high-level British minister to visit Damascus since former Prime Minister Tony Blair held talks with President al-Assad

in October 2001. It seems that Syria's agreement to establish diplomatic relations with Lebanon influenced the UK's decision to visit Syria. In an interview before his visit, Miliband said that while Syria had a potential role to play in stability in the Middle East, it could also be a force for instability.

The second round of the Lebanese national dialogue took place on 5 November. In a statement following the meeting, leaders said they agreed to have Lebanese President Michel Suleiman conduct more contacts and consultations among them until the next round, which they agreed would be held on 22 December. It seems that the parties ran into difficulties on the format of the talks (whether to expand the number of participants, apparently demanded by the opposition). Hezbollah's disarmament as part of the national defense strategy remains a major point of contention. While the majority leaders support placing this on the agenda of the talks, Hezbollah says it is not up for discussion while Israel poses a threat to Lebanon.

On 26 October, Hezbollah's leader Sayyed Hassan Nasrallah met majority leader Saad Hariri for the first time since the 2006 war with Israel. This marked a breakthrough in relations between the two opponents. In a joint statement issued by the two leaders, they reaffirmed the need to prevent tensions and reinforce dialogue, and said that they would remain in mutual contact, and said that they would encourage dialogue "by taking steps to calm the situation in the media and in the street".

On 31 October the UN Relief and Works Agency for Palestine Refugees (UNRWA) again called on donors to urgently respond to the \$43 million appeal for funds issued in September to help the 27,000 refugees displaced from the Nahr el-Bared refugee camp in Lebanon in 2007. So far, it seems that only the US and Norway have contributed \$4.3 million and \$500,000 respectively.

On 30 October, the Council heard a briefing by the Secretary-General's Special Envoy Terje Rød-Larsen for Implementation of Resolution 1559 and held consultations on this issue. It seems that a few members questioned the need to have two parallel tracks—1559 and 1701—since many issues overlap.

Options

Options regarding UNIIC include:

- not prolonging the Commission's mandate if the tribunal is ready to commence activities;
- extending the Commission's mandate for a few months depending on how long it takes the tribunal to be fully operational (Chief Investigator Daniel Bellemare, or the Secretary-General in his report on the tribunal, are likely to provide indications); and
- extending the Commission's mandate for the customary additional six months.

Key Issues

A main issue is whether the Council will respond to the 1701 report, perhaps welcoming developments and addressing remaining challenges for implementing the resolution—and whether endorsing recommendations made by the Lebanon Independent Border Assessment Team (LIBAT) in August will add value to the 1701 process at this stage. Increasing divisions on 1701 issues, coupled with some loss of momentum in the Council, have resulted in a perception of the Council distancing itself from the 1701 process.

There are indications that the tribunal is ready to start operations. However, the main issue is whether the Secretary-General will announce that the tribunal will be operational as soon as UNIIC's mandate has expired, or whether a transition period while activities are transferred from UNIIC to the tribunal will be needed. For the Council, this means that UNIIC's mandate will need to be correspondingly prolonged and that the Lebanese government will have to request the extension.

A related issue is Syria's continued cooperation with the investigation. The provisions of resolution 1636 (adopted under Chapter VII of the UN Charter) regarding Syria's cooperation with UNIIC may be uncertain after the tribunal takes over. Resolution 1636 requested Syria to:

- detain Syrian officials or individuals whom UNIIC suspects of involvement in Rafik Hariri's assassination, and make them fully available to the Commission; and
- cooperate with the Commission fully and unconditionally on that basis.

The resolution also gave UNIIC the authority to determine the location and modalities for interviewing Syrian officials and

individuals it deems relevant to the inquiry. A question therefore is whether the absence of such provision for the tribunal will pose problems for the investigation, which will most likely continue for some time before indictments are issued.

Likewise, there is a question on the application of aspects of the sanctions regime (travel ban and assets freeze) established under resolution 1636. It targeted individuals designated by UNIIIC as suspects in the assassination, and it remains unclear whether and how it will continue to apply.

Council Dynamics

France has the lead on Lebanon and, at press time, members were waiting to see whether it would introduce a draft statement in response to the 1701 report. While a majority of members would support a reaffirmation of basic principles of resolution 1701, such as Lebanese sovereignty and territorial integrity, addressing substantive issues (violations of Lebanese territory by Israel, arms smuggling, disarmament and the Sheb'a Farms, for example) usually proves difficult because of differing views on what the priorities are. For instance, for South Africa, Libya and Indonesia, Israeli overflights continue to pose a threat to Lebanon's stability; while for the US the issues of arms smuggling and disarmament are crucial for Lebanon's stability.

Discussions on a rollover for UNIIIC are unlikely to be controversial. The Council is likely to agree to follow recommendations by the Secretary-General or the Chief Investigator.

UN Documents

Selected Resolutions

- S/RES/1815 (2 June 2008) extended UNIIIC's mandate until 31 December 2008.
- S/RES/1757 (30 May 2007) established the special tribunal under Chapter VII of the UN Charter, and specified that the Tribunal shall commence functioning on a date to be determined by the Secretary-General in consultation with the Government of Lebanon, taking into account progress in the investigation.
- 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/1664 (29 March 2006) requested the Secretary-General to negotiate an agreement with the Lebanese government aimed at establishing a tribunal of an international character and submit a report to the Council on the implementation of this resolution.
- S/RES/1636 (31 October 2005) urged Syria to cooperate with the investigation and established sanctions against suspects in the assassination.
- S/RES/1595 (7 April 2005) established UNIIIC to investigate the 14 February 2005 assassination of former Lebanese Prime Minister Rafik Hariri.
- S/RES/1559 (2 September 2004) urged withdrawal of foreign forces from Lebanon, disarmament of all Lebanese and non-Lebanese militias, extension of the Lebanese government's control over Lebanese territory, and free and fair presidential elections.

Latest Presidential Statement on Resolution 1701

- S/PRST/2008/8 (15 April 2008)

Latest Reports

- S/2008/715 (18 November 2008) was the latest 1701 report.
- S/2008/582 (25 August 2008) was the latest LIBAT report.
- S/2008/210 (28 March 2008) was the latest UNIIIC report.
- S/2008/173 (12 March 2008) was the latest report on the tribunal.

Latest Letter

- S/2008/698 (11 November) was a letter from Lebanon on Israeli violations.

Other Relevant Facts

UNIIIC Commissioner and Prosecutor of the Special Tribunal

Daniel Bellemare (Canada)

Special Tribunal's Registrar

Robin Vincent (UK)

Secretary-General's Special Envoy for Implementation of Resolution 1559

Terje Rød-Larsen (Norway)

UN Special Coordinator for Lebanon

Michael C. Williams (UK)

UNIFIL Force Commander

Major-General Claudio Graziano (Italy)



Size and Composition of UNIFIL

- *Authorised*: 15,000 troops
- *Current (11 November 2008)*: 12,770 military personnel
- *Troop Contributors*: Belgium, China, Croatia, Cyprus, El Salvador, France, FYR of Macedonia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Luxemburg, Malaysia, Nepal, Norway, Poland, Portugal, Qatar, Republic of Korea, Slovenia, Spain, Tanzania and Turkey.

Cost

1 July 2008 - 30 June 2009: \$680.93 million (A/C.5/62/30)

Useful Additional Resources

- *UK: Miliband Should Press Syria on Rights*, Human Rights Watch press release, 16 November 2008
- *Lebanon: Act Now on Steps to Prevent Torture*, Human Rights Watch press release, 5 November 2008
- *UN Resolution 1701: A View from the United States* (22 October 2008); *A View from Lebanon* (21 October 2008); and *A View from Israel* (20 October 2008), The Washington Institute for Near East Policy

Golan Heights

Expected Council Action

On 31 December the mandate of the UN Disengagement Observer Force in the Golan Heights (UNDOF) expires. It was established in May 1974 to maintain the ceasefire between Israel and Syria and supervise areas of separation and limitation.

The Council is expected to follow its usual practice and extend the mandate for another six months, and call upon Israel and Syria to implement resolution 338. This resolution was adopted in 1973 and called on the parties to start negotiations on a just and durable peace and to implement resolution 242 of 1967 on withdrawal of Israeli forces from occupied territories. A report of the Secretary-General on UNDOF is also due in December.

A presidential statement is also expected, as has been the practice since 1976, drawing attention to wider issues in the region and noting that the Middle East will remain tense until a comprehensive settlement is reached

Key Recent Developments

In his latest report on UNDOF, on 16 June, the Secretary-General said that in the previous six months the ceasefire in the Israel-Syria sector had been maintained and the UNDOF area of operation had remained generally quiet. Since June the situation has appeared unchanged.

In early September the latest round of indirect peace talks between Syria and Israel was postponed because of the impending election in Israel. (Israeli Prime Minister Ehud Olmert resigned on 21 September but remains in office until a new government is formed after elections scheduled for 10 February). It is unclear whether and when the talks will resume. Olmert has recently expressed his view that Israel should withdraw from most of the occupied territories, including the Golan Heights.

Key Issues

At this stage there is really no issue before the Council other than the routine renewal of the UN operation.

But a related issue (see our June 2008 *Forecast*) is how any settlement of the issue of the Sheb'a Farms, which is part of the Golan Heights, might affect UNDOF.

Council Dynamics

There is wide consensus that UNDOF remains useful in the absence of a peace agreement between Israel and Syria.

UN Documents

Selected Security Council Resolutions

- S/RES/1821 (27 June 2008) renewed UNDOF until 31 December 2008
- S/RES/1701 (11 August 2006) requested the Secretary-General to develop, in liaison with relevant international actors and the concerned parties, proposals for delineation of the Lebanese borders, especially in the Sheb'a Farms area.
- S/RES/350 (31 May 1974) established UNDOF.

- S/RES/338 (22 October 1973) called for a ceasefire and comprehensive peace.
- S/RES/242 (22 November 1967) called for the withdrawal of Israeli forces from the occupied territories.

Latest Presidential Statements

- S/PRST/2008/25 (27 June 2008) was the last statement following the renewal of UNDOF.

Latest Secretary-General's Reports

- S/2008/390 (16 June 2008) was the last report on UNDOF

Latest Letter

- S/2008/676 (28 October 2008) was a letter from Syria condemning a US raid on its territory on 26 October which killed civilians, and demanding that Iraq carry out an investigation. In the letter, Syria also said it expects the Council to hold the US accountable for this and to prevent any repetition of this act, with a view to maintaining security and stability in the Middle East.

Other Relevant Facts

UNDOF Force Commander

Major-General Wolfgang Jilke (Austria)

Size and Composition of Mission (30 September 2008)

- *Size*: 1,043 troops, assisted by some 57 military observers of UN Truce Supervision Organisation's Observer Group Golan.
- *Troop contributors*: Austria, Canada, Croatia, India, Japan and Poland

Approved Budget

1 July 2008 to 30 June 2009: \$47.86 million (A/C.5/62/30)

Liberia

Expected Council Action

In December the Council is likely to renew the current sanctions regime for Liberia. The arms embargo and travel ban imposed by resolution 1521 in 2003 (and last renewed by resolution 1792 in 2007) expire on 19 December. (The assets freeze imposed by resolution 1532 remains in force and does not require renewal.) On 1 December the final report is due from the Panel of Experts tasked with investigating and reporting on

implementation of sanctions. The Panel's mandate expires on 20 December and is likely to be extended.

Key Recent Developments

On 29 September the Council unanimously adopted resolution 1836, extending the mandate of the UN Mission in Liberia (UNMIL) until 30 September 2009. It endorsed the Secretary-General's recommendations contained in his August progress report, authorising a reduction in UNMIL's military component of an additional 1,460 troops and an increase in UNMIL's police component of 240. Furthermore, the Council requested the Secretary-General to provide new recommendations on further adjustments to UNMIL by 15 February and expressed its intention to review these recommendations by 31 March. The Council also asked for a report by 15 August on progress in meeting key security benchmarks for Liberia.

The authorised troop reductions were larger than proposed by the Secretary-General in his initial drawdown plan of 8 August 2007 (S/2007/479). By contrast, the increase in the police component was not foreseen in the initial plan (it envisaged a reduction). The increase reflected the sense in the Council that significant challenges remain in Liberia. It also points to a general concern about the slow progress in meeting key security and rule of law benchmarks. The security situation is generally stable, but still considered fragile. There have been several outbreaks of violence, including mob attacks on police stations and court houses. UNMIL personnel and installations have also been targeted. The high unemployment rate among young people, the activities of ex-combatants, and illegal exploitation of natural resources are potential sources of instability.

The trial in the Special Court for Sierra Leone of former Liberian president Charles Taylor resumed in The Hague on 18 August. On 1 September the Special Court received a request from the Truth and Reconciliation Commission of Liberia for an audience with Taylor. He refused, as was his right. So far, the trial chamber has heard testimony from more than eighty prosecution witnesses in the Taylor case. Currently the trial, which is being conducted in The Hague because of security concerns, is scheduled to end around July 2009.

In a related development the son of Charles Taylor, the US national Charles “Chuckie” Taylor Jr., was convicted by a Miami jury for torture committed when he was head of a notorious unit in Liberia during his father’s presidency. His case was the first test of a US law allowing the prosecution of citizens who commit torture overseas, known as the extraterritorial torture statute. He is due to be sentenced on 9 January 2009. Various NGOs have described the verdict as a milestone in ensuring justice for the victims of atrocities in Liberia and elsewhere.

Since August the Liberia Sanctions Committee has removed two individuals from the travel ban and assets freeze lists: M. Moussa Cissé (former chief of presidential protocol under Taylor) on 10 September and Charles R. Bright (former Liberian finance minister under Taylor) on 10 November.

Key Issues

In December renewing the sanctions regime will be the key issue. It remains to be seen whether related issues affecting other sanctions regimes will be raised. In the recent negotiations of a new sanctions resolution on Somalia (see separate brief in this *Forecast*) there seemed to be a concern among some Council members that a more uniform approach across different sanctions regimes is needed, especially related to delisting criteria and procedures. This concern is linked to several recent court challenges of Council counterterrorism sanctions under resolution 1267 (for more details please see our November 2008 *Forecast*). It is unclear whether it will impact the Liberia discussions as well. Given the very large programme of work in the Council for December and the fact that the holidays make it a short month, it is possible that Council members will have little energy for discussion of more generic issues in the context of Liberia.

Options

One option is to adopt a resolution following the pattern of recent renewals prolonging the arms embargo and travel ban for a further 12 months, and the mandate of the Panel of Experts for six months with a request for a report at the end of the mandate. Another option is to renew the mandate of the Panel for 12 months to ensure consistency with the timeframe for the sanctions.

Council Dynamics

Renewal of the UNMIL mandate in September revealed familiar dynamics. France once again argued for a larger drawdown based on the demand for UN peacekeepers elsewhere, whereas the US and other members wanted a more cautious approach in line with the Secretary-General’s recommendations. In the end France obtained a drawdown over six instead of 12 months and a review clause leaving the door open for a further acceleration of the drawdown based on recommendations to be presented in February 2009, but with no guarantees for any additional reductions before the end of UNMIL’s mandate in September next year.

There seems to be agreement that the current sanctions regime should be maintained for the time being. The general sense is that Liberia is moving in the right direction but security is still seen as fragile and there are concerns about the impact on Liberia from recent developments in neighbouring countries such as Guinea and Côte d’Ivoire. Members are also cautious due to the likely conclusion of the Charles Taylor trial next year, seeing this period as a possible critical point in the consolidation of peace in Liberia.

UN Documents

Selected Security Council Resolutions

- S/RES/1836 (29 September 2008) renewed the mandate of UNMIL for 12 months and endorsed the Secretary-General’s recommendations for the mission’s drawdown.
- 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/1532 (12 March 2004) imposed an assets freeze against former president Charles Taylor and associates.
- S/RES/1521 (22 December 2003) imposed sanctions.

Selected Secretary-General’s Reports

- S/2008/553 (15 August 2008) was the latest UNMIL report.



- S/2007/479 (8 August 2007) was the Secretary-General’s drawdown plan for UNMIL.

Other

- S/2008/371 (12 June 2008) was the latest report of the Panel of Experts on Liberia.
- S/2008/85 (8 February 2008) was the letter from the Secretary-General appointing the Panel of Experts on Liberia.

Other Relevant Facts

Special Representative of the Secretary-General

Ellen Margrethe Løj (Denmark)

UNMIL: Size, Composition and Cost

- *Strength as of 30 September 2008:* 11,465 military and 1,037 police
- *Key contributing countries:* Bangladesh, Ethiopia, Nigeria and Pakistan
- *Cost:* 1 July 2008 to 30 June 2009: \$631.69 million

UNMIL: Duration

September 2003 to present; mandate expires 30 September 2009

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)

Notable Dates for December

Reports Due for Consideration in December Document Requesting Report

by 15 November (although not released)	SG report on the UN Mission in CAR/Chad (MINURCAT)	S/RES/1834
30 November	SG report on UN Integrated Office in Burundi (BINUB)	S/RES/1791
30 November	SG report on UN-AU Mission in Darfur (UNAMID)	S/RES/1828
December	ICTY/ICTR semi-annual report and assessment	S/2008/326 S/2008/322
1 December	SG report on the UN Peacekeeping Force in Cyprus (Cyprus)	S/RES/1818
1 December	Panel of Experts report on Liberia	S/RES/1819
5 December	Monitoring Group report on Somalia	S/RES/1811
early December	Semi-annual report on Sierra Leone PBC framework	PBC/2/SLE/1
early December	Semi-annual report on Burundi PBC framework	PBC/2/BDI/10
by 15 December	SG semi-annual report on Iraq-Kuwait missing persons/property report	S/2006/469
27 December	SG report on the implementation of resolution 1701	S/RES/1822
31 December	SG semi-annual report for UN Office in West Africa (UNOWA)	S/2007/754
31 December	SG report on UN Disengagement Observer Force in Golan Heights (UNDOF)	S/RES/1821
31 December	UN Peacebuilding Office in the CAR (BONUCA)	S/2007/702 and 703
31 December	SG report on the UN Peacebuilding Support Office in Guinea-Bissau (UNOGBIS)	S/RES/1580
31 December	SG report on UN Integrated Office in Burundi (BINUB)	S/RES/1791
31 December	1540 Committee report	S/RES/1810
31 December	United Nations International Independent Investigation Commission (UNIIC)	S/RES/1815

December 2008	Mandates Expire	Relevant Document
15 December	UNFICYP (Cyprus)	S/RES/1818
20 December	Panel of Experts on Liberia	S/RES/1819
20 December	Sanctions Monitoring Group on Somalia	S/RES/1811 S/2008/378
31 December	UNDOF (Golan Heights)	S/RES/1821
31 December	BONUCA (Central African Republic)	S/2007/702 and 703
31 December	UNOGBIS (Guinea-Bissau)	S/2007/700 and 701
31 December	MONUC (Democratic Republic of the Congo)	S/RES/1794
31 December	BINUB (Burundi)	S/RES/1791
31 December	Working Group on Conflict Prevention and Resolution in Africa	S/2007/771
31 December	Multinational Force in Iraq, provisions for the Development Fund for Iraq, and the International Advisory and Monitoring Board	S/RES/1790
31 December	UNIIC	S/RES/1815
31 December	Special Envoy for the Lord's Resistance Army-Affected areas	S/2000/719
31 December	Group of Experts and Sanctions on the DRC	S/RES/1807 S/2008/312

December 2008 Other Important Dates

2 December	Expiration of resolution 1816 on fighting piracy off the coast of Somalia
15 December	Council target for a decision on a UN military component to follow-up in EUFOR (S/RES/1834)
19 December	Liberia sanctions expire
31 December	ICTR current judges' term expires & terms of ad litem judges expire
31 December	1540 Committee to report to the Council on options for more effective funding mechanisms (S/RES/1810)

Also expected in December:

- The Council may receive a briefing by the Secretary-General's Special Envoy for the Lord's Resistance Army-affected Areas, Joaquim Chissano.
- The Council is expected to receive a regular briefing from the ICC Prosecutor on his work in Sudan.
- The Council is expected to receive a briefing from High Representative for the Implementation of the Peace Agreement in Bosnia and Herzegovina, Miroslav Lajcak of Slovakia.
- The Council is expected to receive a briefing from the UNIIC Chief Investigator Daniel Bellemare.
- The Council is expected to receive a briefing by the High-Level Coordinator for Iraq, Gennady P. Tarasov.
- A report on the outcomes of the Council's mission to Afghanistan from 21-28 November.

Important Dates over the Horizon

- A council mission to Haiti is still being discussed.
- Iraqi provincial elections are scheduled for January 2009.
- An international meeting on the Israeli-Palestinian peace process is expected to be held in Moscow in spring 2009.
- Legislative elections in Lebanon are scheduled for May 2009.
- Presidential and legislative elections in Sudan are scheduled for July 2009
- Legislative elections in Chad are currently slated for 2009
- Presidential elections are expected in Afghanistan in September 2009.

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