



# SECURITY COUNCIL REPORT

## MONTHLY FORECAST

### APR 2009



30 March 2009

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## OVERVIEW FOR APRIL

Mexico will hold the Council presidency in April.

Two open debates are currently expected. The first will be on **mediation and settlement of disputes**, most likely on 14 April. This debate will respond to a report requested by the Council in S/PRST/2008/36 and is expected from the Secretary-General in late March (Security Council Report will publish an *Update Report* prior to the debate).

On 29 April, Mexican Foreign Minister Patricia Espinosa is expected to chair a debate on **children and armed conflict**, a topic of particular interest to Mexico due to its chairmanship of the Council's working group on this subject. (Security Council Report will publish the second *Cross-cutting Report on Children and Armed Conflict* prior to the debate.)

Public meetings are expected on **Western Sahara** and **Sudan** to adopt resolutions renewing mandates of the relevant peacekeeping operations (MINURSO and UNMIS) which both expire on 30 April. In both cases, earlier private meetings with troop contributing countries and informal consultations are expected.

There is likely to be a debate on **Haiti** followed by consultations, both expected on 6 April.

There will also be the public monthly Council meeting on the **Middle East**.

A briefing on the results of the Secretary-General's Board of Inquiry's investigation into all incidents involving death and damage at UN premises in **Gaza** between 27 December and 18 January is also expected, but it is unclear whether this will be discussed only in private session or whether a public meeting may also occur.

Consultations are expected on **Guinea-Bissau** (on the Secretary-General's report and the overall situation in the country); on the **DRC** (on the Secretary-General's report on MONUC); on **Iraq** (on the Iraq/Kuwait missing persons and property issues as well as on the Development Fund for Iraq and its International Advisory and Monitoring Board); on **Somalia** (on the Secretary-General's report); on **Côte d'Ivoire** (on sanctions and to discuss the current political situation, in particular the delays in the electoral process); and on **MINURCAT** (taking stock of

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the recent transfer of the military components in **Chad** and **CAR** from EU to UN command).

At press time it was unclear whether the Secretary-General's report on **Nepal**, expected in late April, will be discussed during that month or moved to May. It was also unclear whether the now overdue report by the Secretary-General on **Eritrea/Djibouti** would be issued. If so, consultations on this issue are likely.

## Aide-Memoire

Important matters pending for the Council include:

- The Secretary-General's report on the border situation between **Djibouti and Eritrea** requested by the Council in resolution 1862 and due on 25 February is delayed.
- The 2005 World Summit requested that the Security Council consider reforms for the **Military Staff Committee**. This has yet to be addressed.
- In a presidential statement on **Darfur** in July 2008 (S/PRST/2008/27) the Council welcomed the UN investigation into the 8

July attack against UNAMID peacekeepers. The results are still awaited.

- The monthly reports from the **Kosovo** Force (KFOR) appear to have stopped. The last one available covers the period 1-31 July 2008.
- In resolution 1327 on 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 four years. However, in January the Council embarked on

an initiative to look at ways of improving the Council's handling of peacekeeping issues. An outcome is expected in August.

- The quarterly reports of the International Security Assistance Force in **Afghanistan** are now always outdated when released. (The last report, released in December, covered the period 1 May-31 July 2008.) The next report covering the period 1 August-30 October 2008 is yet to be released.
- UNAMI reports on **human rights in Iraq**, in >>page 2

## Aide-Memoire (continued)

the past produced every two to three months, are now also very delayed. (The last report, released in December, covered the period from 1 January-30 June 2008.)

- The Secretary-General's recommendations to the Council regarding specific action on sexual violence as put forward in his latest report on **protection of civilians** in armed conflict (S/2007/643) have yet to be implemented in country-specific situations.
- The Council requested the Secretariat on 21 November 2006 (S/2006/928) to

**update the index to Council notes and statements on working methods.** This has not been published.

- 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 has yet to address the latest

report of the **Lebanon Independent Border Assessment Team**, which was issued on 25 August 2008 (S/2008/582).

- The Council is awaiting the Peacebuilding Commission's response to its May 2008 request for advice and recommendations on the situation in the **Central African Republic** (S/2008/383).
- The Secretary-General is yet to report to the Council on **Kenya** as requested in a February presidential 2008 statement (S/PRST/2008/4).

## Status Update since our March 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 March included:

- **Lebanon:** On 10 March the Secretary-General's Special Coordinator for Lebanon, Michael Williams, briefed the Council in consultations on the latest Secretary-General's report on implementation of resolution 1701 (S/2009/119). The Council then held consultations.
- **Iran:** On 10 March the Council was briefed by the Chairman of the 1737 Sanctions Committee on Iran, Japanese Ambassador Yukio Takasu. He said that the Committee had received a letter from a member state seeking guidance regarding its inspection of a vessel carrying its flag and coming from Iran that had been found to be transporting arms related material. Iran was therefore in violation of resolution 1747 prohibiting it to supply, sell or transfer any arms and related material. After the briefing, the US expressed concern about Iran's continued noncompliance with Council demands but said that it was prepared for principled engagement with Iran. The same concerns were emphasised by France and the UK (S/PV.6090).
- **Chad/CAR:** On 17 March Edmund Mullet, the UN Assistant Secretary General for Peacekeeping Operations, briefed the Council in closed consultations on the transfer of authority on 15 March from the EU Mission in the Central African Republic and Chad (EUFOR) to a UN military component for the UN Mission in the Central African Republic and Chad (MINURCAT). The Council issued a press statement welcoming the successful transfer, stressing the

importance of a further improvement of regional relations, and encouraging the authorities and political stakeholders in Chad and CAR to continue to pursue their efforts of national dialogue (SC/9614).

- **Cooperation with Regional Organisations:** On 18 March the Council held a public meeting to consider the report (S/2008/813) of the joint AU-UN panel set up by the Secretary-General to review options for supporting AU peacekeeping operations. The meeting, chaired by Libya's Minister for African Affairs Ali Treiki, had high-level participation, including by the Commissioner for Peace and Security of the AU, Ramtane Lamamra, and the chair of the panel, Romano Prodi, former prime minister of Italy, and the Minister for Foreign Affairs of South Africa, Nkosazana Dlamini Zuma. A presidential statement was adopted in conclusion requesting the Secretary-General to submit a report by 28 September that will include a detailed assessment of the recommendations contained in the AU-UN Panel report, in particular those on financing, as well as on the establishment of a joint AU-UN team.
- **Afghanistan:** On 19 March Kai Eide, Special Representative of the Secretary-General for Afghanistan, briefed the Council in an open debate on the Secretary-General's latest report (S/2009/135). Eide said donor coordination was a major concern and priority of the UN Assistance Mission in Afghanistan's (UNAMA) mandate. He said a major problem was that some donor countries had national strategies that they were not willing to adjust. Afghanistan's Permanent Representative to the UN said more should be achieved in the areas of gover-

nance, corruption, judiciary reform and the Afghan National Police. On 23 March the Council extended the mandate of UNAMA for a further 12 months (S/RES/1868). The Council requested an increase in frequency of reporting from the Secretary-General (every three months as opposed to every six) and the development of benchmarks for tracking progress in the implementation of UNAMA's mandate.

- **Liberia:** In her briefing to the Council in closed consultations on 19 March the Secretary-General's Special Representative Ellen Margrethe Løj said the security situation in Liberia was stable, but fragile. She said that regional problems, including drug trafficking, had increased since her last briefing. It would still take time to build up national security sector capacity and more funding was needed. Elections scheduled for 2011 would be an important test for Liberia.
- **Kosovo:** On 23 March the Council was briefed by the Secretary-General's Special Representative Lamberto Zannier on the situation in Kosovo. The Secretary-General's report (S/2009/149) covered activities from 1 November 2008 to 9 March 2009 and indicated that the UN Interim Administration Mission in Kosovo (UNMIK) was facing increasing challenges as the Kosovo authorities see the mission's tasks as having been completed. In his briefing Zannier told the Council that although Kosovo has been stable, ethnic tensions persist. He also said that there was a need for leaders in Pristina and Belgrade to put the needs of Kosovo's communities ahead of their political interests. He said that UNMIK had successfully

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reconfigured its rule of law elements and that by 1 July 2009 UNMIK will have refocused its staff on minority issues, returns and freedom of movement and issues related to cultural heritage as set out in the Secretary-General's June 2008 report.

■ **Middle East:** On 25 March the Council heard a briefing from Under Secretary-General for Political Affairs B. Lynn Pascoe on the situation in the Middle East. He said very little progress had been made on key issues outlined in resolution 1860, including the establishment of a proper ceasefire regime in Gaza, unimpeded access for humanitarian assistance, opening of the crossings, prevention of illicit arms trafficking and intra-Palestinian reconciliation. He also called on Israel to stop

house demolitions in East Jerusalem and to refrain from unilateral actions such as settlement activities that may prejudice final status issues. The Council held an open debate in which a number of delegations said that violations of international humanitarian law during the Gaza war needed to be investigated (including Austria, Mexico, Libya, Egypt, Lebanon). (S/PV.6100 and resumption 1).

■ **Bosnia and Herzegovina:** On 25 March the Council in resolution 1869 welcomed and agreed to the designation of Valentin Inzko of Austria as the next high representative for that country. In the resolution, the Council also paid tribute to the efforts of the outgoing High Representative Miroslav Lajčák.

■ **Central African Republic:** At press time a draft presidential statement welcoming the recommendation by the Secretary-General to establish a UN Integrated Peacebuilding Office in CAR (BINUCA) to succeed the current UN Peacebuilding Support Office (BONUCA) had been circulated among Council members by France. The statement was expected to be adopted during the week of 30 March.

■ **Sri Lanka:** On 26 March members of the Security Council held an inter-active discussion on Sri Lanka, outside of Council chambers and in closed session. Under-Secretary-General for Humanitarian Affairs John Holmes briefed and representatives of the Sri Lankan mission also participated.

## Sudan

### Expected Council Action

The mandate for the UN Mission in Sudan (UNMIS) expires on 30 April. The Council is expected to renew the mandate.

A briefing and consultations are also expected in April on the AU/UN Hybrid Operation in Darfur (UNAMID). Further discussions on the growing humanitarian crisis are likely. However, it is unclear to what extent these may be complicated as a result of the indictment of Sudan's President Omar al-Bashir by the International Criminal Court (ICC).

A briefing by the Sudan sanctions Panel of Experts, initially expected in March, may be further postponed given the Panel's current difficulties entering Sudan.

An AU and Arab League delegation may visit New York to lobby for deferral of the ICC proceedings.

### Key Recent Developments

In south Sudan, at least 57 people (including 26 civilians) were killed in late February during clashes between the northern Sudanese Armed Forces (SAF) and the Sudan People's Liberation Movement (SPLM) in Malakal. In early March around 400 were killed in heavy tribal clashes in Jonglei State.

Members of the Ugandan Lord's Resistance Army (LRA) continue to attack villages in southern Sudan (and the Democratic Republic of the Congo). More than 36,000 southern Sudanese have been displaced and 16,000 Congolese have fled to southern

Sudan. On 13 March, 13 southern Sudanese were killed in an attack by the LRA.

In Darfur, approximately 34,000 people have fled to Zam Zam camp, outside El Fasher (north Darfur), from Muhajeriya (south Darfur) following fighting in January and February between the rebel group Justice and Equality Movement (JEM) and the SAF.

In west Darfur, incidents of violence against UNAMID and banditry in 2009 have already exceeded numbers for all of 2008. In late February up to 5,000 Chadian rebels were reportedly massing inside Sudan's border, possibly in preparation for an attack on N'Djamena. On 9 March four UNAMID peacekeepers were injured when attacked near El Geneina, west Darfur.

Attacks on aid workers and UNAMID staff, carjacking and other banditry continued to increase across Darfur. On 17 March a UNAMID peacekeeper was killed near Nyala, south Darfur. Five aid workers from *Médecins Sans Frontières* were kidnapped in north Darfur on 12 March. On 25 March a group of armed men, two in uniform, set fire to a makeshift displaced persons camp near El Geneina in west Darfur, killing two people and destroying hundreds of shelters, according to UNAMID.

On 4 March the pretrial chamber of the ICC issued an arrest warrant against President Omar al-Bashir for war crimes and crimes against humanity in Darfur. Crimes of genocide were not included due to insufficient evidence. The Court said that his status neither excludes his criminal respon-

sibility nor grants him immunity against prosecution before the ICC. Execution of the warrant requires cooperation from governments capable of arresting him. Security Council resolution 1593 which referred the situation in Darfur to the ICC, urges all states and regional organisations to cooperate with the ICC.

On 4 March the Council of the League of Arab States expressed regret the Council had not deferred ICC proceedings. On 5 March the AU Peace and Security Council (PSC) issued a communiqué appealing to the Security Council to defer ICC proceedings.

The Sudanese government expelled 13 international NGOs, alleging they cooperated with the ICC. These organisations collectively handled 60 percent of humanitarian assistance in Darfur. Assets were confiscated and some aid workers reportedly harassed. UN agencies said it was not possible, in any reasonable timeframe, to replace the capacity and expertise of the expelled NGOs. Aid agencies in eastern Chad were reportedly planning for a potential influx of refugees from Darfur.

On 6 March the Office for Coordination of Humanitarian Affairs (OCHA) briefed the Council stressing that the NGO expulsions limit the provision of food, health care and safe drinking water to more than one million people in Darfur. OCHA warned this could lead to unrest in internally displaced persons (IDP) camps and that rebel movements may take military action on behalf of the IDPs. Humanitarian operations in Abyei,

Blue Nile State, southern Kordofan and eastern Sudan would also be affected. OCHA noted the action of the government contradicted previous undertakings to facilitate humanitarian assistance. On 20 and 26 March the Council received further briefings from OCHA.

On 24 March OCHA presented the results from a week-long UN and Sudanese joint technical assessment mission in Darfur to gauge the humanitarian impact of the expulsion of NGOs and assess the remaining capacity to meet emergency needs for food, health, water and emergency shelter. The report stressed that some 4.7 million people depended on humanitarian aid for survival and concluded that while some immediate gaps caused by the expulsion of the 13 humanitarian organisations have been plugged by the remaining groups, long term solutions were urgently needed.

The Secretary-General has repeatedly called on Sudan to reverse its decision to expel the humanitarian organisations. He said contact between senior UN officials and ICC indictees would be limited to what was necessary to facilitate UN activities in Sudan.

While several members expressed their alarm over the humanitarian situation, the Council could not reach a consensus on a presidential statement. But in a statement to the press on 26 March Council members took note of the joint report and appealed to the government to reconsider its decision regarding the humanitarian organisations.

On 26 March, the Council received its first briefing from Djibril Bassolé, the Joint AU-UN Chief Mediator for Darfur who took up the post in August. In a statement to the press the Council expressed its support for the mediator and the efforts of Qatar and encouraged the good offices of Libya and other states in the region.

On 15 March five Darfur rebel groups agreed to participate in the Qatar-sponsored Darfur peace talks in Doha as a united delegation with a common position. Abdul Wahid al-Nur (a key rebel leader given his popularity among IDPs) continues to oppose peace talks from his base in France. On 17 February the government and JEM signed the Agreement of Goodwill and Confidence-Building for the Settlement of the Problem in Darfur. The parties agreed to work towards an early framework agree-

ment to lead to a cessation of hostilities and an end to the conflict within three months. Days after the signing, however, the two signatories clashed in northern Darfur, which resulted in deaths on both sides.

### Developments in the Sudan Sanctions Committee

On 10 March the chair of the Sudan Sanctions Committee briefed the Council, advising that the Panel of Experts had not visited Sudan since their 12 month mandate was renewed on 15 October because the government had blocked an expert's visa. The Council was told the Chadian permanent representative to the UN had agreed to meet with the Committee on the latest report of the Panel of Experts. It seems the Sudanese permanent representative is unwilling to similarly do so.

### Children and Armed Conflict

According to the Secretary-General's report on children and armed conflict in the Sudan, released on 10 February, children continue to be recruited and used by state and non-state parties in Sudan. Systematic and widespread rape and sexual violence continues. The report notes there has been no major improvement compared to the last reporting period, especially regarding the recruitment and use of children, rape and other sexual violence, killing and maiming and the denial of humanitarian access.

In early March the SPLM and the National Congress Party (NCP) submitted final arguments to the Permanent Court of Arbitration in The Hague regarding the boundaries of Abyei, a disputed area between the north and south. A final decision is expected late July. On 12 March the remaining SPLA (Sudan People's Liberation Army) and government armed forces withdrew from the Abyei roadmap area eight months after the deadline. Abyei's administrative budget continues to be withheld by Khartoum.

Both the SPLM and the NCP seem to remain willing to hold elections in July despite numerous outstanding problems. These include agreeing on census results, demarcating the north-south border, drawing boundaries for voter constituencies, nominating candidates, registering voters, voter education and implementing legal and

institutional reforms. The National Elections Commission has approached the UN for electoral assistance.

On 10 February the Comprehensive Peace Agreement's (CPA) disarmament, demobilisation and reintegration programme of former combatants commenced in Blue Nile State. One hundred and eighty thousand fighters in the north and south are expected to participate.

### Key Issues

A key issue for the Council will continue to be the humanitarian situation in Sudan. There are also concerns that the region as a whole may further destabilise if the humanitarian situation worsens.

The ICC arrest warrant is another issue. A related question is whether Khartoum is prepared to make changes on Darfur that several members of the Council have been demanding.

A further issue is the continued deterioration in relations between Chad and Sudan and the rising tensions on their border.

Another issue is the limited operational impact of UNAMID due in part to the continued absence of key military assets, shortfalls in logistical equipment and the lack of preparedness and equipment of troop contributing countries.

On north-south issues, a key question is whether peace can be sustained under the CPA. There are continued tensions and a potential for violence exists, especially related to the expected announcement of the April 2008 census results, the physical demarcation of the border, the demarcation of electoral constituency boundaries and the decision of the Permanent Court of Arbitration on Abyei's boundaries.

Another issue is the relevance of the sanctions regime given the difficulties faced by the Panel of Experts in executing their mandate.

### Options

The most likely option is an extension of the mandate of UNMIS for a further 12 months.

Other options related to north-south issues include:

- encouraging troop contributors to provide the additional 600 troops recommended in October following review of UNMIS military capabilities;
- requesting more regular briefings by the

Secretariat on CPA implementation given the number of outstanding CPA related tasks in 2009; and

- reemphasising the Council's request in resolution 1812 of 2008 for the Secretary-General to provide an assessment and recommendations on measures UNMIS might take to further support elections and to advance the peace process.

On Darfur, options include:

- adopting a formal decision about the humanitarian situation;
- holding an Arria-style meeting where key regional stakeholders, and those hosting figures key to the peace process, can brief the Council on their efforts to support inclusive peace talks;
- adopting a decision on the ICC warrant, perhaps signalling a willingness to consider a suspension provided that benchmarks determined by the Council are met;
- setting a timeframe for the investigation on the 8 July attacks against UNAMID (about which the Council said it was determined to take action);
- considering a package of targeted sanctions against peace spoilers, violators of international humanitarian law, and those arming Chadian rebels in Darfur;
- requiring that Sudan cooperate with the Sanction Committee's Panel of Experts; and
- encouraging the AU to share its recommendations following its visit to the region in October and November 2008 on the root causes of tension between Sudan and Chad.

### Council Dynamics

There seems to be broad willingness for the UNMIS mandate to be renewed. However, there are concerns that negotiations on the resolution could be protracted due to Council divisions over the ICC arrest warrant against al-Bashir.

The Council has been divided on Darfur and has been unable to speak forcefully on several issues including the military action in February in Muhajeriya between the government and JEM and the rapid deterioration of the humanitarian situation following the expulsion of humanitarian groups.

It seems since the ICC indictment of al-Bashir, positions within the Council on the deferral of ICC action have become more entrenched.

## UN Documents

### Selected Security Council Resolutions

- S/RES/1828 (31 July 2008) renewed UNAMID.
- S/RES/1812 (30 April 2008) renewed UNMIS.
- S/RES/1593 (31 March 2005) referred the situation in Darfur to the ICC.
- S/RES/1591 (29 March 2005) and S/RES/1556 (30 July 2004) imposed sanctions.

### Selected Reports

- S/2009/84 (10 February 2009) was the latest report on children and armed conflict in Sudan.
- S/2009/83 (10 February 2009) was the latest UNAMID report.
- S/2009/61 (30 January 2009) was the latest UNMIS report.

### Selected Council Meeting Records

- S/PV.6079 (5 February 2009) was the latest UNMIS briefing.
- S/PV.6054 (19 December 2008) was the latest open UNAMID briefing.

### Selected Letters

- S/2009/144 (6 March 2009) was the AU PSC communiqué on the ICC arrest warrant for President Al-Bashir.
- S/2009/100 (18 February 2009) was the Agreement of Goodwill and Confidence-Building for the Settlement of the Problem in Darfur.

### Other

- Report of the Joint Assessment Mission to Darfur by the UN and the Government of Sudan (23 March 2009)

## Other Relevant Facts

### UNAMID: Joint AU-UN Special Representative for Darfur

Rodolphe Adada (Republic of Congo)

### Joint AU-UN Chief Mediator

Djibrill Yipènè Bassolé (Burkina Faso)

### UNAMID: Size, Composition and Cost

- *Maximum authorised strength:* up to 19,555 military personnel, 3,772 police and 19 formed police units (total police 6432)
- *Strength as of 28 February 2009:* 12,604 military personnel and 2,510 police
- *Main troop contributors:* Nigeria, Rwanda, Egypt and Ethiopia
- *Cost:* 1 July 2008-30 June 2009: \$1.6 billion



### UNAMID: Duration

31 July 2007 to present; mandate expires 31 July 2009

### UNMIS: Special Representative of the Secretary-General and Head of Mission

Ashraf Qazi (Pakistan)

### UNMIS: Size, Composition and Cost

- *Maximum authorised strength:* up to 10,000 military and 715 police personnel
- *Strength as of 28 February 2009:* 8,724 troops, 567 observers and 669 police
- *Main troop contributors:* India, Pakistan and Bangladesh
- *Cost:* 1 July 2008-30 June 2009: \$858.77 million

### UNMIS: Duration

24 March 2005 to present; mandate expires 30 April 2009

## Israel/Palestine: Gaza

### Expected Council Action

The Secretariat is expected to brief the Council on the conclusions of a UN commission of inquiry into the damage to UN facilities and loss of life during the recent conflict in Gaza. The Secretary-General established the commission in February.

It seems likely that in April the Council will also pay close attention to the Egyptian mediated talks between Hamas and Israel on a permanent ceasefire in Gaza. This, along with the status of negotiations among Palestinian factions for the formation of a national unity government and other issues related to the stalled peace process, may be aired during the monthly Middle East briefing.

### Key Recent Developments

During the Gaza conflict a number of UN facilities were hit by Israeli shelling. On 15 January the UN Relief and Works Agency for Palestine Refugees (UNRWA) headquarters was partially destroyed. On 6 January at least forty people were killed in the Jabaliya refugee camp by Israeli shelling near a UN school that sheltered displaced

persons. In both cases Israel said that it had come under mortar fire from Palestinian militants from inside the UN facilities. This was rejected by UNWRA.

On 9 February the Secretary-General told the Council he had established a UN investigation into all incidents involving death and damage at UN premises in Gaza between 27 December and 18 January. He said that he would report to the Council but later clarified that this would involve a briefing on the investigation's conclusions. The investigation, led by Special Representative of the Secretary-General Ian Martin, began work on 12 February. On 13 February the president of the Council said members welcomed establishment of the investigation and took note of the Secretary-General's intention to report its conclusions to the Council.

Israel also launched an internal investigation into possible humanitarian law violations by its army during the war. On 19 March Israeli newspapers published accounts by Israeli soldiers alleging mistreatment of Palestinian civilians.

On 16 March a group of eminent international judges and investigators called on the Secretary-General to establish a UN commission of inquiry to investigate all serious violations of international humanitarian law committed by all parties to the conflict and provide recommendations on prosecution of those responsible. They emphasised that this was necessary to achieve peace in the Middle East.

After recognising the jurisdiction of the International Criminal Court on 21 January, the Palestinian Authority requested it to investigate war crimes by all sides during the conflict. The ICC is examining whether it can accept this request in view of the fact that the Palestinian Authority is not a state party to the ICC.

Efforts toward Palestinian unity continue. On 26 February, 13 Palestinian groups including Hamas and Fatah agreed to form five committees to address the composition of security services in Gaza and the West Bank, the formation of a unity government (which would prepare for parliamentary and presidential elections and lead the reconstruction and humanitarian aid efforts), reform of the Palestine Liberation Organisation, the holding of elections, and reconciliation. On 10 March the committees began work in Cairo.

The factions agreed to hold elections by 25 January 2010 but remained deadlocked over the unity government. Resumption of the talks is scheduled for 1 April. Palestinian Authority President and Fatah leader Mahmoud Abbas made any power sharing agreement conditional on Hamas's recognition of Israel and agreement to a two-state solution, but this was rejected by Hamas. The next Arab League summit scheduled in Doha on 30 March may provide an opportunity for further progress.

Egypt also continued to mediate talks between Hamas and Israel aimed at a permanent truce. Outgoing Israeli Prime Minister Ehud Olmert made freeing Gilad Shalit (an Israeli soldier held by Hamas since 2006) a precondition for the truce and for reopening Gaza's borders. In exchange, Hamas demanded the release of 450 long serving Palestinian prisoners. At press time talks appeared stalled.

On 13 March, after a meeting of experts in London, the UK, the US, Canada Denmark, France, Germany, Italy, the Netherlands and Norway agreed on a programme of action to stop the flow of weapons to Gaza. The measure is aimed at increasing Israel's sense of security and thus persuading it to ease its blockade of Gaza.

On 29 January the UN launched an appeal for \$613 million for Gaza's relief and reconstruction. On 2 March an international donors' conference on reconstruction in Gaza was held in Sharm el-Sheikh. \$4.48 billion was pledged, to be paid over the next two years. The Secretary-General said the continued closure of Gaza's border crossings was intolerable as it prevented entry of aid workers and essential commodities. Israel has progressively opened the crossings for humanitarian supplies but still refuses reconstruction material to enter.

On 18 February the UN Special Coordinator for the Middle East Peace Process, Robert Serry, briefed the Council on the situation in the Middle East. He emphasised the need for a permanent Gaza ceasefire as a return to violence remained possible.

Following the 10 February parliamentary election in Israel, President Shimon Peres asked the leader of the opposition Likud party, Benjamin Netanyahu, to form a new government. On 15 March he obtained agreement from the Israel Beitenou party to join in a coalition government (led by Avigdor Lieberman, Israel Beitenou has taken a

hard line towards Arab citizens of Israel and Palestinians). On 24 March, the Labour party joined the coalition as well.

On 27 January Under Secretary-General for Humanitarian Affairs John Holmes briefed the Council on the humanitarian situation after the Gaza conflict. The use of civilian installations by Hamas and the indiscriminate firing of rockets against civilians were clear violations of international humanitarian law, he said. Holmes also said that the Israeli Defense Forces had failed to protect civilians and humanitarian workers in Gaza. In addition, Israel's operations raised questions of respect for the principles of distinction and proportionality. He said there must be accountability. This was followed by a briefing from UNRWA Commissioner-General Karen Koning AbuZayd.

## Options

In response to the conclusions of the UN investigation, possible Council options include:

- remaining silent;
- issuing a press statement taking note of the conclusions;
- adopting a presidential statement supporting any recommendations made by the Secretary-General;
- holding a debate on this issue either following the briefing or during the April monthly briefing on the Middle East;
- initiating discussions on the establishment of a commission of investigation into serious violations of international humanitarian law committed during the conflict; and
- referring the issues to the ICC as it did in March 2005 in resolution 1593 when it referred the Darfur situation to the ICC.

If there are positive developments on a permanent ceasefire or on the formation of a Palestinian unity government, the Council could include positive elements in any Council statement. Alternatively a statement could simply encourage further implementation of resolution 1860 (please see our 26 January *Update Report* on Gaza).

## Key Issues

A key question is the Secretary-General's stance on whether the Council should take up the Gaza accountability issues and whether he takes a narrow approach or also touches on the broader issue of war crimes committed during the conflict.

The second issue is then whether the Council takes up the question and whether there

is pressure for it to extend its ambit beyond the Secretary-General's conclusions.

A major underlying issue is whether there will be progress on the formation of a Palestinian national unity government. This would not only facilitate reconstruction and enable Egypt and Israel to open their borders with Gaza with a Palestinian Authority presence on the Gaza side, but also it would enable the Council to focus on positive elements in addition to accountability ones.

A related issue is Hamas's status in any such unity government. On 27 February US Secretary of State Hillary Clinton said that reconciliation will not mean progress unless Hamas accepts Israel's right to exist and previous peace agreements. The position of the Council if Hamas joins the government without fulfilling those conditions will be an important issue.

### Council Dynamics

US Middle East Envoy George Mitchell and Secretary of State Hillary Clinton both visited the region in March. Clinton reiterated the need to consider a two-state solution and pledged support for the Palestinian Authority as the only legitimate government of the Palestinian people. She also denounced an Israeli plan to destroy Palestinian houses in East Jerusalem, saying it went against the peace process. The US also pledged \$900 million to Gaza's reconstruction and made overtures toward Syria. The US continues to consider the Quartet as the most effective instrument for advancing peace in the Middle East but may be more open to some discussion of Israeli-Palestinian issues in the Council as part of this more generally proactive approach. It remains to be seen how any request for a debate will play out.

Council members seem very cautious regarding the general issue of accountability. Some delegations (Mexico and Austria) have made statements emphasising respect for humanitarian law and addressing impunity and may therefore be open to a Council follow-up to the UN Inquiry, although they may not take the initiative. Others including France, the UK, Japan, Turkey and Uganda seem to believe that, while accountability is important, it might not be timely to address this issue as it might hamper Palestinian reconciliation.

The US seems ultra cautious, preferring that the Council not address this issue and that the Secretary-General be hesitant about making recommendations. The US believes

that as Israel is conducting an investigation there is no need for another one. Russia and China seem open to discussion of accountability, particularly regarding the damage to UN facilities but seem unlikely to take any initiative in the Council.

The Arab League supports the Council addressing accountability for Israeli violations. This may translate into proposals for a Council reaction to the UN inquiry and perhaps even discussion about the broader issue of war crimes. If this meets US resistance, the Arab League could look for compromise—perhaps in an agreed format for a Council debate on the issues which would allow the problem to be ventilated in public. Alternatively, it may take it to the General Assembly. It seems that the Arab Group has also advocated for the UN inquiry report to become public.

Overall, most Council members are waiting for the Secretariat briefing before deciding their positions on the possible Council response.

On the broader issues related to Gaza, there is ongoing support for full implementation of resolution 1860. Palestinian unity and permanent truce are considered priorities. For more information on the Security Council's involvement in the Middle East peace process, please visit our December 2007 Special Research Report *The Middle East 1947–2007: Sixty Years of Security Council Engagement on the Israel/Palestine Question*.

### Selected UN Documents

#### Security Council Resolutions

- S/RES/1860 (8 January 2009) called for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza and condemned violence against civilians and acts of terrorism.
- S/RES/1850 (16 December 2008) declared Council support for the Annapolis peace process and its commitment to the irreversibility of bilateral negotiations.

#### Latest Security Council Press Statement

- SC/9580 (21 January 2009) emphasised the need for full implementation of resolution 1860.

#### Latest Security Council Briefings

- S/PV.6084 (18 February 2009)
- S/PV.6077 (27 January 2009)



### Useful Additional Sources

- *Gaza: World's leading investigators call for war crimes inquiry*, Amnesty International UK Press Release, 16 March 2009
- Final *communiqué* of the Gaza anti-smuggling conference held in London on 13 March
- *Foreign-supplied weapons used against civilians by Israel and Hamas*, Amnesty International, 20 February 2009

## Children and Armed Conflict

### Expected Council Action

The Council will discuss children and armed conflict in an open debate on 29 April. The foreign minister of Mexico, Patricia Espinoza, is expected to preside.

Members will focus on the Secretary-General's progress report on the implementation of resolution 1612, which in 2005 established the monitoring and reporting mechanism and set up the Working Group on Children and Armed Conflict.

A presidential statement is a likely outcome of the debate with possibly a commitment to start work on a new resolution for later in the year.

Security Council Report will publish its second *Cross-Cutting Report on Children and Armed Conflict* in April in preparation for the debate.

### Key Recent Developments

The Secretary-General's report is expected to be circulated in mid April with the latest list of parties that recruit or use children in armed conflict in the two annexes. Annex I is made up of situations on the Council's formal agenda and Annex II are those situations that are not on the Council's agenda. Possible recommendations include the following.

- Expanding the criteria for inclusion of parties in the two annexes to include parties committing rape and other grave sexual violence, with the possibility for further expansion in the future. There are six violations considered grievous for

children in situations of armed conflict (recruiting and use of child soldiers, killing and maiming of children, rape and other grave sexual violence against children, illicit exploitation of natural resources, abduction of children and denial of humanitarian access to children). However, only recruitment of children is used in assessing if a group should be placed on the Secretary-General's annexes.

- Giving more attention to situations in the Secretary-General's report which are not in his annexes (i.e. situations of conflict where there are violations against children but no child recruitment. In the 2007 report, this included Iraq, Haiti, Lebanon and the Occupied Palestinian Territories and Israel).
- Suggesting that all relevant peacekeeping mission mandates include child protection provisions and child protection advisers.
- Reinforcing the need for parties listed in the annexes to respond to demands for concrete time-bound action plans.

Resolution 1612, adopted in July 2005, established a monitoring and reporting mechanism to collect, organise and verify information on violations against children in armed conflict and on progress made by parties in the Secretary-General's annexes in complying with international norms on children and armed conflict. The monitoring and reporting mechanism has now been established in all conflicts listed in Annex I: Afghanistan, Burundi, Central African Republic, Democratic Republic of the Congo (DRC), Myanmar, Nepal, Somalia, and southern Sudan and Darfur (considered together); and the five Annex II situations (those not on the Council's agenda): Chad, Colombia, Philippines, Sri Lanka and Uganda.

The Working Group also set up by resolution 1612 has, since its establishment in November 2005, considered 24 reports and adopted 21 conclusions. However, there is an increasing time lag between considering reports and issuing conclusions.

The trial of Thomas Lubanga, leader of the Union of Congolese Patriots (*Union des patriots congolais*, or UPC) from DRC and the first individual to be charged solely for the conscription and use of children under the age of 15, began on 26 January. This trial

is seen by many observers as significant in demonstrating that the use of children in armed conflict is a war crime that can be prosecuted at the international level.

On 17 July 2008, the Council held an open debate initiated by Vietnam. The presidential statement following the debate reiterated the need for a stronger focus on the long-term effects of armed conflict on children and encouraged the Working Group to further improve transparency and efficiency. Unlike the previous presidential statement of February 2008, there was no reference to persistent violators, the need for time-bound action plans or reviewing provisions of its resolutions.

In January Mexico became the new chair of the Working Group when France, which had been instrumental in setting up the Working Group, stepped down after three years.

### Options

The most likely option in April is a presidential statement reaffirming the Council's commitment to addressing the impact of armed conflict on children and to implementing 1612. Possible elements include:

- committing to working on a new resolution;
- demanding that persistent violators comply with all demands to stop recruitment and release children (special mention could be made of groups like the Lord's Resistance Army (LRA), which has ignored several public statements, and the government of Nepal, which has pledged but failed to release and rehabilitate minors being held in Maoist cantonments); and
- emphasising the need for groups to deliver and implement time-bound action plans as soon as possible.

Other possible elements may be:

- asking the Secretary-General to estimate how many more situations would come onto the Council if more violations were used to trigger the listing of a party in the annexes;
- suggesting a review of the impact of the recommendations of the Working Group to assess the most effective tools used;
- discussing lessons learned from the implementation of 1612 over the last three years; and
- requesting the Secretary-General to provide recommendations for better

Secretariat support for the Working Group, keeping in mind the need for transparency and institutional memory.

The adoption of a resolution is less likely in April but in the event that a decision is taken to work on a range of new measures for adoption late in 2009, the following are possible options.

Options for the Council include:

- leaving the monitoring and reporting mechanism as is for a further period;
- requesting the Secretary-General to provide an indicative assessment of how many new groups would be placed on the annexes of the Secretary-General's report if the criteria are expanded to include some or all six major violations;
- deciding to add some additional violations which could be used as triggers for inclusion in the Secretary-General's annexes but leaving the other violations for consideration at a later time;
- deciding to formally evaluate the work of the monitoring and reporting mechanism at regular intervals; and
- requesting the Secretary-General to consider how the Secretariat could provide greater support for the Working Group, keeping in mind the need for transparency and institutional memory.

Options for the Working Group and the reporting by the Secretary-General include the following.

- Request the Secretariat to provide the Working Group with a monthly table which updates responses to and implementation of action requested by the Working Group.
- Decide to issue all Working Group correspondence, including follow-up correspondence, as UN documents (under the S/AC.51 document heading) in order to create an institutional memory and promote transparency.
- Develop other possibilities for putting pressure on persistent violators in addition to the threat of targeted sanctions. One possible example is recommending that the Council refer cases to the ICC. On a case by case basis this possibility could be referred to in letters to parties or press statements. Another possibility for intensifying leverage on persistent violators would be to consider a visit of the Working Group (or a subgroup) to such situations on the annexes.



- Request the Secretary-General to establish a focal point for children and armed conflict in the Department of Political Affairs with responsibility for a closer working relationship with those involved in peace negotiations to ensure that there are strong provisions on child soldiers in all relevant peace agreements.
- Develop innovative and systematic systems for ensuring that the conclusions of the Working Group and any Council decisions are effectively disseminated to all parties included in the Secretary-General's annexes. This could include specific requests to relevant Special Representatives, Special Envoys and UN agencies with effective field presences in the countries in question and to UN member states or NGOs actually engaged in relevant mediation processes.
- Adjust the work programme of the Working Group to respond to a fast changing situation such as, for example, the deterioration in the DRC at the end of 2008. In that case, by the time the DRC report was issued in January, much of the information was out of date. One possibility would be to agree that the chair may convene Working Group meetings at short notice in such situations. Another may be to agree to targeted briefings from NGOs (in the past, a key avenue for such briefings was the Arria formula and between 2000 and 2008 a majority of Council open debates on children and armed conflict were preceded by an Arria briefing).
- Establish a systematic channel of communication between the Working Group and existing sanctions committees for situations being considered by the Working Group that have a sanctions regime (i.e. DRC, Somalia, Sudan). This could be done by requesting the chair to be active in this regard.
- Review the working methods and output of the Working Group to ensure that the Group is functioning as effectively as possible. Among the possible areas for consideration would be whether to change the format of the conclusions and whether there is a need to develop a mechanism to take up fast changing situations ahead of more stable ones.
- Increase dialogue with governments that have parties listed in the Secretary-General's annexes that are active within their national territories, perhaps mandating the chair to be active in this regard.

- Ensure input to the Council's terms of reference ahead of Council visiting missions so that the Council can focus on possible follow-ups to Working Group recommendations when visiting countries that are on the Secretary-General's annexes.

Options regarding Annex II situations follow.

- The Council could signal in a new resolution that it is willing, on a case by case basis, to consider recommendations from the Working Group on targeted measures in situations not on the Council's agenda.
- Signalling that if targeted measures were applied in Annex II situations, the mandate of the Working Group could be expanded to allow it to identify individuals for targeted measures and to oversee implementation of such measures.
- Requesting the Security Council to provide the Working Group with a more formal Secretariat assistance for reports and meeting arrangements.

### Key Issues

A key issue is whether the Council should more actively reinforce the efforts of the Working Group in country-specific situations. In Nepal, for example, the issue of former Maoist combatants recruited as minors, and still remaining in the cantonments, is key for the UN Mission in Nepal (UNMIN). This is also an issue that concerns the Working Group. By using information obtained from the Secretary-General's report on children and armed conflict in Nepal, the Council may be able to address this issue more forcibly when considering the report of the Secretary-General on UNMIN.

Another issue is the impact of the Working Group chair rather than the Council president carrying out recommendations involving communication with non-state actors, and sometimes with governments. This has been an increasing trend.

A significant issue for the Working Group is how to ensure that parties recruiting children continue to respond to its requests.

Related is how to get agreement on using stronger action against persistent violators. (The Secretary-General's 2007 report highlighted 16 groups that have been on the Secretary-General's annexes for four consecutive reports.) With some members opposing targeted sanctions, an alternative form of pressure may be needed.

Also an issue is how to respond to fast changing situations. The November 2008 DRC report discussed in January 2009 was outdated given the escalation of violence in eastern DRC at the end of 2008.

A connected question is whether better communications can be developed between the Working Group and sanctions committees in country situations in Annex I such as the Sudan, DRC and Somalia.

Another issue is ensuring that a new resolution enhances resolution 1612 and does not hamper the functioning of either the monitoring and reporting mechanism or the Working Group.

Further issues include getting more groups to agree and implement action plans (formal action plans have only been signed with the four parties in Côte d'Ivoire, the Uganda People's Defence Forces, and the TMVP/Karuna faction in Sri Lanka) and keeping track of documents over the years and maintaining an institutional memory now that the chair is likely to rotate every two years.

A future issue, if there is agreement to start negotiating a resolution, is finding consensus on how to expand the trigger for including parties in the Secretary-General's annexes.

### Council Dynamics

Many feel 2008 was a difficult year for the Working Group on Children and Armed Conflict. A lack of consensus over conclusions on Myanmar and divisions on the Working Group's working methods slowed consideration of reports and adopting conclusions in the first half of the year. However, by the end of the year it had appeared to be back on track, issuing four conclusions in December 2008.

The current composition of the Council, with several new members keen on thematic issues, suggests a productive dynamic in the Working Group this year. However, some old divisions may still produce delays. In the last two months disagreement between the US and Russia

over language on killing and maiming of children in Afghanistan has delayed issuing conclusions on that country. The decision to proceed with a resolution is likely to see past differences resurface. For example, in considering an expansion of the trigger for placement on the Secretary-General's annexes, some members may be comfortable with new criteria such as sexual violence. But others like Russia and China seem unwilling to have the sexual violence criteria without also adding killing and maiming.

Lack of consensus over the kinds of stronger action that might be employed against persistent violators is also likely to prove divisive given opposition to using targeted sanctions among some members, particularly China. But also it may provoke some innovative thinking.

Among the new members, Mexico as chair is likely to play a key role in shaping the issue over the next two years. Uganda will be the first Council member to have an armed group which originated in its territory being considered and its input will be very important when the Working Group next discusses the LRA. France, now that it is no longer chair, may be able to more easily deploy its extensive knowledge in helping to negotiate a new resolution.

## UN Documents

### Selected Security Council Resolution

- S/RES/1612 (26 July 2005) requested the Secretary-General implement a monitoring and reporting mechanism and set up a working group on children and armed conflict.

### Selected Presidential Statements

- S/PRST/2008/28 (17 July 2008) reiterated the need for stronger focus by all parties concerned on the long-term effects of armed conflict on children.
- SPRST/2008/6 (12 February 2008) reaffirmed the Council's commitment to address the impact of armed conflict on children and expressed its readiness to review past resolutions and build on the resolution of 1612.

### Selected Reports

- S/2009/84 (10 February 2009) was the report of the Secretary-General on children and armed conflict in the Sudan.

- S/2009/66 (3 February 2009) was the report of the Secretary-General on children and armed conflict in the Central African Republic.
- S/2008/782 (12 December 2008) was the report of the Security Council mission to Afghanistan from 21 to 28 November 2008.
- S/2008/693 (10 November 2008) was the report of the Secretary-General on children and armed conflict in the DRC.
- S/2008/695 (10 November 2008) was the report of the Secretary-General on children and armed conflict in Afghanistan.
- S/2008/532 (7 August 2008) was the report of the Secretary-General on children and armed conflict in Chad.

### Security Council Debate Records

- S/PV.5936 and resumption 1 (17 July 2008)
- S/PV.5834 (12 February 2008)

### Conclusions of the Security Council Working Group

- S/AC.51/2008/15 (5 December 2008) were the conclusions on Chad.
- S/AC.51/2008/14 (5 December 2008) were the conclusions on Somalia.
- S/AC.51/2008/13 (5 December 2008) were the conclusions on Uganda.
- S/AC.51/2008/12 (5 December 2008) were the conclusions on Nepal.
- S/AC.51/2008/11 (21 October 2008) were the conclusions on Sri Lanka.
- S/AC.51/2008/10 (3 October 2008) were the conclusions on the Philippines.
- S/AC.51/2008/8 (25 July 2008) were the conclusions on Myanmar.

### Selected Letter

- S/2008/455 (11 July 2008) was the letter on the Working Group's activities from 1 July 2007 to 30 June 2008.

### Other

- S/2006/275 (2 May 2006) set out the terms of reference for the Working Group on Children and Armed Conflict.
- A/63/227 (6 August 2008) was the latest report by the Special Representative to the Secretary-General on Children and Armed Conflict.

## Somalia

### Expected Council Action

The Secretary-General is due to report by 15 April on a possible UN peacekeeping deployment to Somalia as requested by resolution 1863. The Council has signaled that it wants to decide by 1 June whether to authorise such a deployment to replace the AU Mission to Somalia (AMISOM). Substantive negotiations on the Secretary-General's recommendations are also likely to be influenced by developments on the ground and are unlikely to start until May, but a briefing in April is a possibility.

### Key Recent Developments

Following two days of intense fighting that reportedly killed more than fifty people in Mogadishu, the Council issued a press statement on 25 February calling on all Somalis to reject violence. It also condemned the 22 February attack on AMISOM, which killed 11 Burundian peacekeepers.

On 26-27 February the new Somali foreign minister, Mohamed Abdullahi Omaar, attended a meeting in Brussels of the International Contact Group on Somalia chaired by the Secretary-General's Special Representative Ahmedou Ould-Abdallah. On 26 February Omar Abdirashid Ali Sharmarke, the new Somali prime minister, arrived in Mogadishu for the first time since his appointment on 13 February. On 12 March the Somali parliament held its first meeting in Mogadishu after relocating from Djibouti with 298 parliamentarians reportedly in attendance.

On 10 March the Somali cabinet unanimously decided to implement Islamic law. The decision was seen as an attempt to limit the influence of the insurgents. However, the Islamist insurgent group Al-Shabaab seems to have rejected it as hypocritical. The leader of a recently formed insurgent group Hisbi Islam, Omar Iman, said in a statement on 8 March that his group did not recognise the new government and would continue attacks against AMISOM. On 19 March an audio recording published on the internet claiming to be from Usama bin Laden attacked the new president, accusing him of cooperating with the infidels. Sheik Hassan Dahir Aweys, leader of the Eritrea-based faction of the Alliance for the Reliberation of Somalia (ARS), reportedly distanced himself from the Al-Qaida

message, saying that Somalis themselves must decide on their future.

President Sheikh Sharif Sheikh Ahmed on 8 March embarked on a round of official visits to countries in the region. He first went to Kenya and then visited Uganda, Burundi and Rwanda. In an interview in Nairobi he said that peace talks mediated by clan elders were progressing and that he hoped soon to meet directly with Al-Shabaab and other opponents. He dismissed last month's call from clan elders and clerics for AMISOM to leave. In Burundi, President Pierre Nkurunziza promised that his country would contribute additional troops to AMISOM, but said requirements were still being discussed with the UN and AU.

On 11 March the AU Peace and Security Council extended AMISOM's mandate for three months from 17 March. There were renewed calls from clan elders in Mogadishu as well as some parliamentarians for AMISOM to leave within 120 days from 1 March.

The Secretary-General's 9 March report welcomed President Ahmed's willingness to reach out to groups opposed to the Djibouti process and called on donors to provide resources to help bring stability to Somalia. It expressed deep concern about the human rights situation and welcomed agreement under the Djibouti process on a working group to discuss establishing a commission of inquiry to investigate violations.

The report also included an update on support to AMISOM and Somali security institutions, as well as contingency planning for possible deployment of a UN peacekeeping operation. It concluded that "there remains uncertainty about whether peacekeeping is the right tool to back the political process in Somalia". Several key conditions must be met for a peacekeeping operation to be effective, including formation of a government inclusive of elements currently outside the Djibouti process, operation of joint security forces in Mogadishu, implementation of a credible ceasefire, consent to the deployment by all major parties and adequate pledges of troops and military capacities.

On 16 March the Secretary-General reported on piracy, noting that the issue could be resolved only through an integrated approach addressing the situation

on land in Somalia. He recommended effective implementation and possibly strengthening of existing legal frameworks, including targeted sanctions against key pirate leaders, as well as capacity building assistance to states in the region. The report recommended the UN's role should not be expanded beyond the current information coordination and liaison role.

In a meeting on 20 March the Council was briefed by the Secretary-General's Special Representative for Somalia Ould-Abdallah, who said Somalia was "back from the brink" and outlined six immediate priorities: supporting the government, strengthening AMISOM, providing humanitarian assistance, implementing targeted sanctions, fighting impunity and consolidating anti-piracy efforts. Somali Foreign Minister Omaar also spoke, striking a positive note, and said there were no more warlords or political factions holding the country hostage. The government's first actions, he said, included relocating government institutions to Mogadishu, establishing joint security forces, mobilising support for the peace process, reestablishing authority in the economic sector and dialogue with regional parties and neighbouring countries. Going forward, the government's main priorities would be security stabilisation, which would require strengthening of AMISOM and Somali security forces, government capacity building, humanitarian assistance and counter-piracy measures. A UN peacekeeping operation would be welcomed, Omaar said, while many of the conditions outlined by the Secretary-General had already been met.

The EU announced it was ready to provide naval protection for deliveries to AMISOM in response to a request from the Secretary-General.

After the meeting the Council issued a press statement welcoming positive political developments, calling on all Somalis to join the peace process and condemning the 18 March attacks on AMISOM that killed one Ugandan peacekeeper.

### **Key Issues**

A key issue is ensuring implementation of and providing adequate support for the current UN strategy for Somalia. This strategy includes support for AMISOM and Somali security institutions and support for the government and the political process as well as activities of the UN country team. A key objective is to ensure that AMISOM and

Somali institutions have the capacity to provide security for the Djibouti peace process and for the UN Political Office for Somalia (UNPOS) to relocate to Mogadishu and also allow humanitarians to operate.

Some key elements of the strategy are still not in place. The General Assembly is expected to approve the first part of the UN funding (approximately \$81 million) for AMISOM by the end of March but it will take more time before the full support package is deployed. The level of bilateral support is still unclear as the donors' conference has yet to take place. It is now planned for 22 April in Brussels. The strategy also depends on African countries' willingness to contribute troops to AMISOM.

The longer term issue is whether to pursue a UN peacekeeping operation. The Secretary-General's 9 March report signaled that he was not convinced that UN peacekeeping would be "the right tool". It remains to be seen whether developments will affect his conclusions in the April report.

A related issue is that mid April will be too early to see results from reconciliation talks and the support package for AMISOM and Somali security forces will barely have been approved, let alone deployed.

A third issue is that it is still far from clear whether Somalis themselves really want international forces in their country. A closely related issue is whether AU would be willing to extend AMISOM's mandate beyond June.

In addition to assessing whether conditions in Somalia are ripe for UN peacekeeping, the Secretary-General is expected to report in April on other options to enhance security.

### **Options**

The Council is not expected to take any action in April. One possible option is a briefing by the Under Secretary-General for Peacekeeping Operations, Alain Le Roy, once the Secretary-General's report is available.

## Council Dynamics

Council members appear cautiously optimistic about political developments but are still very concerned about the underlying security and humanitarian situation, including violations of international humanitarian law. There is also a focus by some on the problem of impunity. Members seem agreed that a comprehensive approach is needed to support the new government, as outlined by Ould-Abdallah in his briefing, but differences on the details remain substantial.

Members are not staking out positions in advance on the question of a UN peacekeeping force. There is a strong preference to see the Secretary-General's April report and to closely watch developments in Somalia. US policy is still under review, but it is now widely expected that the US will be less focused on military solutions driven by counterterrorism agendas. African members still, overall, seem supportive of the AU position on a UN force replacing the AMISOM contingent. But they are less vocal than in 2008 when South Africa championed this solution.

Most members seem to want to see more political progress and improvement in the security situation and appear skeptical that the benchmarks set out in the Secretary-General's latest report will be met by the Council's self-imposed 1 June deadline. African members, however, are keen that the benchmarks not be interpreted too strictly nor be used as an excuse to not establish a peacekeeping operation. A majority seem to be looking for real progress on the ground with the AMISOM support package before considering transition to a UN operation.

## UN Documents

### Selected Security Council Resolutions

- S/RES/1863 (16 January 2009) renewed authorisation of AMISOM for up to six months, approved using UN resources to strengthen AMISOM and expressed the Council's intention to establish a UN peacekeeping operation by 1 June 2009.
- S/RES/1853 (19 December 2008) renewed the mandate of the Monitoring Group for 12 months.

- S/RES/1851 (16 December 2008) expanded the anti-piracy authorisation to include action on land in Somalia and called for enhanced coordination.
- S/RES/1846 (2 December 2008) renewed authorisation of action against piracy in Somalia for 12 months.
- S/RES/1844 (20 November 2008) imposed targeted sanctions.
- S/RES/1838 (7 October 2008) called for intensified action against piracy in Somalia.

### Selected Presidential Statement

- S/PRST/2008/33 (4 September 2008) requested detailed planning on an international stabilisation force and peacekeeping operation.

### Selected Secretary-General's Reports

- S/2009/146 (16 March 2009) was the report on piracy submitted pursuant to resolution 1846.
- S/2009/132 (9 March 2009) was the most recent regular report.
- S/2009/60 (30 January 2009) was the report requested by resolution 1863 on equipment and services to be provided to AMISOM.

### Latest Monitoring Group's Report

- S/2008/769 (10 December 2008)

### Other

- SC/9621 (20 March 2009) was a press statement welcoming political progress in Somalia and condemning attacks on AMISOM.
- S/2009/136 (6 March 2009) was a letter from the Secretary-General informing the Council of the appointment of four experts to the Monitoring Group. A fifth expert is yet to be appointed.
- SC/9600 (25 February 2009) was a press statement condemning the 22 February attack on AMISOM.
- S/2009/80 (4 February 2009) was a letter from the US informing the Council about the first meeting of the contact group on piracy off the coast of Somalia.

## Other Relevant Facts

### Special Representative of the Secretary-General

Ahmedou Ould-Abdallah (Mauritania)

### UNPOS

- *Maximum authorised size:* 44 international and 28 local civilians
- *Cost:* \$6.4 million (budget for the period 1 January to 30 June 2009)
- *Duration:* 15 April 1995 to present; mandate expires on 31 December 2009

### Chairman of the Somalia Sanctions Committee

Claude Heller (Mexico)

### AMISOM

- *Maximum authorised strength:* 8,000 troops plus maritime and air components.
- *Strength as of March 2009:* about 3,450 Ugandan and Burundian troops (before expected deployment of one additional Ugandan battalion at the end of March).
- *Key resource contributors:* China, Italy, Japan, Sweden, the UK, the US and the EU and Arab League.
- *Duration:* February 2007 to present: AU mandate expires on 17 June 2009 and Council authorisation expires on 16 July 2009.

## Democratic Republic of the Congo

### Expected Council Action

In April the Council is expected to consider the Secretary-General's report on the Democratic Republic of the Congo (DRC) and the UN Mission in the DRC (MONUC), due on 31 March. The mandate of MONUC expires on 31 December.

### Key Recent Developments

The situation, particularly in the eastern and northeastern regions, continues to be tense. The DRC government's joint military operation with Uganda against the rebel Lord's Resistance Army (LRA) in northeastern DRC has ended. The joint action with Rwanda against the rebel Democratic Forces for the Liberation of Rwanda (*Forces démocratiques de libération du Rwanda* or FDLR) in eastern DRC has also ended. Rwandan troops withdrew at the end of February, and the Ugandan army commenced withdrawal on 16 March.

In mid March MONUC indicated that progress was continuing in the voluntary repatriation of former FDLR combatants and dependents, with more than 1,430 Rwandan rebels and their dependents having been sent home since January. This brought to a total of more than 5,700 Rwandan ex-combatants and civilians who had returned to Rwanda from northeastern DRC with UN assistance in recent months.

On 5 March former Mai Mai militia commander Gédéon Kyungu Mutanga and twenty other Mai Mai combatants were convicted by a Congolese military court of crimes including those against humanity. The court also ruled that the DRC government had civil liability for its failure to disarm the Mai Mai and awarded damages to victims. (Mutanga was the head of the Mai Mai militia that perpetrated brutal crimes in central Katanga, an area that became known as “the death triangle”.)

On 23 March the Congolese government and the rebel National Congress for the Defence of the People (*Congrès national pour la défense du peuple* or CNDP) signed a key political and security agreement in Goma. (The government and CNDP have been engaged in negotiations to end hostilities and set up a joint security programme in the Kivus for the past few months.) The Secretary-General’s Special Representative for the DRC, Alan Doss, and the Secretary-General’s Special Envoy on the Great Lakes Region, former Nigerian President Olusegun Obasanjo, and his AU counterpart, Benjamin Mkapa, were present in Goma for the signing ceremony.

On 3 March the Council’s DRC Sanctions Committee added four individuals to its travel ban and assets freeze list: Callixte Mbarushimana, Stanislas Nzeyimana, Pacifique Ntawunguka, and Leopold Mujyambere. In an important development, the reasons for listing the last three included the abduction and sexual abuse of girls and the recruitment and use of child soldiers. The Council had included child recruitment as well as violence against women and children as the basis for imposing individually targeted sanctions in resolutions 1698 of July 2006 and 1807 of March 2008, respectively. Despite MONUC’s earlier reports about these abuses continuing on a serious scale, the Sanctions Committee had not put anybody on the list for these reasons until now.

On 17 February the Council was briefed on the humanitarian situation in the DRC by Under Secretary-General for Humanitarian Affairs John Holmes. Subsequently, the president of the Council briefed the press on the Council’s concerns on the humanitarian situation in the eastern parts of the DRC, the priority being the protection of civilians. The Council president condemned brutal attacks by the LRA and called on governments to cooperate with MONUC planning and executing joint operations.

On 19 February the Secretary-General wrote to the Council to inform it about a revised concept of operations and rules of engagement for MONUC.

### Key Issues

The key issue for Council members is whether recent developments are likely to improve security in the eastern and north-eastern parts of the country.

The issue of civilian protection remains strongly in Council members’ minds in light of the violence of late 2008 and in the wake of DRC’s joint military operations with Rwanda against the FDLR and Uganda against the LRA. There are questions whether the joint military operations achieved the goals of containing the respective rebel movements. The joint operation between the DRC and Rwanda seems to have achieved its initial goal of dislodging the FDLR from its bases, but there are concerns that the departure of Rwandan troops was premature and may have created a security vacuum that will be exploited by the FDLR. The FDLR was reported to have launched new attacks against civilians and government positions in March. Efforts are reportedly underway for a joint operation between the DRC military and MONUC (Operation Kimia II) to address these attacks and this is likely to be an issue of major interest.

The joint operation with Uganda appears to have been less successful. It did not achieve its initial intention of permanently crippling the LRA, and there now seems to be a destabilised situation in the area with LRA still posing a threat. Reports of LRA attacks against civilians have continued during March. There is concern that the withdrawal of Ugandan troops will result in a further resurgence of LRA activity since the Congolese army does not appear to have adequate capacity to keep the rebels at bay.

Another issue is whether the Council will put additional political weight behind the UN’s efforts to generate additional troops with requisite logistical support to reinforce the capacity of MONUC to take rapid action to protect civilians. This is a measure that the Council authorised in November. Firm pledges have reportedly been made by Bangladesh, Egypt and Jordan to provide troops, and Belgium has offered one C-130 aircraft to MONUC. However, no additional troops have been sent to the field, and the failure to commit outstanding air assets (18 utility helicopters and an additional C-130 aircraft) threatens to undermine the intended mobility and rapid reaction capacity of the mission.

### Options

Options before the Council include:

- strongly encouraging member states to urgently provide the additional capacities required by MONUC;
- addressing the humanitarian situation and reiterating the need for continued cooperation between MONUC and the DRC army in curbing rebel activity in the country; and
- the DRC Sanctions Committee adding individuals and entities to its sanctions list in the light of ongoing reports of atrocities.

### Council Dynamics

Council dynamics seem to suggest a pervasive wait and see attitude. Members appear inclined to monitor developments and shape subsequent decisions with reference to the Secretary-General’s new report.

Further action by the DRC Sanctions Committee to include new names on the sanctions list is unclear. Any decision of the Committee to impose sanctions requires the consensus of all its members. The inclusion of the recent names on the list resulted from an initiative jointly taken by Belgium, France, the UK and the US.

France is the lead country in the Council on the issue of the DRC.

## Underlying Problems

The key challenges confronting the DRC continue to be weak state institutions, lack of full and effective state authority throughout its national territory, impunity, the security challenges posed by the operations of both foreign and local illegal armed groups, particularly in eastern and north-eastern DRC, and their humanitarian consequences. There are also difficulties related to the repatriation of Congolese refugees from neighbouring countries like Tanzania, including housing and issues such as property or land disputes upon their return to the DRC.

## UN Documents

### Selected Security Council Resolutions

- S/RES/1857 (22 December 2008) renewed the sanctions regime for DRC and extended the mandate of the Group of Experts until 30 November.
- S/RES/1856 (22 December 2008) renewed MONUC's mandate and continued authorisation of the additional 3,085 troops for MONUC until 31 December 2009.
- S/RES/1843 (20 November 2008) authorised the temporary deployment of an additional 3,085 troops to reinforce MONUC's capacity.
- S/RES/1807 (31 March 2008) lifted the arms embargo for government forces, strengthened measures related to aviation and customs.
- S/RES/1698 (31 July 2006), 1649 (21 December 2005) and 1596 (18 April 2005) strengthened sanctions, including provisions in resolution 1698 against actors recruiting and using children in armed conflict in the DRC.

### Latest Presidential Statements

- S/PRST/2008/48 (22 December 2008) welcomed regional efforts to address the security threat posed by the LRA.
- S/PRST/2008/40 (29 October 2008) condemned the offensive by the rebel CNDP 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 and requested a comprehensive analysis of the situation.

### Latest Secretary-General's Report

- S/2008/728 (18 November 2008) was the fourth special report on the DRC.

## Selected Sanctions Committee Document

- S/2008/773 (12 December 2008) was the latest report of the Group of Experts for the DRC.

### Other

- SC/9608 (3 March 2009) was the press release on the addition of four individuals to the assets freeze and travel ban list by the DRC Sanctions Committee.
- S/2009/105 (19 February 2009) was the letter from Secretary-General informing the Council of the revised concept of operations and rules of engagement for MONUC.
- S/PV.6083 (17 February 2009) was the briefing to the Council on the humanitarian situation in the DRC by Under Secretary-General for Humanitarian Affairs John Holmes.
- S/2009/52 (27 January 2009) was the letter from the Secretary-General informing the president of the Council about difficulties being encountered in attempts to secure additional troops and capacities for MONUC.
- SC/9576 (16 January 2009) was the press statement of the Security Council expressing concern about LRA activities.
- SG/SM/12029 (30 December 2008) was the Secretary-General's press statement on the LRA.
- S/2008/791 (15 December 2008) was the response from Rwanda to the accusations of the Group of Experts for the DRC.
- S-8/1 (1 December 2008) was the resolution adopted by the Special Session of the Human Rights Council.

## Other Relevant Facts

### Chairman of the DRC Sanctions Committee

Ambassador Baki Ilkin (Turkey)

### 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 28 February 2009:* 16,589 troops, 728 military observers, 1,085 police, 956 international civilian personnel and 2,220 local civilian staff, 567 UN volunteers.
- *Approved budget (1 July 2008-30 June 2009):* \$1,242.73 million

## Duration

30 November 1999 to present; mandate expires on 31 December 2009.

## Western Sahara

### Expected Council Action

In April the Council will receive a report from the Secretary-General on the situation in Western Sahara. The mandate of the UN Mission for the Referendum in Western Sahara (MINURSO), first established on 29 April 1991, expires on 30 April. A briefing by Christopher Ross, the Secretary-General's new Personal Envoy for Western Sahara, is likely and the Council is expected to renew the mandate.

### Key Recent Developments

Since MINURSO's last mandate renewal in April 2008 there have been no further talks between Morocco and *Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro* (Polisario). Over the past year, there has been no change in position by the two parties.

The last Council briefing was on 21 April 2008 by Ross's predecessor, Peter van Walsum. Van Walsum suggested moving the discussions away from the two proposals on the table presented by the parties and instead going forward on the temporary assumption that there would be no referendum with independence as an option without recognising Moroccan sovereignty. He was apparently concerned that continuing in the same track would lead to a deadlock, and there would be no point in having another round of negotiations.

His conclusions were controversial and threatened to divide the Council. They were not reflected in the Secretary-General's 14 April report, which recommended continued negotiations on the previous basis without preconditions.

The Council resolution of 30 April 2008 extended MINURSO's mandate for 12 months. It reflected the Secretary-General's recommendations and called on the parties to continue good faith negotiations without preconditions based on realism and a spirit of compromise.

The Secretary-General subsequently appointed Ross, an experienced Arabic speaking former US diplomat, as his new envoy. His appointment was delayed until January, however, because of Moroccan concerns, mostly regarding his mandate. The new mandate, spelled out in the Secretary-General's letter to the Council of 6 January, states he will work on the basis of both resolution 1813 and earlier resolutions, and take into account "progress made to date, in order to achieve a just, durable and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara."

After taking up his post, Ross held talks in New York and then in February headed to the region for consultations with Morocco, Algeria and the Polisario. He visited Madrid and Paris and met the new US administration in Washington. While still in listening mode, he has made clear that he will try a new approach and not continue in the same track as the previous talks. He is not planning to call a fifth negotiation round (Van Walsum held four) until the ground has been prepared sufficiently to make some progress possible. In meetings so far, he has apparently raised the possibility of expanding confidence building measures beyond the current family visits between the Saharawi refugee camps in Tindouf in Algeria and the Western Sahara Territory.

In December 2008, Human Rights Watch issued a report on the human rights situation in Western Sahara and in the Tindouf refugee camps. It criticised Morocco and the Polisario for human rights abuses, but was condemned by the Moroccan government as being excessively critical of their country. The report recommended expansion of MINURSO's mandate to include a human rights monitoring mechanism or establishment of another UN monitoring mechanism.

On 17 March the UN High Commissioner for Refugees announced that two UN-led missions would visit the Tindouf camps to assess overall conditions for the refugees following concerns over malnutrition resulting from a 2008 survey.

## Key Issues

The main issue for the Council in April is MINURSO's mandate renewal and whether to adopt a simple rollover resolution or whether to add additional content.

The Manhasset talks in 2007 and 2008 failed to move beyond statements of positions and towards real negotiations as requested by the Council. Unlocking the stalemate and convincing the parties to enter into substantive negotiations therefore remains a major underlying issue, but the key question for the Council is whether at this stage to leave it entirely to Ross rather than seek to steer the process.

A related issue is how long to give Ross to prepare the ground and whether to renew the mandate for 12 months or six as in the past. At the last renewal the Council wanted to provide more time for negotiations but at the same time requested the Secretary-General to keep it informed of progress.

Another issue is the expansion of confidence building measures and whether this should be dealt with in the resolution. The parties agreed to explore family visits by land (currently there are only visits by air), but have so far been unable to move beyond the exploratory stage. Confidence building measures between Algeria and Morocco might also be helpful. Inadequate funding has been an issue in the past and may have to be addressed again.

A final issue is whether to address the human rights situation as some Council members have proposed in the past. The Secretary-General has repeatedly pointed out that MINURSO currently does not have the mandate or the capacity to monitor human rights. A related issue is how this could be dealt with in a way acceptable to the parties.

## Options

Options for the Council include:

- extending MINURSO's mandate unchanged for six or 12 months;
- reiterating its call to the parties to enter into substantive negotiations without preconditions and in good faith;
- expressing support for the personal envoy and requesting to be kept informed on the status of the negotiations on a regular basis;
- expanding the mandate to include a human rights component (last year Costa Rica proposed an amendment calling on

the parties to engage in a human rights dialogue with the Office of the UN High Commissioner for Human Rights and MINURSO); and

- calling on the parties to discuss expansion of confidence building measures, once again urging states to fund such measures.

## Council and Wider Dynamics

Council dynamics remain essentially unchanged. The general view is still that a solution cannot be imposed but must be found by the parties themselves through direct negotiations. France is considered the main supporter of Morocco whereas Latin American members and Russia are sympathetic to the Polisario. Libya, as a neighbouring country, wants to be neutral. Neither of the other two African members, although supportive of the Polisario's position, are expected to take over the more vocal role played by South Africa. US policy is still under review and it remains to be seen whether it will maintain the more pro-Moroccan tilt of the previous administration.

At the last mandate renewal there were tensions because Council members outside the Group of Friends (France, Russia, Spain, the UK and the US), felt their views were not being adequately taken into account. Mexico, which holds the presidency in April, is seeking increased transparency this time.

There seems to be little appetite for any substantial new resolution when renewing MINURSO's mandate. Most members agree that the human rights issues are becoming increasingly important, but they prefer to address these issues in a balanced way and are cautious about undermining the political process. Morocco seems to be strongly opposed to any human rights element and argues that it would create obstacles for the negotiations. However, Costa Rica, who in its explanation of vote after the last mandate renewal expressed disappointment over the lack of human rights references, is likely to push the issue again and may get some support from Austria and African members.

Council members and the parties seem to have a positive view of the new personal envoy. While his ideas on the way forward are still very preliminary, he has been well received.

## UN Documents

### Selected Resolutions

- S/RES/1813 (30 April 2008) endorsed the Secretary-General's recommendation that realism and a spirit of compromise are essential for the negotiations to move forward, called upon the parties to continue negotiations without preconditions and in good faith and extended MINURSO's mandate for 12 months.
- S/RES/1783 (31 October 2007) called upon the parties to continue negotiations taking into account the efforts made since 2006, requested the Secretary-General to report on these talks by 31 January and extended MINURSO's mandate for six months.
- S/RES/1754 (30 April 2007) called for negotiations without preconditions and extended MINURSO's mandate for six months.
- S/RES/690 (29 April 1991) established MINURSO.

### Secretary-General's Latest Report

- S/2008/251 (14 April 2008)

### Latest Press Statement

- SC/9241 (4 February 2008)

### Other

- S/2009/19 (6 January 2009) was the letter from the Secretary-General to the Council expressing his intention to appoint Christopher Ross as his new personal envoy for Western Sahara.
- S/2008/348 (27 May 2008) was a letter from Morocco protesting political demonstrations held by the Polisario, as well as the presence of troops, in the Tifariti zone east of the berm separating areas under Moroccan and the Polisario control.
- S/PV.5884 (30 April 2008) was the Council meeting extending MINURSO's mandate.
- A communiqué (18 March 2008) was issued by Van Walsum with the agreement of the parties after the fourth round of talks.

## Other Relevant Facts

### Special Representative of the Secretary-General

Vacant

### Secretary-General's Personal Envoy

Christopher Ross (USA)

### MINURSO Force Commander

Major General Zhao Jingmin (China)

### Size and Composition of Mission

- *Authorised strength*: 231 military personnel and six police officers
- *Strength (as of 28 February 2009)*: 226 total uniformed personnel, including twenty troops, six police officers, 200 military observers; supported by 102 international civilian personnel, 158 local civilian staff and 19 UN volunteers

### Cost

1 July 2008-30 June 2009: \$47.70 million (A/C.5/62/30)

## Useful Additional Resources

- *Human Rights in Western Sahara and in the Tindouf Refugee Camps Morocco/Western Sahara/Algeria*, Human Rights Watch, December 2008

## Haiti

### Expected Council Action

On 6 April the Council is expected to hold a debate and discuss the latest Secretary-General's report on the UN Stabilization Mission in Haiti (MINUSTAH) and perhaps also a report on the Council's visit to Haiti in March, prepared by Costa Rica. A briefing by the Secretary-General's Special Representative in Haiti, Hédi Annabi, is also expected.

No Council decision is required at this time. However, in view of the importance of the upcoming Haitian senatorial elections in April, a Council presidential statement (or press statement) is possible.

### Key Recent Developments

From 11 to 14 March the Council visited Haiti and met President René Préval, Prime Minister Michèle Pierre-Louis, ministers, congressional and political party leaders and representatives of the private sector and civil society. On 19 March, Costa Rica's Ambassador Jorge Urbina, who led the visit, briefed the Council on the visit and

outlined the general conclusions of Council members. He said there was clear progress in security but real challenges remained, in particular in institution building and economic and social development.

Urbina emphasised that enhanced coordination among branches of government and with the international community as well as civil society is needed. Constitutional reform is also necessary. The multiple electoral processes are a risk to stability. Also, the non-participation of one of the most important political groups in upcoming senatorial elections should be tackled, he said. Finally, he said that current levels of extreme poverty and lack of food security were the greatest concerns and are incompatible with stability. Finally, Urbina said it was important that Haiti overcome political divisions in order to establish a basis for the country's development.

After the briefing the Haitian permanent representative, Léo Mérorès, reiterated Haiti's commitment to reconstruction and development. He also said he looked forward to the Washington donors' conference scheduled for 13 and 14 April.

The latest report on MINUSTAH, issued on 6 March, noted that following the devastating hurricanes in September, progress in key areas of stabilisation fell short of expectations. There have been advances in political dialogue, extension of state authority, security, and rule of law and human rights. However, daily living conditions have deteriorated and there has been a lack of development. The report also emphasised the existing potential for political paralysis. It mentioned that problematic provisions of the Haitian constitution, in particular regarding the frequency of elections, would need to be reviewed. Finally, it insisted on the need for full engagement and leadership of the Haitian people without which current international assistance would not bear fruit.

On 9 and 10 March, Secretary-General Ban Ki-moon visited Haiti, together with former US President Bill Clinton. The aim of the visit was to attract attention to Haiti's needs for recovery and reconstruction before the international donors' conference in Washington in April. Ban called on Haiti to seize the opportunity of the conference to place the country on the path of economic security.



## Key Issues

A major issue is the significance of poverty and food insecurity. The Haitian government is expected to present an action plan to the upcoming donor's conference with detailed priorities and financial figures for international assistance. The plan would make the international community's involvement in Haiti more focused and coherent. It remains to be seen whether this can effectively harmonise existing humanitarian, reconstruction and development plans and donors input, thereby creating a link between immediate and long term needs. A related issue is whether the conference will be able to forge a real partnership between the Haitian government and the international community and ensure that the stabilisation process is more integrated as well as nationally owned. Council members, conscious of the good progress that the Peacebuilding Commission has made in precisely this area in other countries, will be following this issue carefully.

A key issue for late in the year will be to evaluate the outcome of the conference and further developments in Haiti, and determine whether MINUSTAH's mandate needs adjustments to better reflect the need for coordination of the multidimensional strands of international efforts, as well as how to give effect to a peacebuilding approach.

Finally, in light of the concerns identified during its visit, the Council will be closely following the lead-up to senatorial elections scheduled for 19 April as risks of political tensions are high.

## Council Dynamics

Council members appreciate that the level of poverty is extremely worrying and agree that job creation is a priority. Japan has expressed concern at the agricultural sector's low productivity.

There is a realisation that MINUSTAH as a peacekeeping operation cannot address socioeconomic development under the existing framework. However, there seems to be consensus among Council members that MINUSTAH should not be given specific development tasks at this stage. Council members seem to believe that more progress can be achieved, first through a real international effort to boost development, coupled with additional leadership from the Haitian government.

No drawdown of the mission is being proposed, and this seems likely to be addressed only when sufficient progress has been made toward the stabilisation benchmarks, particularly with regard to reduced security threats.

The issue of placing MINUSTAH under a Chapter VI mandate (in contrast to the mission's current Chapter VII mandate), previously requested by President Préval was apparently not addressed during the Council visit.

Mexico has expressed particular interest in Haiti. It joined the Group of Friends of Haiti and sees value in the Council addressing Haiti during its Council presidency in April.

## UN Documents

### Latest Security Council Resolution

- S/RES/1840 (14 October 2008) renewed MINUSTAH's mandate for one year.

### Latest Secretary-General's Reports

- S/2009/129 (6 March 2009)
- S/2008/586 (27 August 2008) presented a consolidation plan with key indicators to measure progress.

### Latest Briefing to the Council

- S/PV.6093 (19 March 2009) was a briefing by Ambassador Jorge Urbina on the Council's visit to Haiti.

### Latest Letter

- S/2009/139 (10 March 2009) were the terms of reference for the Council's visit to Haiti.

## Other Relevant Facts

### Special Representative of the Secretary-General and Head of MINUSTAH

Hédi Annabi (Tunisia)

### Principal Deputy Special Representative of the Secretary-General

Luiz Carlos da Costa (Brazil)

### Force Commander

Major-General Carlos Alberto dos Santos Cruz (Brazil)

### Humanitarian and Resident Coordinator, UNDP Representative

Joël Boutroue (France)

### Size and Composition of Mission

- *Authorised strength* as of 15 August 2006: military component of up to 7,200 troops and police component of up to 1,951 officers.

- *Strength as of 28 February 2009:* 7,039 troops and 2,031 police
- *Key Contributors of military personnel:* Brazil, Uruguay, Nepal, Sri Lanka
- *Key Contributors of police personnel:* Jordan, Pakistan, Nepal, China, India

### Cost

1 July 2008-30 June 2009:  
\$601.58 million

## Useful Additional Resources

- *Haiti 2009: Stability at Risk*, International Crisis Group, 3 March 2009
- *UN Peace Operations and State-building: A Case Study of Haiti*, Charles Call and Gigja Sorensen, Center on International Cooperation, March 2009

## Guinea-Bissau

### Expected Council Action

In April the Council is expected to consider the next Secretary-General's report on the UN Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) due on 31 March. The UNOGBIS mandate expires on 30 June.

### Key Recent Developments

The political situation in Guinea-Bissau had been relatively stable until the dramatic events of 1 and 2 March when the chief of staff of the armed forces, General Tagme Na Waie, and President João Bernardo Vieira were assassinated on consecutive days. The military subsequently distanced itself from the killing of the president, describing it as a retaliatory act perpetrated by renegade soldiers who were loyal to Waie and had suspected Vieira of having master minded the killing of the army chief. The military insisted that it had no desire to seize power and would support the country's constitution, which requires the head of parliament to succeed the president in the event of the latter's demise. On 3 March the head of the National Assembly, Raimundo Pereira, was sworn in as interim head of state, with the task of organising elections within sixty days as required under the constitution.

On 3 March the Council issued a presidential statement condemning the assassinations of Vieira and Waie, and called on the population, political leaders and the armed forces to exercise restraint, maintain constitutional order and respect the democratic process.

The Secretary-General also condemned the killings, as did the AU, EU, Economic Community of West African States, and the Community of Portuguese-Speaking Countries. The AU Peace and Security Council decided not to suspend Guinea-Bissau as the assassinations were deemed isolated incidents and not a *coup d'état* (on the basis that the perpetrators did not seize power and instead the constitutional order took its course following the death of the president).

The mandate of UNOGBIS was last reviewed in December and revised to include:

- assisting the Peacebuilding Commission (PBC) in its multidimensional engagement with Guinea-Bissau;
- enhancing capacities of national institutions to maintain constitutional order;
- supporting “an all-inclusive national reconciliation and political dialogue process as an institutionalised peace consolidation framework”;
- facilitating security sector reform;
- assisting national authorities to combat drug trafficking and organised crime;
- mainstreaming a gender perspective into peacebuilding;
- helping curb the proliferation of small arms and light weapons; and
- enhancing cooperation with international partners in efforts to stabilise Guinea-Bissau.

The Council also requested recommendations by the Secretary-General on establishing an integrated UN office in Guinea-Bissau by 15 June.

In February, Joseph Mutaboba was appointed as the new Secretary-General's Representative in Guinea-Bissau and head of UNOGBIS, replacing Shola Omoregie who retired on 31 December.

## Developments in the PBC

On 4 March the chairman of the PBC country configuration on Guinea-Bissau, Brazilian Ambassador Maria Luiza Ribeiro Viotti, in response to the assassinations of Vieira and Waie, called on the international community to continue assisting the implementation of the strategic framework for peacebuilding in Guinea-Bissau and organising the upcoming presidential elections.

On 26 November the Commission adopted conclusions and recommendations to enhance the implementation of the framework for peacebuilding. The PBC's work on a monitoring mechanism to assess progress with the framework was put on hold until its biannual assessment of the situation in the country in June, mainly because attention has shifted to other priorities like the successful holding of new presidential elections.

## Key Issues

The major issue for the Council is whether the events in March now pose substantial new risks to peace and security in the country.

A second issue is ensuring the success of peacebuilding efforts.

A third issue is the challenge of holding democratic elections two months after the death of President Vieira.

Regional security implications are a related issue. Guinea-Bissau's border with Senegal's restive Casamance region is an area where a long separatist struggle has been highly influenced by Guinea-Bissau's politics. The policies of cooperation with the Senegalese government by former Guinea-Bissau President Kumba Yala and President Vieira were seen as crucial in curbing the unrest in the region. There are concerns that further unrest in Guinea-Bissau could undermine the cross-border cooperation that has bolstered peace in Casamance.

An ongoing concern is the destabilising effect of drug trafficking and organised crime on Guinea-Bissau and on the West African subregion as a whole. A related issue, therefore, is whether the Council should follow up on its 15 October request to the Secretary-General to “provide in his next report further details of what measures are required to deal with these challenges”. (The 10 December letter of the Secretary-

General was silent on the Council's request.) (For further information please refer to our December 2008 *Forecast*.)

## Options

Options for the Council include:

- adopting a wait and see stance by following developments closely on the ground;
- asserting a much stronger interest in the issues by adopting a presidential statement (or even a resolution) designed to buttress security in the lead up to the election by signalling a more enhanced Council interest; and
- in line with the Secretary-General's September 2008 recommendations, taking up measures to deal with the challenges of drug trafficking and organised crime, such as setting up a panel of experts to study the issues.

## Council Dynamics

Following the 3 March presidential statement, some Council members seem to prefer to simply monitor developments on the ground and shape subsequent decisions based on the Secretary-General's new report.

It remains to be seen whether the Secretary-General's next report will contain recommendations for a more proactive Council role and/or for measures to combat drug trafficking and organised crime.

## UN Documents

### Selected Security Council Resolution

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

### Selected Presidential Statements

- S/PRST/2009/2 (3 March 2009) condemned the assassination of President Vieira and the chief of the armed forces of Guinea-Bissau, and urged continued adherence to stability, constitutional order, the rule of law and the democratic process.
- S/PRST/2008/37 (15 October 2008) welcomed the commitment of Guinea-Bissau's government to hold legislative elections on 16 November and “requested the Secretary-General to provide in his next report further details of what measures are required to deal with the challenges of drug trafficking and organised crime.”
- S/PRST/2007/38 (24 October 2007) called on the government and the UN

system to take further action on drug trafficking and organised crime.

#### Selected Letters

- S/2009/56 (30 January 2009) and S/2009/55 (27 January 2009) was the exchange of letters between the Secretary-General and the president of the Council on the appointment of Joseph Mutaboba as the Secretary-General's Representative in Guinea-Bissau and head of UNOGBIS.
- S/2008/778 (22 December 2008) and S/2008/777 (10 December 2008) was the exchange of letters between the Secretary-General and the president of the Council that revised and extended the UNOGBIS mandate to 30 June 2009 and requested recommendations on establishment of an integrated UN Office in Guinea-Bissau by 15 June 2009.
- 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/1999/232 (3 March 1999) welcomed the Secretary-General's proposal to establish UNOGBIS.

#### Selected Reports

- S/2008/628 (29 September 2008) was the latest report on UNOGBIS.

#### PBC Documents

- PBC/3/GNB/5 (4 March 2009) was the statement by the chair of the PBC's configuration on Guinea-Bissau concerning the assassination of President João Bernardo Vieira and army chief Tagme Na Waie.
- PBC/3/GNB/4 (2 December 2008) was the PBC's latest conclusions and recommendations on the situation in Guinea-Bissau adopted on 26 November 2008.

#### Other

- S/2009/120 (3 March 2009) was the letter from the presidency of the Community of Portuguese-speaking Countries to the Council conveying its reaction to the assassination of Guinea-Bissau's President Vieira and army chief Waie.
- 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

Joseph Mutaboba (Rwanda)

##### Size of UNOGBIS Staff

Twenty-seven, including international civilians, military advisers, a police adviser and local civilians

##### Duration

3 March 1999 to present; mandate expires on 30 June 2009

## Iraq/Kuwait

### Expected Council Action

A comprehensive report on Iraq's compliance with resolution 1284 of 1999 (on the repatriation of all Kuwaiti and third-country nationals or their remains and the return of all Kuwaiti property, including national archives following the 1990-1991 Gulf War) is expected by the Council in April. This may include the assessment of when the mandate can be concluded.

The Council is likely to discuss this in informal consultations and be briefed by the Secretary-General's High-Level Coordinator, Gennady Tarasov.

It is unclear whether any decision on concluding the mandate will be taken during April. The Council may prefer to wait for the Secretary-General's report on the status of all resolutions pertaining specifically to Iraq since resolution 661 of 1990. This report, requested in resolution 1859 of December 2008, is anticipated midyear. (The report is expected to suggest steps to be taken to return Iraq to its international standing prior to resolution 661.)

The Council will need, however, to take a decision on the future allocation of funds from the Iraq escrow account for the high-level coordinator, given that it decided in March 2008 to approve it only for 12 months.

On other matters, a briefing on the activities of the Development Fund for Iraq and the International Advisory and Monitoring



Board is now expected in April. Resolution 1859 requested such a briefing no later than 31 March.

### Key Recent Developments

In his last report on 4 December, Tarasov said the number of Kuwaiti and third-country nationals whose remains had been identified increased by one (to 236) over the six-month reporting period. (Several hundred Kuwaitis and third-country nationals are missing.) Progress on exhumation of Kuwaiti graves was constrained because of a shortage of capacity in Iraq's Ministry of Human Rights. The Ministry is the only institution authorised to exhume graves in Iraq. No visits to burial sites in Iraq were conducted in 2008 despite the improved security situation. No progress had been made on locating missing Kuwaiti national archives.

On 10 December Tarasov briefed the Council in closed consultations. The Council adopted a press statement. It noted positive identification of human remains had been made and expressed concern at the absence of progress on locating Kuwaiti archives. It also noted with regret the lack of progress on exhumation activities and expressed appreciation for the support that the UN Assistance Mission for Iraq (UNAMI) offered to the Iraqi Ministry of Human Rights to accelerate progress.

During a briefing to the Council on 26 February, the UN Special Envoy for Iraq, Staffan de Mistura, said UNAMI was supporting a training project to build the capacity of the Ministry of Human Rights on exhumations.

On 26 February, Kuwait's highest ranking envoy since the 1990 invasion visited Iraq. Deputy Prime Minister Sheikh Mohammed Al-Sabah met with Iraqi Prime Minister Nouri al-Maliki.

On 2 March Iraq returned to Kuwait tapes of radio and television recordings.

On 10 March Iraq wrote to the Council calling for an end to the mandate of the high-level coordinator and transfer of responsibility for the issue to the Tripartite Commission. (The Commission consists of

France, Kuwait, Saudi Arabia, the UK and the US on one side and Iraq on the other, with the International Committee of the Red Cross as a third party.)

Kuwait's parliament continues to insist Iraq meet its debt obligations of approximately \$15-16 billion, which represents loans Kuwait made to Baghdad in the Saddam Hussein era. In addition to the external debt, reparations to Kuwait related to the 1990-1991 invasion and occupation also remain outstanding. Currently 5 percent of revenues from the sale of Iraqi oil are channelled through the UN Compensation Commission, which is a subsidiary organ of the Council established to process claims and pay compensation for losses and damage related to Iraq's invasion and occupation of Kuwait. Claims total \$52 billion and as of January, \$26.9 billion had been made available in compensation. It is understood that most of the remaining outstanding compensation is owed to Kuwait. In its 10 March letter to the Council, Iraq called for the annulment of all remaining claims or the reduction in level of deduction to one percent.

### Key Issues

A key issue is whether Iraq and Kuwait are yet willing to bring to a conclusion the matters of repatriation and the return of property. For the Council, the issue is what to do if it becomes clear that the goals of Tarasov's mandate cannot be implemented any further.

A related issue which the Council is likely to have to address in 2009 is the ongoing nature of its role regarding Iraq, particularly in light of resolution 1859 which called for a review of resolutions pertaining to Iraq since its invasion of Kuwait in 1990.

A practical question is whether there is over the long term a need for a high-level coordinator. But the immediate issue is whether to authorise the continuation of escrow account funding for Tarasov's mandate given the Council had agreed to support his activities only through March 2009. An option in this regard is a rollover pending consideration of the wider issues.

### Council Dynamics

The UK has the lead on this issue in the Council.

Most Council members seem keen to conclude the mandate in a timely manner. However, there is much sympathy for Kuwait's position that the process needs to be brought to a conclusion in a principled way. Council members would prefer to support solutions found on a bilateral basis between Iraq and Kuwait. During discussions last year on ongoing support to the high-level coordinator, Russia supported a longer financial commitment.

### UN Documents

#### Selected Security Council Resolutions

- S/RES/1859 (22 December 2008) decided to review all resolutions pertaining to Iraq since resolution 661.
- S/RES/1284 (17 December 1999) requested reporting on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals and on the return of all Kuwaiti property, including archives.
- 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/2008/761 (4 December 2008)

#### Latest Security Council Press Statement

- SC/9529 (10 December 2008)

#### Other

- S/2009/143 (10 March 2009) was a letter from Iraq on their review of resolution 661 and onwards.
- S/PV.6078 (26 February 2009) was an open debate during which the Council was briefed by Staffan de Mistura on UNAMI's activities.
- S/2008/206 (26 March 2008) was a letter from the Security Council to the Secretary-General deciding to finance the activities of the high-level coordinator for 12 months and requesting a comprehensive report in 12 months on how to conclude his mandate.
- S/2008/205 (11 March 2008) was a letter from the Secretary-General to the Security Council suggesting additional resources to support the high-level coordinator for a further four years.

### Other Relevant Facts

#### Secretary-General's High-Level Coordinator

Gennady P. Tarasov (Russian Federation) appointed April 2008

## Côte d'Ivoire

### Expected Council Action

The Council is expected to consider the Secretary-General's report on Côte d'Ivoire which is due in April. Also in April, the Council's Sanctions Committee on Côte d'Ivoire is expected to conduct a review of the sanctions regime, (the Group of Experts submitted its midterm report to the sanctions committee in late March). The mandate of the UN Operation in Côte d'Ivoire (UNOCI) expires on 31 July.

### Key Recent Developments

The situation in Côte d'Ivoire remains fragile. No date or timeline for the holding of elections has been set since the last postponement of the presidential elections in November (the elections were to be held on 30 November but were called off due to logistical, technical and financial delays in the national identification and voters' registration process—the fifth postponement of the elections since 2002).

On 21 January the Special Representative of the Secretary-General for Côte d'Ivoire and head of UNOCI, Choi Young-jin, briefed the Council. He highlighted the progress on voter identification and registration. Choi also discussed the challenge of disarming former combatants, the viability of holding elections and how they directly impact the country's future and a possible exit strategy for UNOCI.

With respect to the peace process, Choi recalled the signing on 22 December of the fourth supplementary agreement on the Ouagadougou Agreement and noted its potential to have a decisive impact on the process. (The supplementary agreement contains two key elements: completion of disarmament two months before the presidential elections and restoration of state authority in the north by February.)

The Permanent Representative of Côte d'Ivoire, Ambassador Ilahiri Alcide Djédjé, subsequently agreed with the assessment of progress made by the Secretariat. Djédjé said implementation of the fourth

supplementary agreement began on 15 January with the return of the financial and judicial administration to the central, northern and western zones of the country, with the support of the Ivorian police and gendarmerie. These zones had been occupied by the *Forces Nouvelles de Côte d'Ivoire*.

On 27 January, the Council adopted resolution 1865 extending the mandate of UNOCI for six months and authorised the reduction of its troop level from 8,115 to 7,450 in line with the Secretary-General's recommendations. The resolution took note of the postponement of the presidential elections and urged Ivorian political actors to quickly find agreement on a new and realistic timeframe for the elections. This timeframe would shape key elements of the electoral process, including the publication of provisional and final versions of the electoral list and the preparation and distribution of identity and voter cards. The resolution welcomed progress in identification of the population and registration of voters and called upon Ivorian parties to endeavour to complete those efforts by the end of February.

### Key Issues

The key issue for the Council is a viable electoral timetable. (The Permanent Consultative Framework's decision on 10 November to postpone the presidential elections without producing a new date has resulted in an unprecedented situation. This is the first time since the Ouagadougou Agreement was signed in March 2007 where there has been neither a date nor a clearly set period for the elections.)

Another important issue in this situation is how to maintain momentum with the peace process. Continued tensions and lawlessness in many parts of the country further increase the risks.

The key issue for the Sanctions Committee is the implications for the sanctions regime from recent challenges to the peace process and progress towards elections. Resolution 1842, which on 29 October 2008 extended the sanctions regime by 12 months, indicated the Council's readiness to impose targeted sanctions against those posing a threat to the country's peace and national reconciliation process. This included "persons...who are determined to be...a threat to the peace and national reconciliation process in Côte d'Ivoire" or "any threat to the electoral process in Côte d'Ivoire".

### Options

Options for the Council include:

- a statement emphasising the growing importance of a new and realistic timeframe for elections;
- signalling a readiness to impose sanctions against those who obstruct the peace process or the electoral process;
- maintaining the current sanctions regime; and
- moving to impose targeted sanctions on those found culpable of infringing resolutions 1865 on UNOCI's mandate and 1842 on sanctions, and for obstructing the peace process.

### Council Dynamics

Council members are increasingly concerned about the continued lack of a timetable for the electoral process. They look forward to the Secretary-General's report, particularly regarding the appropriate kind of support that UNOCI can offer in the circumstances.

Côte d'Ivoire Sanctions Committee members are awaiting the report of the Group of Experts to shape their review of the sanctions regime. Any significant relaxation of sanctions now seems highly unlikely in light of the lack of progress in completing the voter registration and disarmament programme.

France is the lead country on this issue in the Council.

### Underlying Problems

The immediate challenges facing the country include completing the disarmament, demobilisation and reintegration of former combatants, and the disarming and dismantling of militias. Other challenges include the full restoration of state authority throughout national territory, the completion of identification and voter registration operations, the holding of a credible and transparent presidential election, the reunification and restructuring of the defence and security forces and making progress in the areas of human rights and the rule of law.

### UN Documents

#### Selected Security Council Resolutions

- S/RES/1865 (27 January 2009) extended the mandate of UNOCI until 31 July 2009.
- S/RES/1842 (29 October 2008) extended the sanctions regime until 31 October 2009 and decided that any obstruction to the electoral process

would be subject to sanctions.

- S/RES/1826 (29 July 2008) extended the mandate of UNOCI until 31 January 2009.
- S/RES/1643 (15 December 2005) renewed until 15 December 2006 the sanctions regime and established a diamonds embargo.
- S/RES/1609 (24 June 2005) increased UNOCI's contingents and authorised the temporary redeployment of military and civilian police personnel among the UN Mission in Liberia, the UN Mission in Sierra Leone and UNOCI.
- S/RES/1572 (15 November 2004) established an arms embargo and called for sanctions against individuals found to be obstructing the peace process, violating human rights, publicly inciting hatred and violence and violating the embargo.

#### Selected Presidential Statements

- S/PRST/2008/42 (7 November 2008) expressed deep concern about the postponement of presidential elections, urged the Ivorian parties to complete the identification and registration of voters operations before the end of January 2009 and expressed its determination to fully support the electoral process on the understanding that elections will be organised before the end of spring 2009.
- S/PRST/2008/11 (29 April 2008) welcomed the approval by the Ivorian authorities of the Independent Electoral Commission's proposal to postpone the presidential elections to 30 November 2008.
- S/PRST/2007/8 (28 March 2007) endorsed the Ouagadougou Agreement.

#### Latest Secretary-General's Report

- S/2009/21 (8 January 2009)

#### Selected Letters

- S/2009/5 (5 January 2009) and S/2008/793 (16 December 2008) were the letters from the Secretary-General appointing experts.

- S/2008/834 (30 December 2008) was the letter containing the fourth supplementary agreement to the Ouagadougou Agreement.
- S/2008/694 (11 November 2008) was a letter from Burkina Faso transmitting the press statement of the fourth meeting of the *Cadre Permanent de Consultation* held on 10 November in Ouagadougou.

#### Other

- S/PV.6071 (21 January 2009) was a briefing by the Secretary-General's Special Representative, Choi Young-jin, on the situation in Côte d'Ivoire.
- S/2007/144 (13 March 2007) contained the Ouagadougou Agreement.

#### Other Relevant Facts

##### Special Representative of the Secretary-General

Choi Young-jin (Republic of Korea)

##### Force Commander

Major-General Fernand Marcel Amoussou (Benin)

##### Police Commissioner

Major-General Gerardo Cristian Chaumont (Argentina)

##### Group of Experts

El Hadi Salah, Algeria (customs and coordinator of the Group of Experts)  
Grégoire Bafouatika, Republic of Congo (aviation)  
James Bevan, UK (arms)  
Joel Hernando Salek, Colombia (finance)  
Noora Jamsheer, Bahrain (diamonds)

##### Size and Composition of UNOCI

- *Strength as of 28 February 2009*: 9,220 total uniformed personnel, including 7,833 troops, 197 military observers; 1,146 police; supported by 416 international civilian personnel, 672 local staff and 283 UN Volunteers
- *Key troop-contributing countries*: Bangladesh, Ghana, Jordan, Morocco and Pakistan.

##### Approved Budget

1 July 2008 - 30 June 2009:  
\$497.46 million

## Nepal

### Expected Council Action

The Council is expecting the Secretary-General's report on progress towards a "phased gradual drawdown and withdrawal of the UN Mission in Nepal (UNMIN) staff, including arms monitors." In January the Council extended UNMIN's mandate until 23 July.

Karin Landgren, the Secretary-General's Representative in Nepal and head of UNMIN, is expected to present the report which is likely to focus on progress by UNMIN and implications of recent developments on downsizing UNMIN. No action is required following the briefing although the Council may choose to issue a press statement.

At the time of writing it seemed possible that the Council briefing and discussion could be rolled over to early May.

### Key Recent Developments

The Secretary-General in January, following his October visit to Nepal, assessed the situation as fragile despite achievements of the peace process. He noted a lack of progress on issues relevant to UNMIN's mandate.

After his visit, several troubling developments occurred. In November the national Nepalese army began recruiting. On 23 December, Ian Martin, then head of UNMIN, reiterated that any new recruitment by the Nepalese army or the Maoist army would be a breach of the Ceasefire Code of Conduct, the Comprehensive Peace Agreement and the Agreement on the Monitoring and the Management of Arms and Armies. The Nepalese army was not deterred and by February had recruited 3,000 new troops. It claimed it was filling vacancies and this did not violate the peace agreement.

In response, the People's Liberation Army (PLA), which is the military arm of the Unified Communist Party of Nepal (Maoist), on 2 March announced it would begin recruiting to fill the positions of 12,000 troops disqualified by UNMIN's verification process.

On 13 March the Supreme Court of Nepal upheld a challenge to the recruitment by the Nepalese army and ordered them to cease recruiting. However, it upheld any recruitment before the writ was registered. Following a similar writ against the PLA, an interim order on 8 March led to the PLA suspending its campaign on 10 March.

On 18 March the government declined the army's request to extend the tenure of eight generals, enhancing tensions between the army and the government. The opposition Nepal Congress spoke out in support of the army.

In early March there were protests by the Muslim community. On 16 March the government signed a six-point agreement with the United Muslim National Struggle Committee, a prominent Muslim group. Agreed areas include the formation of a Muslim commission and providing a constitutional guarantee for the identity of Muslims.

On 10 March about 150 Tibetan exiles marked the fiftieth anniversary of a failed uprising against China with protests in Kathmandu.

The Army Integration Special Committee, set up to supervise the integration and rehabilitation of former Maoist combatants with the Nepalese army, has held several meetings since it was set up 16 January and a positive development was the government reached on 27 March to complete integration by mid July.

Navanethem Pillay, the UN High Commissioner for Human Rights, visited Nepal from 18-22 March to assess the overall human rights situation and discuss the renewal of the Office of Human Rights Commissioner in Nepal. At the end of her visit, while praising progress made, Pillay warned that the peace process could be at risk if there was no justice for victims of human rights violations.

On 29 January the Secretary-General appointed Karin Landgren of Sweden as his Representative in Nepal and head of UNMIN.

There has been some progress towards legislation for a commission on enforced disappearances and for the truth and reconciliation commission. However, some human rights groups have voiced concern that these bills' provisions are not in line with international standards.

### Options

One option following the briefing is to have a detailed discussion on next steps for UNMIN, including a possible exit strategy.

Another option is to defer that discussion till closer to the mandate's expiry and focus on the factors causing the current fragility. The Council could:

- signal that UNMIN cannot continue monitoring arms indefinitely and that the

Nepalese government needs to produce concrete proposals to reduce UNMIN's monitoring requirements promptly;

- reaffirm to the Nepalese government the opportunity to take advantage of UNMIN's expertise in supporting the peace process in the next few months;
- acknowledge the progress in the Special Committee but emphasise the importance of meeting a timetable for integrating the two armies by mid July;
- strongly urge the Nepalese government to follow up on commitments to release minors from Maoist cantonments by a specified date, which upon failing the Council would instruct the Working Group on Children and Armed Conflict to recommend stronger measures when it considers the next Secretary-General's report on children and armed conflict in Nepal; and
- suggest improved interparty dialogue possibly through a new mechanism.

Other options include:

- forming an informal group at the expert level of Council members, the Nepalese government and regional players to discuss alternative monitoring arrangements;
- requesting the Secretary-General to provide an assessment of the peace process and the impact of UNMIN's departure on the peace and security situation by the end of June; and
- encouraging the international community to support and assist the peace process.

### Key Issues

A key issue is determining the best utilisation of UNMIN in the next few months.

A second issue is how to balance the need to complete the arms monitoring task against the potential for this becoming a very long term role for the UN.

A related issue is the difficulty of further reducing the number of arms monitors in UNMIN until alternative monitoring arrangements are in place. The mission is already down to bare bones in terms of civilian staff.

Another issue is how to secure the discharge of minors and other personnel. The Nepalese prime minister made a commitment to the Special Representative on Children and Armed Conflict during her visit in December that 2,973 minors would be discharged by the end of February, but at the time of writing they were still in the cantonments.

The growing divisions between the governing coalition partners and the increasing tension between the government and opposition are becoming a potential issue for the peace process.

A related issue is whether the recent recruitment by the Nepalese army and the PLA will become a challenge to the architecture of the peace process.

Yet another issue is whether the Nepalese government can deliver on promises made to ethnic groups like the recent six-point agreement with Muslims. Related to this is the increasing number of smaller ethnic groups, especially in the Terai region, which are beginning to agitate for special rights.

Other continuing issues include:

- the slow progress on the return of property seized by the Maoists during the insurgency;
- the lack of progress in writing a new constitution;
- the need to control paramilitary activities of the Young Communist League; and
- the importance of showing there will not be impunity for serious human rights violations committed in the past.

### Council Dynamics

Most members are waiting for the Secretary-General's report before forming positions on next steps for UNMIN. However, there continues to be agreement that the mission should be as lean as possible as it moves towards the end of its mandate. There is also growing concern about the possibility of an open ended monitoring role for the UN if the peace process stagnates.

However, given the continuing fragility of the coalition government and the uncertain security situation, particularly in the south, some members are concerned that premature withdrawal could send the wrong signal. Balancing this is the desire of some members to cut peacekeeping costs wherever possible this year.

At the time UNMIN was set up in January 2007, there was general agreement over the type of mission it should be. But subsequently, differences have emerged among members. As the possibility for open ended arms monitoring becomes ever more likely, the UK and France appear to want to exert more pressure on the Nepalese government to commit to a timeframe for integration of the armies. China, and to some extent Russia, appear reluctant to

push the Nepalese government. These differences are also seen over questions such as how much pressure to put on the Nepalese government to release minors in the Maoist cantonments, how UNMIN can support the peace process and the type of UN presence needed if UNMIN does leave.

India, a non-Council member with a keen interest in this issue, has indicated that it does not want to see UNMIN become a long term presence in Nepal and would be uncomfortable with an expansion of UNMIN's role in the peace process.

<b>UN Documents</b>
<b>Security Council Resolutions</b>
<ul style="list-style-type: none"> <li>• S/RES/1864 (23 January 2009) extended UNMIN until 23 July 2009.</li> <li>• S/RES/1740 (23 January 2007) established UNMIN for 12 months.</li> </ul>
<b>Selected Secretary General's Reports</b>
<ul style="list-style-type: none"> <li>• S/2009/1 (2 January 2009) was the latest report of the Secretary-General on the request of Nepal for UN assistance in support of its peace process.</li> <li>• S/2008/259 (18 April 2008) was a report on children and armed conflict in Nepal.</li> </ul>
<b>Selected Meeting Record</b>
<ul style="list-style-type: none"> <li>• S/PV.6069 (16 January 2009) was the meeting record of the Secretary-General's January report.</li> </ul>
<b>Other</b>
<ul style="list-style-type: none"> <li>• UNMIN press statement on the recruitment of new personnel (23 December 2008)</li> </ul>
<b>Other Relevant Facts</b>
<b>Representative of the Secretary-General and Head of Mission</b>
Karin Landgren (Sweden)
<b>Size and Composition</b>
About 273 including about 73 arms monitors
<b>Duration</b>
23 January 2007 to 23 July 2009
<b>Cost</b>
\$88.8 million

## Notable Dates for April

Reports Due for Consideration in April	Document Requesting Report
30 March	<i>SG report on mediation and settlement of disputes</i> S/PRST/2008/36
31 March	<i>SG report on the DRC (MONUC)</i> S/RES/1856
3 April	<i>SG report on Haiti (MINUSTAH)</i> S/RES/1840
8 April	<i>SG report on high-level coordinator for Kuwaiti repatriation/property</i> S/2008/206 and S/2008/238
8 April	<i>SG quarterly report on Guinea-Bissau (UNOGBIS)</i> S/RES/1580
15 April	<i>SG report on Somalia peacekeeping (AMISOM)</i> S/RES/1863
by mid April	<i>SG report on Western Sahara (MINURSO)</i> S/RES/1813
by 27 April	<i>SG report on Côte d'Ivoire (UNOCI)</i> S/RES/1865
by 29 April	<i>SG report on Children and Armed Conflict</i> S/PRST/2008/6
30 April	<i>SG report on Sudan (UNMIS)</i> S/RES/1812
by 30 April	<i>SG report on Chad/CAR (MINURCAT)</i> S/RES/1861
by 30 April	<i>SG report on ICTY/ICTR</i> S/PRST/2008/47

April 2009	Mandates Expire	Relevant Document
30 April	<i>UNMIS (Sudan)</i>	S/RES/1812
30 April	<i>MINURSO (Western Sahara)</i>	S/RES/1813

April 2009	Other Important Dates
3-4 April	<i>NATO Summit will be held</i>
7 April	<i>15th anniversary of the Rwanda genocide</i>
13-14 April	<i>High level donor conference in Washington on Haiti</i>
14 April	<i>Open debate on mediation and settlement of disputes</i>
19 April	<i>Elections for a third of seats in the Haitian Senate.</i>
19 April	<i>Parliamentary elections in "Turkish Republic of Northern Cyprus"</i>
29 April	<i>Debate on children and armed conflict</i>

Also expected in April:

- SG to present results of investigation on damages of UN premises and loss of UN staff during Gaza conflict.
- A briefing on the activities of the Development Fund for Iraq and the International Advisory and Monitoring Board in accordance with resolution 1859.

## Important Dates over the Horizon

- Presidential elections in Guinea-Bissau are expected to be organised by early May.
- 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 7 June.
- Presidential elections in Iran are scheduled for 12 June.
- Presidential and legislative elections in Sudan to be held before July 2009
- Legislative elections in Chad are currently slated for 2009.
- Presidential elections are expected in Afghanistan on 20 August 2009.
- Palestinian presidential and legislative elections to be held in January 2010.

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