



SECURITY COUNCIL REPORT

MONTHLY FORECAST

MAY 2009



30 April 2009

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

OVERVIEW FOR MAY

The Russian Federation will hold the presidency of the Council in May.

Using the occasion of the monthly public meeting on the **Middle East**, Russia will be organising a high-level event, most likely to be chaired by the country's foreign minister, Sergei Lavrov. Foreign ministers of several European and Latin American Council member states are expected to participate, and dignitaries from other regions may also attend. At press time, that meeting was expected to be held on 11 May.

The Council is set to undertake a **visit to Africa** in the second half of May. The trip, currently scheduled for 14-21 May, will likely include Ethiopia, the DRC, Rwanda, Liberia and Uganda. In Addis Ababa, the headquarters of the AU, members will conduct the Council's annual consultations with its AU counterpart, the AU Peace and Security Council. A briefing to the Council after the mission's return is likely late in the month.

There will be a debate on **terrorism-related issues**, on the occasion of the bi-annual briefing by the chairs of the Council's three committees dealing with these matters

(the 1267 and 1540 Committees and the Counter-Terrorism Committee).

There is likely to be a briefing followed by consultations on **Somalia** early in the month, and later in May the Council may hold a debate and possibly adopt a resolution.

The Council is also expected to receive a briefing from the new High Representative for **Bosnia and Herzegovina**, Valentin Inzko.

A briefing by the Secretariat on its efforts to resolve the situation between **Djibouti and Eritrea** is also possible.

Consultations are expected on:

- **Lebanon** (to discuss the latest Secretary-General's report on implementation of resolution 1559);
- **Georgia** to discuss the Secretary-General's report on recommendations for future activities of UNOMIG, requested in resolution 1866; and
- **Nepal** to discuss the Secretary-General's report on recent developments in Nepal and progress made by UNMIN towards a phased gradual drawdown as called for in resolution 1864 (for more details please see our *April Forecast*).

CONTENTS OF THIS ISSUE

Status Update since our April

Forecast	2
Georgia	4
Sudan	5
Somalia	8
Israel/Palestine	11
Democratic Republic of the Congo	13
Bosnia and Herzegovina	15
Counter-Terrorism Related Subsidiary Bodies of the Council	17
Lebanon	20
Notable Dates for May	23
Important Dates over the Horizon ...	23

The DRC Sanctions Committee is expected to consider the interim report of its Group of Experts. Although at press time no meetings on the DRC were scheduled, developments may prompt the Council to hold consultations on this country as well.

At press time no meetings were scheduled on **Sudan**, but the country will certainly be on Council members' minds and consultations are a possibility.

Aide-Memoire

Important matters pending for the Council include:

- The 2005 World Summit requested that the Security Council consider reforms for the **Military Staff Committee**. This has yet to be addressed.
- In 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 UN 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.

>>page 2

Aide-Memoire (continued)

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

Status Update since our April Forecast

- **Haiti:** On 6 April the Council heard a briefing by Special Representative of the Secretary-General in Haiti Hédi Annabi on the latest report of the Secretary-General (S/2009/129). He said that in order to consolidate Haiti's stability, progress must be made in addressing five interlinked challenges: political dialogue; extension of state authority; strengthening security; strengthening the rule of law and human rights; and socioeconomic development. He added that the resolution of political differences through dialogue remains the cornerstone of advancement in all other areas. He also insisted on the need for the international community to continue to support Haiti. The briefing was followed by an open debate at the initiative of Mexico (S/PV.6101 and resumption 1). The Council then adopted a presidential statement urging donors to make available technical and financial assistance required by the Haitian government to meet the country's immediate and long term development needs (S/PRST/2009/4).

On 14 April the Inter-American Development Bank hosted an international donors' conference on Haiti in Washington DC. Donors pledged \$324 million in additional aid to Haiti over the next two years, of which \$41 million will be dedicated to budget support in 2009.

- **Central African Republic (CAR):** On 7 April the Council adopted a presidential statement (S/PRST/2009/5) welcoming the

Secretary-General's recommendation, in his letter dated 3 March (S/2009/128), to establish a UN Integrated Peacebuilding Office in the Central African Republic (BINUCA) to succeed the UN Peacebuilding Office. The Council requested the Secretary-General to inform it in his next report in June on the situation of CAR, on the structure and strength of BINUCA.

- **Djibouti/Eritrea:** On 7 April the Council was briefed by Under Secretary-General for Political Affairs B. Lynn Pascoe on the situation between Djibouti and Eritrea. The Secretary-General reported on 30 March in a two page letter that Eritrea had not complied with the Council's demands and that he intended to pursue his contacts with the parties (S/2009/163). In a letter to the Council on 6 April Djibouti called for implementation of resolution 1862 but said that pending a final report from the Secretary-General, there was no need for any new Council statement as it risked undermining the resolution. Subsequently, there was no Council statement following the briefing, but it was agreed that the Council president (Mexico) would request a meeting with Eritrea's permanent representative to express the Council's concerns (which since took place) and that Pascoe would continue his good offices efforts and report back to the Council at a later stage.
- **Guinea-Bissau:** On 9 April the Council adopted a presidential statement welcoming the convening of the presidential election for 28 June 2009 and urged the

government and all political actors to create the most conducive conditions for the holding of a free, fair, transparent and credible presidential election (S/PRST/2009/6). It also reiterated the importance of security sector reform in Guinea-Bissau and expressed concern about the growth in illegal drug trafficking, as well as transnational organised crime in that country and in the subregion.

- **Presidential Statement on the Resurgence of Coups d'état in Africa:** At press time the draft presidential statement on coups d'état in Africa circulated to Council members on 9 April by Uganda (please see our 15 April *Update Report*) had yet to be adopted. There were apparently divisions in the Council on the scope of the statement, as one P5 member in particular did not want the text to be limited only to coups in Africa. At the time of writing it looked like consensus was within reach and that the text could be ready for adoption during the first week of May.
- **Democratic People's Republic of Korea (DPRK):** On 13 April the Council adopted a presidential statement condemning the 5 April launch of a rocket by the DPRK, saying it was in contravention of resolution 1718, demanding that the DPRK does not conduct any further launch and agreeing by 24 April to adjust measures imposed on the DPRK in resolution 1718 through the designation of goods and entities subject to sanctions (the 1718 Sanctions Committee had so far been

>>page 3

inactive, and although a list of prohibited items for exports to the DPRK was in place, the Committee had never adopted a list of individuals and entities subject to targeted sanctions). The statement also supported the resumption of the six-party talks (S/PRST/2009/7). The DPRK reacted immediately by expelling all UN and US nuclear inspectors at the Yongbyon nuclear plant and by saying it would boycott the six-party talks.

On 24 April the 1718 Sanctions Committee designated three North Korean entities to be subject to assets freeze (SC/9642). In addition, a list of items, equipment, goods and technology which are prohibited from being exported and imported to and from the DPRK, was updated by the Committee in document S/2009/205, including recent technology relevant to ballistic missiles. This was immediately rejected by the DPRK.

- **Iraq:** On 16 April the Council was briefed in closed consultations by UN Controller and representative of the Secretary-General for the International Advisory and Monitoring Board for Iraq (IAMB), Jun Yamazaki, on the Development Fund for Iraq and the IAMB in accordance with resolution 1859. Also on 16 April, the Council received a briefing in closed consultations from Gennady Tarasov, the Secretary-General's High-Level Coordinator for the issue of missing Kuwaiti and third-country nationals and the repatriation of Kuwaiti property. The Council issued a press statement (SC/9637) noting the limited progress made on identifying human remains, noting that no progress had been made on locating Kuwaiti national archives and extending the financing of Tarasov's mandate for six months. The Council issued a press statement (SC/9643) on 25 April condemning the bomb attacks in Baghdad and Diyala on 23 and 24 April, which caused numerous deaths and injuries.
- **Fiji:** On 20 April the Council was briefed by the Under Secretary-General for Political Affairs on the situation in Fiji following the Fiji government's 10 April decision to scrap its constitution (please see our 17 April *Update Report* on Fiji). Following the briefing the president of the Council told the press that members of the Council were deeply concerned about the

situation in Fiji where undemocratic decisions had been made, including the abrogation of the constitution. The members of the Council described this as a step backwards and said that the democracy process needed to be restored. The president also expressed the hope that Fiji would resume "steadfast progress towards democracy and fair elections would be held at the soonest possible time."

- **Mediation and Settlement of Disputes:** On 21 April the Council held an open debate on Mediation and the Settlement of Disputes. In a presidential statement adopted at the end of the meeting, the Council recognised the importance of mediation in the various stages of peace processes and requested the Secretary-General to keep it informed of "action undertaken by him in promoting and supporting mediation and pacific settlement of disputes, ensuring coherence with the ongoing efforts to strengthen peacebuilding and peacekeeping" (S/PRST/2009/8).
- **Sri Lanka:** On 24 April members of the Council held an informal interactive dialogue involving the Sri Lankan government; Vijay Nambiar, the Secretary-General's Chief of Staff; and Catherine Bragg, the Assistant Secretary-General for Humanitarian Affairs (please see our 21 April *Update Report* on Sri Lanka). Nambiar briefed the Council on his recent trip to Sri Lanka. Following the meeting the president of the Council in his remarks to the press said that Council members had expressed deep concern about the humanitarian situation in the Vanni region. Council members also condemned the Liberation Tigers of Tamil Eelem (LTTE) for the use of civilians as human shields and for not allowing them to leave the area of conflict. They urged the LTTE to lay down arms, renounce terrorism, allow for UN-assisted evacuation of the remaining civilians and join the political dialogue to bring an end to the conflict. They also urged the parties to abide by international humanitarian law and allow international humanitarian agencies access to those affected by the conflict. They also called on the Sri Lankan government to extend all necessary support to the UN.
- **Chad/CAR:** On 24 April Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations, briefed the Council (S/PV.6111) on the Secretary-General's

first report on the UN Mission in the Central African Republic and Chad (MINURCAT) since the transfer of authority from the EU Mission to the UN on 15 March (S/2009/199). Mulet said critical shortfalls in equipment weakened the force's operational capability. MINURCAT's military component, mandated to reach 5,200 troops, stood at 2,425 as of 22 April. Closed consultations followed the open briefing.

- **Côte d'Ivoire:** On 28 April the Council received a briefing by the Special Representative of the Secretary-General in Côte d'Ivoire, Choi Young-jin, on the latest report of the Secretary-General on the UN Operation in Côte d'Ivoire (S/2009/189). He noted that progress in the long delayed electoral process was now contingent on the evolution of the reunification of the country. The Council subsequently held private consultations with Choi, during which it was also briefed on the midterm report of the Group of Experts (S/2009/188) by the chairman of the Côte d'Ivoire Sanctions Committee, Ambassador Claude Heller of Mexico.
- **Children and Armed Conflict:** At press time the Council was expected to adopt a presidential statement after an open debate on Children and Armed Conflict on 29 April. The debate focused on the Secretary-General's Annual Report on Children and Armed Conflict (S/2009/158).
- **Western Sahara:** At press time the Council was expected to extend the mandate for the UN Mission for the Referendum in Western Sahara (MINURSO), scheduled to be adopted on 30 April. The text presented by the US after consultations in the Group of Friends (France, Russia, Spain, the UK and the US) was reportedly very close to last year's resolution. It did not make any reference to human rights which, just like last year, became one of the main divisive issues in the negotiations with all Council members. Several members outside the Group of Friends argued in favour of adding a human rights element, either by expanding MINURSO's mandate to include human rights monitoring (Costa Rica and Uganda) or by taking up the Secretary-General's call to the parties to engage in dialogue with the UN Office of the High Commissioner of Human Rights.

Georgia

Expected Council Action

In May the Council is expected to discuss the future of the UN Observer Mission in Georgia (UNOMIG). The Council requested recommendations from the Secretary-General in February in resolution 1866 (which extended UNOMIG's mandate until 15 June). His report is expected to outline options for the basis of a future UN mission.

Although UNOMIG's mission ends in mid-June, because of the complexity of the issue, the Council is expected to follow-up the Secretary-General's report in May.

Key Recent Developments

In February the Council agreed on a second short technical rollover for UNOMIG. Following a similar format to the October resolution, and reflecting the serious underlying issues, the resolution did not mention the name of the mission. Resolution 1866 did call for the 1994 Moscow Agreement on a ceasefire and separation of forces "to be respected pending consultations and agreement on a revised security regime". It also took note of the Secretary-General's earlier recommendations which included:

- strict observation of the ceasefire and refrain from hostile actions;
- a zone, equivalent in territorial expanse to the security zone in the Moscow Agreement, on both sides of the ceasefire where armed forces and equipment would not be allowed, as well as a restricted weapons zone which would not allow heavy military equipment;
- a ban on military aircraft and unmanned aerial vehicles in the zones;
- advance notice of changes in the deployment of armed personnel and vehicles; and
- designation of authorised liaison personnel to provide information.

The region has become increasingly tense in recent weeks. NATO military exercises are scheduled from 6 May to 1 June in Georgia, twelve miles east of Tbilisi. On 16 April Russia demanded that NATO call off the exercises saying they would not help restore stability in the Caucasus. On 22 April

NATO responded by inviting Russia to send observers to the military manoeuvres.

On 21 April Russia pulled out of a high-level NATO meeting scheduled for 7 May, apparently in reaction to the planned NATO exercises.

In Georgia, protests began on 9 April calling for Georgian President Mikhail Saakashvili to resign. Since February 2008 there has been growing unhappiness over Saakashvili's increasingly autocratic governing style. The opposition also accuses him of mishandling the conflict with Russia last year.

Reports indicate that Russia reinforced its military presence in the region in early April. Georgia claimed that Russia has 5,000 troops stationed in both South Ossetia and Abkhazia. It also claimed that Russia has moved 150 armoured vehicles to Akhgori in South Ossetia and 35 to Gali in South Abkhazia since the beginning of April. Russia confirmed that it sent reinforcements to the boundary lines because of its concerns that the Georgian government may provoke clashes to distract from the opposition protests.

On 22 April two military monitoring officers for the Organisation for Security and Cooperation in Europe (OSCE) were briefly detained by South Ossetian forces near the administrative boundary between Georgia and South Ossetia. The OSCE said that their detention was unacceptable, and Georgia condemned the detention as an act of provocation. South Ossetia claimed that the observers had been detained because they had crossed into South Ossetian territory. A similar incident took place in February when two observers were also detained for allegedly straying into South Ossetia.

The fifth round of the Geneva talks on Georgia will take place 18-19 May. They will be co-chaired by the UN, OSCE and the EU. Parties to the talks include Georgia, Russia, the US, Abkhazia and South Ossetia. (The 12 August ceasefire agreement called for internationally mediated talks focusing on security and stability and repatriation of refugees.) The previous round of

talks was held on 17-18 February and participants agreed on a joint monitoring mechanism to prevent and resolve security incidents around South Ossetia. The first meeting of this monitoring mechanism involving Georgia, South Ossetia and Russia with the EU and OSCE monitors took place on 23 April.

Options

An option is to set up a group of senior experts on Georgia from the Council to explore the ideas contained in the Secretary-General's upcoming report and to work closely with the Secretariat in this regard.

Another option is a possible Council mission to Georgia and Abkhazia to assess the situation ahead of deciding UNOMIG's future.

Also, an option may be to decide to provide preliminary feedback to the Secretary-General by the end of May so that he can provide a further short paper with refined recommendations.

Updated briefings from the Secretariat on developments, especially on increased build-up on the ceasefire line, are also a possibility.

Key Issues

A key issue is respect for the ceasefire line and the 1994 Moscow Agreement. Reports from the ground indicate that the Council's request in resolution 1866 has not been taken seriously.

But the fundamental issue is finding agreement on a future role for the UN that stabilises the security situation but also satisfies all parties. The Secretary-General's Special Representative and Head of UNOMIG, Johan Verbeke, has discussed possible security framework options with the parties, but there has been no agreement so far. The UN believes that a viable security framework is an essential foundation for any ongoing mission and is expected to present options in its May report.

An issue is the limited time the Council will have to reach agreement. It will probably have less than three weeks to come to a decision before the expiry of the UNOMIG mandate.

It is unclear to what extent the NATO exercises or the build-up of Russian forces will complicate the discussions. There has been some difficulty of independently verifying figures of the build-up of forces, particularly in South Ossetia, as EU monitors and journalists are not allowed into the area.

Compliance with the 2008 EU brokered ceasefire may also become a problem. Some reports indicate that Russia has troops 25 miles away from the Georgian capital Tbilisi. Russia claims that the ceasefire has been superseded by separate agreements signed with South Ossetia and Abkhazia.

Another issue is future monitoring. The Abkhaz leaders have indicated that they do not want the EU observers in Abkhazia but want them deployed in Georgia arguing that the EU has not recognised Abkhazia as an independent state.

On 12 February the OSCE extended the mandate for twenty unarmed military observers in the areas of Georgia adjacent to South Ossetia until 30 June. The mandate is separate from the previous OSCE mission which was technically closed on 31 December. Negotiations to revive the mission appear to have stalled.

A continuing issue is the stability of the Saakashvili government and the effect of continuing demonstrations on political stability.

Council Dynamics

Most Council members prefer to wait for the Secretary-General's recommendations before shaping their positions on the elements of a future UN presence in the region. Most of them have not been privy to the ongoing discussions between the parties and Verbeke on a security regime.

The Western countries in the Group of Friends (Germany, the UK, the US, and France) keep a close eye on the discussions between the UN and the key parties on the framework for a new security regime.

The positions of Russia and the US will be central. While there have been signs that both the US and Russia might be moving towards a more flexible approach to the

issue, it appears that neither is willing to show its cards quickly. For example, it is unclear if Russia would be willing to soften its position on the need for Georgia to accept an agreement on the non-use of force and an embargo on supplies of weapons to Georgia, or if the US might soften its position on territorial integrity.

Turkey, a new Council member and a neighbouring country to Georgia, is looking to be more closely involved in this issue.

Most elected members are aware that this is one of the most significant issues on the Council's agenda at the moment and are keen to have as much information as possible. (The practice of having a draft resolution first go through the Group of Friends often results in other Council members not being included in the negotiations at an early stage.)

UN Documents

Selected Security Council Resolutions

- S/RES/1866 (13 February 2009) extended UNOMIG till 15 June 2009.
- S/RES/1839 (9 October 2008) extended UNOMIG until 15 February 2009.

Selected Secretary-General's Report

- S/2009/69 and Corr. 1 (3 February 2009) was the last report on of the Secretary-General on the situation in Abkhazia, Georgia.

Other Relevant Facts

Special Representative of the Secretary-General and Head of Mission

Johan Verbeke (Belgium)

Size and Composition

- Size as of 31 January 2009: 156 total uniformed personnel, including 131 military observers and 20 police
- *Key troop-contributors:* Germany, Jordan, Pakistan and Bangladesh

Duration

August 1993 to present

Cost

1 July 2008-30 June 2009: \$36.08 million (gross)

Sudan

Expected Council Action

While there are no formal requirements for meetings on Sudan in May, the Council is visiting Africa, which includes meetings with the AU in Addis Ababa in May. Sudan seems certain to be discussed along with the humanitarian situation. A briefing to the Council is possible following an expected visit to the country in May by John Holmes, the Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. Discussion on Sudan's revocation of licences of 16 humanitarian and human rights NGOs in the Three Protocol Areas in the north-south border zone is also possible at this time.

It is unclear whether the midterm briefing by the Sudan sanctions Panel of Experts, initially expected in March, will be provided in May. Restrictions imposed by the UN/AU Hybrid Operation in Darfur (UNAMID) due to security concerns have prevented their entry into Darfur. UNAMID lifted these restrictions in April, and the experts are hoping to travel to Darfur in May. But it is unclear whether visas will be granted for all the experts.

Key Recent Developments

Unless new measures are introduced, it seems likely the humanitarian situation in Darfur will deteriorate over the coming months as a result of the expulsion and revocation of licences of 16 humanitarian and human rights NGOs on 4 March. The joint assessment conducted by the UN and the Sudanese government in Darfur determined the World Food Programme required experienced partners by May in order to sustain food distribution to more than one million people. Major water shortages could develop if fuel, financial support for technicians and spare parts are not continuously provided. By mid-April, only 30 percent of the 650,000 people without

healthcare since 4 March had received some form of assistance. The risk to public health is high ahead of the rainy season. A sustainable solution is also needed to distribute shelter materials beforehand.

The overall security situation in Darfur remains of concern with continuing threats of armed clashes between the government and rebel movements, tribal fighting and tension along the Chad-Sudan border. Chadian armed opposition groups continue to consolidate in western Darfur and joint convoys of the Sudanese government forces and Chadian armed groups are reportedly patrolling the border. Chadian government forces have strengthened positions in eastern Chad in anticipation of a rebel offensive.

Banditry continues to pose the greatest threat to the UN and UN associated personnel. In a worrying recent development, two international aid workers from Aide Médicale International were kidnapped in south Darfur on 4 April. An earlier kidnapping of five staff members of Médecins Sans Frontières-Belgium on 11 March was the first known incident of its kind in Darfur.

During his statement to the Council in closed consultations on 26 March, AU-UN Joint Chief Mediator Djibril Bassolé said mediation in Darfur was complicated by three factors: the deterioration of Chad-Sudan relations, the splintering of Darfurian armed movements and the indictment of President Omar Al-Bashir by the International Criminal Court (ICC). He said the mediation process was currently blocked by the intransigent positions of the warring parties following the ICC decision and a political solution to the crisis was slowed and even compromised.

During his statement to the Council on 27 April, Joint AU-UN Special Representative for Darfur, Rodolphe Adada said the political process in Darfur was frozen, in particular following the decision of the ICC. He said the ICC decision had “weakened the position of those in the Sudan who have been working for compromise and consensus and has encouraged militant sentiment on both sides”.

After withdrawing from peace talks on 20 March, the Darfurian rebel group Justice and Equality Movement (JEM) continues to refuse participation until the government implements provisions of the confidence-building agreement signed on 17 February. JEM considers the expulsion of humanitarian organisations as a direct breach of the agreement. In early April several Sudan Liberation Movement (SLM) factions announced their merger with JEM. Key SLM Commander Abdul Wahid Al-Nur continues to refuse to participate in peace talks.

On 26 March, Under Secretary-General Holmes briefed the Council in closed consultations on the joint Sudanese government-UN assessment mission to Darfur. While the Sudanese government committed to fill the gaps in humanitarian assistance, Holmes expressed concern at the sustainability of such assistance and the availability of the necessary expertise. The UN continues to pursue a three-track approach following the expulsion of humanitarian organisations: persuading the government to reverse its decision, mitigating immediate risks that could create a crisis and redesigning the aid architecture in northern Sudan to ensure long-term continuity of services.

The final communiqué of the Arab League Summit held on 30 March called on the Pre-Trial Chamber of the ICC to annul its decision to issue an arrest warrant against Al-Bashir. The communiqué was notably stronger than that of the AU Peace and Security Council, which on 5 March appealed to the Security Council to defer ICC proceedings. On 27 March the Organisation of the Islamic Conference Executive Committee met in New York and also called on the Security Council to suspend ICC proceedings. A meeting of the thirty African countries party to the Rome Statute is scheduled in June to discuss the work of the ICC in Africa in light of the indictment of Al-Bashir.

An AU high-level panel on Darfur led by former South African President Thabo Mbeki concluded its first visit to Sudan on 5 April. It is expected to also visit Chad, Libya,

Eritrea, Egypt and Saudi Arabia and to submit recommendations on peace, reconciliation and justice in Darfur at the AU Summit in July.

Meanwhile in southern Sudan, up to 300 were feared killed in a major intertribal clash in Jonglei State in mid April. Heavy intertribal fighting there in early March resulted in the deaths of more than 450 civilians and the displacement of more than 5,000. Since December, activities by northern Ugandan rebel group the Lord's Resistance Army (LRA) have displaced around 37,000 people in southern Sudan. Moreover, 17,695 Congolese have fled to southern Sudan.

A joint assessment of the humanitarian impact of the expulsion and revocation of licences of 16 NGOs (including five of the largest international aid agencies) in the Three Protocol Areas was conducted by the UN, the Sudanese Humanitarian Aid Commission and the Southern Sudan Relief and Rehabilitation Commission in mid-April. (The three areas in the north-south border zone comprise of Abyei, Southern Kordofan and Blue Nile.) The report is expected in late April.

On 2 April the National Elections Commission announced elections (for presidency and parliament, south Sudanese presidency, state governors, southern parliament and state assemblies) would be postponed until February 2010. Under the Comprehensive Peace Agreement (CPA), elections were to be held no later than 9 July 2009. The final report on border demarcation, due last November, and the results of the April 2008 census remain outstanding as the parties continue negotiations.

The Permanent Court of Arbitration in The Hague commenced oral hearings on the disputed boundaries of Abyei on 18 April. A final decision is expected in July. Abyei's administrative budget continues to be withheld by Khartoum in contravention of the Abyei Roadmap Agreement. The National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) agreed in June that the presidency would financially support the Abyei Area Administration.

On 10 February the Sudan Disarmament, Demobilisation and Reintegration Programme was launched in Blue Nile state. As of 31 March, 1,592 troops had been demobilised.

Following his visit to Sudan in mid-April, US Senate Foreign Relations Committee Chairman John Kerry announced leaders from the NCP and the SPLM had committed to enter into tripartite talks with President Obama's Special Envoy to Sudan, General Scott Gration, to reengage in talks on implementing the CPA.

Little progress has been made in implementing the March 2008 Dakar Agreement on measures to normalise relations between Chad and Sudan. The Dakar Contact Group last met in N'Djamena on 15 November 2008. Sudan and Chad continue to accuse each other of supporting armed opposition groups within their territories.

Key Issues

A central issue is the need for a ceasefire between the warring parties in Darfur and a political solution to the conflict. Lack of rebel group participation and compromise by the Khartoum government are key problems.

An immediate issue is the humanitarian situation in Darfur and the Three Protocol Areas (Abyei, Southern Kordofan and Blue Nile). There are concerns that the region as a whole may further destabilise if the humanitarian situation worsens. Related issues in Darfur are bureaucratic obstacles to humanitarian access, inconsistencies between state and federal systems, the government's negative media messaging and the security situation. A major concern is whether the erosion of humanitarian principles in Sudan will encourage other countries to take similar action against NGOs.

Disrupted humanitarian assistance may also increase tension among internally displaced persons (IDP) and lead to violence in the IDP camps and their environs, thereby placing additional pressure on the under-resourced UNAMID to perform its protection mandate. Significant population movements within Darfur or into Chad would further challenge UNAMID and humanitarian relief.

An enduring issue is the full deployment and operational impact of UNAMID which is still short of key assets. According to Secretary-General Ban Ki-moon, UNAMID will not meet its deployment targets unless troop and police contributors, with the support of donor countries, accelerate preparations and readiness to deploy.

The security of UN and humanitarian personnel in Darfur has become a critical issue. The Deputy Special Representative of the Secretary-General for Sudan, Ameerah Haq, has warned that unless conditions improve, remaining international NGO staff may be forced to leave or reduce programming.

The ICC arrest warrant against Al-Bashir remains an issue. A related question is whether Khartoum is prepared to make changes in its approach to Darfur that several Council members have been demanding.

The regional context remains a major dimension of the problem. The continued deterioration in relations between Chad and Sudan and the rising tensions on their border are not being addressed in any effective manner.

Finally, ensuring progress on the implementation of the CPA and maintaining the ceasefire between north and south Sudan remain key concerns. There is a potential for increased tension and violence given the still pending release of the April 2008 census results, the physical demarcation of the north-south border and electoral constituency boundaries—and the decision of the Permanent Court of Arbitration on Abyei's boundaries.

Options

Council members seem likely to be focussed on Darfur during the visit to Addis Ababa in May, but action seems unlikely given their divisions and the bleak prospects that any of the protagonists will be amenable to compromise.

But the Council could:

- hold an Arria-style meeting in an effort to introduce new energy and momentum and invite key regional stakeholders,

and those hosting figures key to the peace process;

- support the AU's condemnation of gross human rights violations in Darfur and its call for the Sudanese government to take immediate and concrete steps to investigate and bring the perpetrators to justice;
- discuss the ICC warrant and perhaps signal a willingness to consider a suspension provided that benchmarks determined by the Council are met;
- consider a serious package of targeted sanctions against peace spoilers, violators of international humanitarian law and those arming Chadian rebels in Darfur; and
- appoint a panel of experts to expose the sources of materials and financial support for the LRA.

Council Dynamics

It seems unlikely the Council's approach on Sudan will change in the short term.

There is broad support for the peace process but some anxiety about Bassolé's performance to date. Members agree that rebel groups should not be using the ICC decision as an excuse not to participate in peace talks. There seems to be little expectation on the work of the Mbeki-led panel.

Following the briefings by the Secretariat on the outcomes of the joint assessment mission to Darfur, the Council seemed more united in its concern about the humanitarian situation. This was evidenced by the remarks made to the press on 26 March by Libya, which held the presidency, calling for the Sudanese government to reconsider its decision to suspend the activities of some NGOs. The Council remains seized of the matter, however, while a major humanitarian crisis following the expulsions is still feared, most members seem to be bereft of new ideas.

At press time, negotiations on the text of a resolution renewing the UN Mission in Sudan (UNMIS) mandate were continuing. As was the case during negotiations to renew UNAMID, the major sticking point is making reference to the AU position on the ICC issue. It seems that proposed language on the negative impact of the expulsion of humanitarian NGOs may be altered in order to reach a compromise.

It seems some positions within the Council on deferral of ICC action have become more entrenched since the expulsion of humanitarian NGOs. Some members are hoping agreement on a set of concessions will be made between Khartoum and the US, the UK and France. Others question whether the Sudanese government would agree to or implement any concessions.

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/2009/211 (17 April 2009) was the latest UNMIS report.
- S/2009/201 (14 April 2009) was the latest UNAMID report.

Selected Council Meeting Records

- S/PV.6112 (27 April 2009) was the latest open UNAMID briefing.
- S/PV.6096 (20 March 2009) was a briefing by Rashid Khalikov, Director of OCHA on the situation in northern Sudan.
- S/PV.6079 (5 February 2009) was the latest open UNMIS briefing.

Selected Letters

- S/2009/207 (16 April 2009) was a Sudanese government report on implementation of the CPA.
- S/2009/144 (6 March 2009) was the AU Peace and Security Council 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 the Congo)

Joint AU-UN Chief Mediator

Djibril 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 6,432)
- *Strength as of 31 March 2009:* 12,444 military troops, 375 military staff officers, 188 military observers, 77 military liaison officers and 2,478 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 6 April 2009:* 8,537 troops, 560 observers, 184 staff officers and 685 police
- *Main troop contributors:* India, Pakistan and Bangladesh
- *Cost:* 1 July 2008-30 June 2009: \$876.9 million

UNMIS: Duration

24 March 2005 to present; mandate expires 30 April 2009

Somalia

Expected Council Action

In May the Council is expected to discuss the Secretary-General's recommendations in his 16 April report which concluded that a UN peacekeeping mission was not advisable at this time. In resolution 1863, adopted on 16 January, the Council said it would decide on this issue by 1 June. Consultations and a Secretariat briefing are anticipated early in May. The Council is expected to make a decision in a resolution to be adopted towards the end of the month and a debate is likely at that time.

Somalia is also expected to be on the agenda of the Council meetings with the AU in Addis Ababa as part of the Council trip to Africa from 14 to 21 May.

Key Recent Developments

The security situation in Somalia has remained volatile. At least ten civilians were killed on 11 April when fighting broke out between the insurgent group Al-Shabaab and the AU Mission in Somalia (AMISOM) after a mortar attack on Mogadishu's main port. In Mogadishu on 26 March, Interior Minister Sheikh Abdulkadir Ali Omar survived a roadside bomb explosion that hit his vehicle, killing one bodyguard and two civilians. A member of parliament was shot dead on 15 April, and two senior Islamic Courts Union (ICU) leaders were killed in separate incidents on 16 and 21 April. Al-Shabaab was accused by the ICU of being behind the assassinations but denied any involvement. Attacks against humanitarian aid workers continued. On 19 April a Belgian and a Dutchman working for Médecins Sans Frontières were abducted in central Somalia. On 20 April a worker for CARE International was killed by unknown gunmen in the town of Merka.

On 18 April the Somali parliament unanimously voted to institute Islamic law, thus ratifying the 10 March cabinet decision. There were expectations that this would strengthen support for the government and weaken those still opposing the peace process. A spokesman for the insurgent

The report advised against deployment of a peacekeeping operation at this stage and recommended an incremental approach in three phases: In phase one the current strategy (option B) would be maintained, phase two would see the establishment of a light UN presence in Mogadishu when security improved (option C), and in phase three a full-fledged UN peacekeeping operation would be established.

On 23 April the international donors' conference, which was convened in Brussels by the Secretary-General following the Council's request in resolution 1863, raised \$213 million to strengthen AMISOM and help rebuild Somali security institutions over a period of 12 months, exceeding the initial request. It should allow for the government to establish a national security force of 6,000 personnel and a Somali police force of up to 10,000 by September 2009. Most of the funding will be used to bolster AMISOM and comes in addition to \$71 million in UN assessed contributions approved by the General Assembly on 7 April.

Key Issues

The key issue for the Council in May is whether to accept the conclusions in the Secretary-General's report. If the Council decides to maintain the current strategy of strengthening AMISOM, a key issue will be whether to approve additional UN logistical support which would require more funding from UN assessed contributions and approval by the General Assembly.

A second key issue is continued international support for Somalia's new government. This includes delivering on the pledges at the recent Brussels conference, as well as further funding to begin rebuilding the country, humanitarian assistance and support for the peace process.

group Hisbul Islam reportedly welcomed the vote but said that the presence of foreign troops in Somalia was the main reason for their fighting.

Sheikh Hassan Dahir Aweys, leader of the Eritrea-based faction of the Alliance for the Re-liberation of Somalia, on 23 April returned for the first time in two years to Mogadishu, where he was received by the leader of Hisbul Islam. While his arrival in Mogadishu was seen as a sign that he could be willing to join the peace process, he said there would be no talks with the transitional government until AMISOM left.

There was a surge in piracy attacks off the coast of Somalia in March and April despite the growing international naval presence. After falling sharply at the beginning of the year, the number of attacks reportedly doubled in March compared to February. According to the International Maritime Bureau, there were sixty attacks in the first quarter of the year. Some twenty ships and 300 hostages are currently being held by Somali pirates. The EU Maritime Security Centre reported that pirates have changed their tactics, moving further south into the Indian Ocean. Ships carrying emergency food supplies to Somalia were attacked for the first time and the World Food Programme said that the recent piracy surge now threatens delivery of food aid to the Horn of Africa.

The first Somali pirate attack on a US-flagged ship took place on 8 April against the *Maersk Alabama*, with a crew that had twenty US nationals including the captain, who was taken hostage. The US rescue operation which left three pirates dead, and a separate French operation to free five hostages from a French yacht that killed two pirates (and also one of the hostages), marked an escalation in violence but did not seem to deter the pirates who hijacked two cargo vessels the following week.

US Secretary of State Hillary Clinton on 15 April announced a four-point plan to combat piracy. It included:

- working with partners at the 23 April donors' conference in Brussels to help

Somalia develop the capacity to police its territory;

- calling for immediate meetings of the International Contact Group on Piracy off the Coast of Somalia to develop an expanded international response with an emphasis on better coordination;
- pressing Somalia's government, as well as regional leaders in Puntland, to take action against pirates; and
- working with shippers and the insurance industry to address gaps in self defence measures.

In his 16 April report the Secretary-General presented his views on a possible UN peacekeeping operation as a follow-on force to AMISOM as requested by Council resolution 1863, including recommendations on its mandate. The report outlined four options.

- **Option A** would be deployment of a peacekeeping operation to take over from AMISOM, requiring 22,500 troops with the key objective of establishing a secure environment for the peace process to move forward and enable rebuilding of Somali institutions and delivery of humanitarian assistance.
- **Option B** would be to stay the current course of strengthening AMISOM while building Somali security institutions. There would be no UN presence on the ground.
- **Option C** would expand option B to include a light UN presence in Mogadishu by relocating elements of the UN Political Office for Somalia (UNPOS) and the UN Support Office for AMISOM, as well as the UN Country Team. This would require a substantial investment in security infrastructure. (The UN currently allows its international staff only to go there on missions and not permanent assignments.)
- **Option D** would be to have no international security presence in Somalia either because the AU decided to withdraw AMISOM or because the mission was requested to leave by the Somali government or forced to withdraw because of security concerns.

A third issue is whether to convene an international peace conference as referred to in resolution 1863. The Secretary-General said in his last report that he intended to hold consultations on convening a conference that would address “capacity building, humanitarian assistance and sustainable development”.

The piracy issue is now increasingly seen as soluble only in the context of support for the Somali government and the rebuilding of its security institutions and fostering reconciliation with the Puntland authorities. The recent upsurge in piracy has demonstrated that the problem cannot be solved simply by increasing the naval presence in the region and supports the argument that establishing an effective government on land is also vital. The piracy issue may also point to the need for the Council to establish an effective targeted sanctions regime for Somalia that could interrupt the pirates’ financial networks.

A fifth key issue is ensuring respect for human rights and international humanitarian law, in particular by the new security forces through adequate training and vetting of personnel. UNPOS already has a strong monitoring and protection mandate (in resolution 1814 the Council requested the Secretary-General to establish “an effective capacity within UNPOS” for this purpose) and is providing technical support to the joint security and high-level committees established by the Djibouti Agreement.

A related issue is ensuring justice and addressing impunity, currently being dealt with in the Justice and Reconciliation Working Group also established within the Djibouti Agreement framework. The independent expert on the situation of human rights in Somalia, Shamsul Bari, said after the donors’ conference in Brussels that accountability and transitional justice initiatives were essential.

Options

Main options for the Council include:

- deciding on the immediate establishment of a UN peacekeeping operation (unlikely);

- adopting a resolution endorsing the Secretary-General’s recommendation for an incremental approach in three phases and requesting a new assessment in three to four months, and renewing the Council’s authorisation of AMISOM;
- reiterating its call on all parties in Somalia to ensure respect for human rights and international humanitarian law and stressing the importance of human rights monitoring by UNPOS and other UN actors;
- announcing an intention, as the Djibouti Agreement process develops, to assist as appropriate in establishing an independent commission of inquiry to investigate serious crimes committed in Somalia; and
- establishing in the Somalia Sanctions Committee the list of individuals and entities to be targeted by sanctions and reviewing the recommendations of the latest report from the Monitoring Group (the Monitoring Group has now been asked to put forward a proposal for a list of names).

Council Dynamics

Most Council members, including African countries, now seem to support the incremental approach recommended by the Secretary-General. It corresponds with the long-held position of Council members like Russia, the UK, France, other European members and Costa Rica that there must be real political progress in Somalia before a UN peacekeeping operation can be deployed. The US now appears to share this view. African members seem satisfied as long as there is strong support for AMISOM and UN peacekeeping remains the end goal. In addition some members, including the UK and France, seem increasingly to want to put an emphasis on support for Somali security forces as the only long term solution to improve the security situation in Somalia.

The UK (which is the lead country on Somalia) is expected to introduce a draft resolution early in the month that endorses the Secretary-General’s recommendation. The objective is for the Council to make a

decision well in advance of 1 June in order to leave sufficient time for the General Assembly’s Fifth Committee to approve any additional support for AMISOM from UN assessed contributions, as its next session is expected to end on 5 June.

At press time there was no indication of any plans for new Council action on piracy, but the International Contact Group on Piracy off the Coast of Somalia was expected to convene in New York at the end of the month.

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.

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/2009/210 (16 April 2009) was the report requested by resolution 1863 on a possible UN peacekeeping deployment in Somalia.
- 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.



Latest Monitoring Group's Report
<ul style="list-style-type: none"> S/2008/769 (10 December 2008)
Other
<ul style="list-style-type: none"> S/2009/172 (31 March 2009) was a letter from the Secretary-General informing the Council of the appointment of the fifth expert to the Monitoring Group. 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.
Other Relevant Facts
Special Representative of the Secretary-General
Ahmedou Ould-Abdallah (Mauritania)
UNPOS
<ul style="list-style-type: none"> <i>Maximum authorised size:</i> 44 international and 28 local civilians <i>Cost:</i> \$6.4 million (budget for the period 1 January to 30 June 2009) <i>Duration:</i> 15 April 1995 to present; mandate expires on 31 December 2009
Chairman of the Somalia Sanctions Committee
Claude Heller (Mexico)
AMISOM
<ul style="list-style-type: none"> <i>Maximum authorised strength:</i> 8,000 troops plus maritime and air components <i>Strength as of April 2009:</i> about 4,300 Ugandan and Burundian troops <i>Key resource contributors:</i> China, Italy, Japan, Sweden, the UK, the US, the EU and Arab League <i>Duration:</i> February 2007 to present: AU mandate expires on 17 June 2009 and Council authorisation expires on 16 July 2009

Israel/Palestine

Expected Council Action

Russia (which has the Council presidency in May) was agreed in 2008 as the venue for the next high-level meeting on the situation in the Middle East to follow up on the 2007 Annapolis summit. It is therefore taking advantage of the monthly Council consultations on the Middle East currently scheduled for 11 May to focus on the Israel/Palestine issue in more depth and at a more senior level than usual. At press time the format was still being discussed but could be a briefing by the Secretary-General followed by a Council debate at the level of foreign ministers. Russia also proposed to convene the Middle East Quartet (the US, Russia, the EU and the UN Secretary-General) at the level of principals on the margins of the meeting. It was also unclear whether Arab foreign ministers would be invited. A presidential statement reaffirming the principles of the peace process is also currently being considered, but no draft had been circulated to the rest of the Council at press time.

The issue of the UN Board of Inquiry into the damage to UN facilities and loss of life during the December-January conflict in Gaza is also likely to come up in May. It is still uncertain whether and when the Secretary-General, or the Secretariat, will brief the Council and whether the report of the inquiry will be circulated.

Key Recent Developments

On 22 April Israel released the results of internal investigations into its role in Gaza. Some mistakes were acknowledged but the investigations found that the Israeli army acted according to international law during its operation in Gaza. These conclusions were rejected by a number of human rights groups saying their own investigation showed otherwise.

On 20 April the Council heard a briefing by B. Lynn Pascoe, Under Secretary-General for Political Affairs, on the situation in the Middle East. He said the Secretary-General

strongly supported a reinvigorated role for the Quartet. There had been little progress on the key elements of resolution 1860 of January 2009 which called for a ceasefire in Gaza, the commitment of the parties to a durable and sustainable ceasefire, the opening of Gaza's crossings for humanitarian access and materials for recovery and intra-Palestinian reconciliation. In particular, Palestinian talks were adjourned for the third time on 2 April without agreement on the composition of a transitional government. Also, the situation in Gaza remained fragile with many security incidents. Finally, he highlighted the problem of the ongoing Israeli settlement activity in the West Bank and East Jerusalem.

On 30 March the Arab League summit in Doha reaffirmed the 2002 Arab Peace Initiative. UN Special Coordinator for the Middle East Peace Process Robert Serry met with Arab leaders in April to discuss efforts to move the process forward.

On 8 April the Secretary-General was briefed by members of the UN Board of Inquiry, who shared their conclusions and recommendations and said they were still finalising the report. The report was submitted to the Secretary-General on 22 April, and at press time he had not yet decided on the next steps.

A new Israeli government led by Benjamin Netanyahu was sworn in on 31 March.

On 25 March, Hamas and Israel resumed talks aimed at exchanging the Israeli soldier Gilad Shalit for Hamas prisoners in Palestine. These Egyptian mediated negotiations had broken down in early March after Israeli Prime Minister Ehud Olmert rejected Hamas's demand that Israel free 1,400 prisoners.

Developments in the Human Rights Council

On 3 April the Human Rights Council announced the appointment of Richard Goldstone, former prosecutor of UN ad hoc tribunals for Rwanda and the former Yugoslavia, an ex-justice of the Constitutional Court of South Africa and a member of the Independent Inquiry Committee into the UN Oil-for-Food Program, to lead the fact-finding mission to investigate human rights and humanitarian law violations related to the recent conflict in Gaza. Upon his appointment, Goldstone said that it was in the interest of all Palestinians and Israelis that the allegations of war crimes and serious human rights violations related to all sides be investigated. This is despite the one-sided mandate for the investigation. The mission will also include Professor Christine Chinkin, Hina Jilani and Colonel Desmond Travers. The team is expected to convene in Geneva the first week of May to start its work.

Also at its tenth session from 2 to 27 March, the Council adopted resolution 10/18 deploring the continuing Israeli settlement and related activities, resolution 10/19 demanding the end of Israeli occupation of Palestinian land and condemning Israeli military operations and the targeting of civilians, resolution 10/20 reaffirming the right of Palestinian people to self-determination and resolution 10/21 demanding that Israel cooperate with the fact-finding mission.

Options

The Council may consider the following options for its meeting in May.

- Reaffirm the elements of resolution 1850 which in December 2008 declared Council support for the 2007 Annapolis Joint Understanding, stressed its commitment to the irreversibility of bilateral negotiations on a two-state solution, and restated its call on all states to support a Palestinian government that is

committed to the Quartet principles (all members of a future Palestinian government must be committed to nonviolence, recognition of Israel and acceptance of previous agreements and obligations, including the Road Map) and the Arab Peace Initiative (asking Israel to fully withdraw from all the territories occupied since 1967, achieve a just solution to the Palestinian refugee problem and accept a Palestinian State in exchange for commitment from Arab states to enter into peace agreements with Israel, provide security and normalise their relations with Israel).

- Call on both the Israeli government and the Palestinian side to remain committed to the Annapolis peace principles.
- Underline the importance of the Israeli-Syrian peace track.
- Call for the end to Israel's blockade of Gaza, perhaps in phased steps.
- Call for greater progress on intra-Palestinian reconciliation and the unimpeded provision and distribution throughout Gaza of humanitarian assistance.
- Address Israel's settlement activity in the West Bank and Jerusalem and call upon Israel to suspend it because of its negative impact on the situation.

The Council could also discuss a possible visit to Israel and the Palestinian territories at an appropriate point in 2009 to discuss implementing resolutions 1850 and 1860 and the Annapolis peace process.

For more details on the UN Board of Inquiry and broader Gaza war crimes issues, please see our April 2009 Forecast on Israel/Palestine: Gaza.

Key Issues

The main issue is how best to reinforce the irreversibility of previous commitments to the peace process, in particular the two-state solution. This appears important because of uncertainty over the new Israeli government's foreign policy. (Foreign Minister Avigdor Lieberman said on 1 April that Israel was not bound by the Annapolis Joint Understanding on the creation of a Palestinian state.) Israel is expected to

make its official position known when Prime Minister Netanyahu travels to Washington to meet with US President Barack Obama on or around 18 May. Therefore at the time of the high-level meeting Israel's position on the peace process will not yet be known.

A related issue is the US position and whether it will prefer to work quietly with the new Israeli government or be willing to publicly back the Annapolis commitments in company with the international community.

A related issue is whether the Council can any longer ignore Israel's settlement activities. This has been a pressing issue for the Arab group. US reluctance has so far prevented any new Council pronouncement on the issue (the Council last addressed this issue in a presidential statement in 2006).

Another key issue is whether the Israeli-Syrian track should be mentioned. A window of opportunity may exist and some are arguing that the moment should be seized to reinforce the issue.

Regarding the UN Board of Inquiry, a major issue is whether the report will be made public. (Many, especially Arab states, have been pushing for its release. Concerns about witness protection however may prevent full release.) The format of the Secretary-General's presentation (Council consultations or a public briefing followed by a debate, or an informal setting such as the monthly Secretary-General's luncheon, are all possibilities) had not been decided at press time. It is also unclear whether he will make recommendations (the UN Relief and Works Agency, for instance, has called for compensation).

Council and Wider Dynamics

There seems to be clear agreement within the Council on the irreversibility of the principles of resolution 1850. The US has spoken strongly in favour of the 2002 Arab Peace Initiative. It seems that the US may be willing to hold a Council high-level meeting in May although at press time there was no confirmation of this, and it

was unclear whether Secretary of State Hillary Clinton or United States Special Envoy to the Middle East George Mitchell would participate. Israel seems reluctant for any Council involvement in the Israel/Palestine issue, preferring that the issue be dealt with by the parties on the ground. A number of Council members have already expressed their interest in such a high-level meeting.

But it is unclear whether US agreement on a meeting also extends to adoption of a presidential statement that would reaffirm resolution 1850. It may be that the US prefers to send whatever messages by virtue of an individual statement rather than a collective one.

In December, Libya, in accordance with the Arab group position, had abstained on resolution 1850 because it did not mention the situation in Gaza or the Israeli settlements in Palestinian territories and also because it did not link mutual recognition between Israel and Arab states to the reaching of an agreement between Israelis and Palestinians. It remains to be seen whether the draft presidential statement being prepared by Russia will address those issues.

There has been strong support for Council engagement and leadership in securing the resumption of the Middle East peace process. Russia in particular has been strongly engaged and, given the difficulties being encountered for an international meeting in Moscow to follow-up on Annapolis (due to the absence of progress on Palestinian reconciliation and current uncertainties regarding Israeli policy), it is putting weight on some progress in the Council.

Council dynamics on the UN Board of Inquiry issue have not changed since our April *Forecast*. Many Council members, in addition to the Arab group and members of the Non-Aligned Movement have expressed their strong desire to see the report made public.

UN Documents

Selected 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.
- S/RES/1850 (16 December 2008) declared Council support for the Annapolis peace process and its commitment to the irreversibility of bilateral negotiations.
- S/RES/1515 (19 November 2003) stated the necessity for a two-state solution and unanimously endorsed the Quartet's Road Map.
- S/RES/904 (18 March 1994) called upon Israel to implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers against Palestinian civilians in the occupied territories.

Latest Presidential Statements

- S/PRST/2006/51 (12 December 2006) expressed deep concern over the situation in the Middle East, with its ramifications for peace and security, and underlined the need to intensify efforts to achieve a just, lasting and comprehensive peace in the region.
- S/PRST/2006/6 (3 February 2006) reiterated the view that Israeli settlement expansion must stop.

Latest Security Council Briefing on the Situation in the Middle East

- S/PV.6107 (20 April 2009)

Human Rights Council Resolution

- A/HRC/S-9/L.1 (12 January 2009) established an independent fact-finding mission to investigate all violations of international human rights and humanitarian law by Israel during the Gaza conflict.

Other Relevant Facts

UN Gaza Board of Inquiry

Head: Ian Martin (UK)
 Members: Larry Johnson (US), Sinha Basnayake (Sri Lanka), Colonel Patrick Eichenberger (Switzerland)

UN Special Coordinator for the Middle East Peace Process

Robert Serry (Netherlands)

Useful Additional Sources

- *Gaza's Unfinished Business*, International Crisis Group, 23 April 2009
- *A Last Chance for a Two-State Israel-Palestine Agreement: A Bipartisan Statement on US Middle East Peacemaking*, US/Middle East Project
- *Israel/Gaza: Israeli Military Investigation Not Credible*, Human Rights Watch, 23 April 2009
- *Annapolis Joint-Understanding, 27 November 2007: A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict*, 30 April 2003
- *Arab Peace Initiative*, 28 March 2002

Democratic Republic of the Congo

Expected Council Action

The Council is expected to visit the Democratic Republic of the Congo (DRC) as part of its trip to Africa, at press time scheduled from 14 to 21 May. There was no Council meeting scheduled at press time. But the DRC Sanctions Committee is expected to consider the interim report of the Group of Experts due on 15 May. (The DRC sanctions regime and the mandate of the UN Organisation Mission in the DRC (MONUC) expire on 30 November and 31 December respectively.)

Key Recent Developments

On 9 April the Secretary-General's Special Representative for the DRC, Alan Doss, presented the latest report of the Secretary-General to the Council. Doss said that significant security changes in eastern DRC had resulted from the decision by the rebel *Congrès national pour la défense du peuple* (CNDP) and other armed groups to end the conflict in eastern DRC. Improved relations between the DRC and Rwanda had also been a major contribution.

Doss noted that security challenges persisted. Other rebel groups continued to wreak havoc in the northeastern region. This stemmed from the reprisal attacks by the rebel Lord's Resistance Army (LRA), and attacks in eastern DRC by the Rwandan Hutu rebel group known as the *Forces Démocratiques de Libération du Rwanda* (FDLR). Another major challenge facing DRC and MONUC was integrating former rebels and militiamen into Congolese government forces.

Doss informed the Council about operations Kimia II and Rudia II, involving MONUC's logistical and material assistance to Congolese government forces fighting the FDLR and the LRA. He also updated the Council on the efforts by the DRC Independent Electoral Commission to update the voter register required for the local elections by June. (The Secretary-General's report had indicated that it would be difficult to delay the local elections. If they were not held in 2009, the alternative of conducting joint national and local elections in 2011 was not "operationally feasible," the report said.)

Following the briefing by Doss, the Council issued a press statement:

- commending the improvement of relations among the countries in the region;
- encouraging their continued cooperation;
- warning that operations against illegal armed groups should be planned jointly with MONUC; and
- welcoming the announcement on 23 March of the agreement reached between the Congolese government and the CNDP.

The statement also stressed the importance of security sector reform. The Council also supported joint operations by Congolese government forces and MONUC against the FDLR, the LRA and other armed groups and welcomed progress achieved in the disarmament, demobilisation, repatriation, resettlement and reintegration programme. It also looked forward to the organisation of transparent local elections.

The Secretary-General's Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, visited DRC from 14 to 21 April to assess the situation of children in the eastern conflict areas. Her visit focused on child recruitment by armed groups, sexual violence against children and impunity for violations of the rights of children. She met with DRC's defence minister and army generals and received commitments from government forces and armed groups for the release of children and their reintegration into their communities. She reported ongoing concern that many child soldiers were being passed into the ranks of the newly integrated brigades of the government forces. Her meeting with commanders of integrated Mai Mai militias in Masisi resulted in the immediate release of four children. Since January, about 1,300 child soldiers have been demobilised from various armed groups in the province of North Kivu.

Key Issues

During its visit to the DRC, in addition to the overall issue of the implementation of MONUC's mandate, the Council is likely to focus on ways to keep up the momentum in the rapprochement between the DRC and Rwanda. Other key issues are likely to be the preparations for the next elections, concerns about sexual violence and impunity and the issue of demobilisation, disarming and reintegration of combatants.

Another issue is whether the Council will put additional political weight behind UN efforts to generate additional capacities authorised by the Council in November 2008 to reinforce the rapid reaction capacity of MONUC to protect civilians. Doss had underlined the importance of the additional capacities during his 9 April briefing to the Council and said that none had yet arrived in the DRC.

The key focus for the DRC Sanctions Committee will be the current state of implementation of the sanctions regime. Illegal exploitation of natural resources and arms trafficking remain crucial elements fuelling the instability in DRC.

Options

Options for the Council in May include:

- encouraging the DRC's government to adhere to the peace process during its visit to the country in May, including through collaboration with the work of MONUC, organising local elections soon and improving mutual cooperation with neighbouring countries, particularly Rwanda and Uganda. The Council may also express concern about the protection of civilians, an end to impunity and possible Council sanctions against those deemed culpable;
- the Sanctions Committee adding new names of individuals and entities impeding the peace process to its sanctions list, in accordance with resolution 1857 (which renewed the sanctions regime in December); and
- issuing a statement encouraging member states to provide the additional capacities (especially additional aircraft and helicopters) required by MONUC as a matter of urgency (at press time no additional troops and capacities authorised by the Council in November were on the ground).

Council Dynamics

Council members appear to be taking a low key attitude on the DRC. France takes the lead and tries to keep up the momentum but even with the scheduled visit, there seems to be a sense of a DRC fatigue. This is most marked in the Sanctions Committee, which has been very slow in developing lists of individuals to be targeted with sanctions.

Council members seem content to monitor developments regarding the FDLR and LRA. It remains to be seen if the upcoming Council visit to the DRC will stimulate new enthusiasm.

Underlying Problems

The key challenges include weak state institutions, the illicit flow of arms, the continued presence of illegal armed groups and formidable socioeconomic challenges which greatly impede efforts of peace-building.

UN Documents

Selected Security Council Resolutions

- S/RES/1857 (22 December 2008) renewed the sanctions regime for the DRC and extended the Group of Experts' mandate 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.

Secretary-General's Report

- S/2009/160 (27 March 2009) was the latest report on the DRC.

Other

- SC/9633 (9 April 2009) was the latest Council press release on the situation in the DRC.
- 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 the 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 Council expressing concern about LRA activities.
- SG/SM/12029 (30 December 2008) was the Secretary-General's press statement on the LRA.
- S/2008/773 (10 December 2008) was the latest report of the Group of Experts for the DRC.
- 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 on DRC adopted by the Special Session of the Human Rights Council.

Other Relevant Facts

Chairman of the DRC Sanctions Committee

Ambassador Baki İlkin (Turkey)

Group of Experts

- Christian B. Dietrich, USA (aviation)
- Claudio Gramizzi, Italy (arms)
- Dinesh Mahtani, UK (finance expert and coordinator of the Group)
- Mouctar Kokouma Diallo, Guinea (customs expert)
- Raymond Debelle, Belgium (regional 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 31 March 2009:* 16,601 troops, 737 military observers, 1,093 police, 965 international civilian personnel and 2,251 local civilian staff, 578 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

Bosnia and Herzegovina

Expected Council Action

In early May, the Council is expected to receive a briefing from the new High Representative and the Special Representative for Bosnia and Herzegovina, Valentin Inzko of Austria.

The Council is also expected to discuss Inzko's report on Bosnia and Herzegovina. These regular reports are in accordance with Annex 10 of the 1995 Dayton Peace Agreement and the conclusions of the London Peace Implementation Conferences of 1995.

With the possibility of the Office of the High Representative (OHR) closing within the next year, Council members will be interested in hearing the High Representative's assessment of the situation in the country and his plans for the coming months.

No formal action is expected at this stage.

Key Recent Developments

On 13 March the Steering Board of the Peace Implementation Council (PIC) appointed Inzko as the High Representative for Bosnia and Herzegovina. He succeeds Miroslav Lajčák, who has been appointed Foreign Minister of Slovakia. Inzko is the seventh High Representative since the Dayton Peace Agreement created the position nearly 14 years ago.

On 25 March the Council adopted resolution 1869 which welcomed and agreed to the Steering Board's appointment of Inzko. It also reaffirmed the importance the Council attaches to the role of the High Representative in the implementation of the Peace Agreement in Bosnia and Herzegovina.

On 25 and 26 March the political directors of the PIC Steering Board met in Sarajevo. They welcomed the "limited but important progress" achieved in Bosnia and Herzegovina since the PIC's meeting in November. But they also expressed concern over continuing divisive and nationalist rhetoric as well as actions and statements from key actors that could pose a threat to OHR staff, challenge the authority of the High Representative and the PIC Steering Board, and demonstrate disdain for the Dayton Peace Agreement.

Milorad Dodik, Republika Srpska's prime minister has raised the idea of a federal solution with increasing regularity. On 14 February he called for Bosnia and Herzegovina to be reconfigured as a "union of federal states". He has also demanded the right to secession. On 17 April he said he believes Bosnia can enter the EU only if Republika Srpska can keep its autonomy. He also said that under no circumstances would the Bosnian Serbs accept entering Europe as a unified country.

On 20 March the parliament of Bosnia and Herzegovina adopted an amendment to the constitution which defines the Brcko District on the basis of the awards of the Arbitral Tribunal. It also ensures that the District has effective access to the Constitutional Court of Bosnia and Herzegovina.

In December the Council of Ministers, which is the executive branch of Bosnia and Herzegovina's government, adopted several key documents, including the National War Crimes Strategy and the revised Strategy for the Implementation of Annex 7 of the Dayton Peace Agreement (Annex 7 is the agreement on refugees and displaced persons).

There have been recent setbacks to freedom of the press in Bosnia and Herzegovina. The OHR and the Organisation for Security and Co-operation in Europe (OSCE) have noted that in 2008 there were 56 cases of violation of journalists' rights and media freedoms. This was a 100 percent increase from 2007. On 18 March a group of journalists working for Bosnia's Federated Television was attacked in Republika Srpska by a group of Bosnian Serbs. The attacks were condemned by the OHR, the OSCE and the US.

In mid-April Bosnia and Herzegovina began negotiations with the IMF for a loan of one billion euros. Inzko urged Bosnia and Herzegovina to bring its expenditure under control in order to meet IMF requirements.

Options

One option is for the Council to hear the briefing by Inzko but take no action.

A possible option in the light of recent developments is to agree on a statement:

- encouraging acceleration of the reform process and emphasising the need to work towards meeting all the objectives set by the PIC for the closure of the OHR;
- highlighting the dangers of a divisive political climate and the importance of social cohesion among the ethnic groups;
- reaffirming support for the High Representative and his final authority; and
- recalling that under the Dayton Peace Agreement no entity has the right to secede from Bosnia and Herzegovina and cautioning against any moves towards a referendum in support of secession.

Key Issues

A key issue is for the authorities in Bosnia and Herzegovina to deliver on the five objectives and two conditions set by the OHR in February 2008. (The objectives are resolution of the issue of state property and defence property, completion of the Brcko Final Award, fiscal sustainability and entrenchment of the rule of law. The two conditions are signing the EU Stabilisation and Association Agreement, and a positive assessment of the situation in Bosnia and Herzegovina by the PIC Steering Board based on full compliance with the Dayton Peace Agreement.) The first two objectives related to resolution of state and defence property have not been met. And the PIC Steering Board is not yet able to give a positive assessment of the situation.

These issues are closely related to the timing of the closure of the OHR. A decision to close the OHR and make the transition to an office of the EU Special Representative is only likely once those objectives and conditions are met.

A connected issue is the future role of the EU. Details of its role in Bosnia and Herzegovina once the OHR closes are yet to be defined.

A growing issue is the mounting divisive and nationalistic rhetoric. Some observers see this as a challenge to the sovereignty and constitutional order of Bosnia and Herzegovina

Related to this is the rising anxiety among the people of Bosnia and Herzegovina as leaders exploit fears about the risk of conflict and possible disintegration.

In this context, challenges to the instructions and requests of the High Representative are of increasing concern. Republika Srpska has failed to reply to a number of requests to secure access to documents.

Financial issues are also looming. Bosnia and Herzegovina is seeking a financial package from IMF. Budgetary problems and cutbacks could fuel social unrest.

A future issue is the possible indictment of Republika Srpska's Prime Minister Dodik on fraud charges. His case is being handled by international prosecutors working in Bosnia and Herzegovina's state court who are likely to reach a decision later in the year. Dodik may try and make good on his threat to secede. Such an act could lead to the High Representative having to use his so-called Bonn powers to remove Dodik. These powers to sack officials obstructing the peace process were conferred on the OHR at a PIC meeting in Bonn in 1997.

In the background of all of this is the practical issue for the Security Council that Bosnia and Herzegovina seems likely to become an elected member of the Council in October for a two year term beginning in 2010. (Bosnia and Herzegovina is the only candidate for the Eastern European seat for 2010-2011. It has been endorsed by the Eastern European group.)

Council and Wider Dynamics

Council members appear more focused on the issues facing Bosnia and Herzegovina than in recent times. Most members seem increasingly aware of the potential for instability and are keeping a close eye on developments. There is active engagement among EU members of the Council. Austria is playing a key role. Croatia has an interest in developments there, particularly relating to the situation of Bosnian Croats.

However, most members still seem shy about an active role for the Council at this stage. They are content to hear the High Representative's briefing but have little inclination to take any action. Some members feel that the Council should let the OHR or the PIC handle the issues.

The main differences among Council members relate to how much longer the OHR should stay in Bosnia and Herzegovina. Russia has consistently called for the OHR to shut down as soon as possible and has argued strongly that responsibility for the future of Bosnia and Herzegovina should be transferred to the Bosnians. The US and the UK are more cautious and

prefer not to see the OHR close prematurely. European members are clearly focused on Bosnia and Herzegovina's future within the EU and are looking ahead to a time when the EU Special Representative will take over from the High Representative.

UN Documents

Selected Security Council Resolutions

- S/RES/1869 (25 March 2009) welcomed and agreed to the designation of Valentin Inzko as High Representative of Bosnia and Herzegovina by the PIC Steering Board.
- S/RES/1845 (20 November 2008) reauthorised EUFOR till 20 November 2009.
- S/RES/1575 (22 November 2004) established the EU Force in Bosnia and Herzegovina (EUFOR).
- S/RES/1088 (12 December 1996) contained the authorisation of the establishment of a multinational Stabilisation Force.
- S/RES/1035 (21 December 1995) established the International Police Task Force.
- S/RES/1031 (15 December 1995) was on the implementation of the Peace Agreement for Bosnia and Herzegovina and transfer of authority from the (UNPROFOR) to the multinational implementation force.
- S/RES/743 (21 February 1992) established UNPROFOR.
- S/RES/713 (25 September 1991) marked the start of the UN's involvement in the former Yugoslavia.

Selected Council Meeting Record

- S/PV.6033 (5 December 2008) was the meeting record of the High Representative's briefing to the Council.

Selected Letters

- S/2008/413 (23 June 2008) was the letter from the Secretary-General transmitting the latest report on the activities of the EUFOR in Bosnia and Herzegovina from 1 March 2008 to 31 May 2008.
- S/2007/651 (5 November 2007) was the letter from the Secretary-General

conveying the most recent report of High Representative on the implementation of the Peace Agreement including an annex of the PIC's Declaration of 31 October 2007.

Other

- S/1995/999 and annexes (21 November 1995) was the General Framework Agreement for Peace in Bosnia and Herzegovina and Annexes, signed in Dayton.

Useful Additional Resource

Communiqué of the PIC Steering Board meeting of 25 and 26 March 2008

Counter-Terrorism Related Subsidiary Bodies of the Council

Expected Council Action

The chairs of the:

- Counter-Terrorism Committee (CTC, established under resolution 1373), Croatia;
- 1267 Committee (Al-Qaida and Taliban sanctions), Austria; and
- 1540 Committee (non-proliferation of weapons of mass destruction and terrorism), Costa Rica

are expected to address the Council during a public debate in May. They brief the Council twice a year. No formal outcome is expected.

Key Recent Developments

1267 Committee

Since the last joint briefing of the Committees in November, the work of the 1267 Committee has focused on:

- updating guidelines for the conduct of its work;
- developing procedures for reviewing all names on its Consolidated List (of individuals and entities subject to sanctions

- measures) and starting the review; and
- developing procedures for drafting narrative summaries on the reasons for listing of each entry on the Consolidated List and how they should appear on the Committee's website. (Narrative summaries began appearing on 9 March, see SC/9612.)

The Committee's new guidelines were adopted on 9 December (SC/9607). These included two new sections, one describing the procedures for reviewing all names on the Consolidated List and another detailing the procedure for considering requests for exemptions from the travel ban.

In late 2008, in accordance with resolution 1822 (which on 30 June extended the mandate of the 1267 monitoring team for 18 months), the Committee started reviewing all 489 names included on the Consolidated List by 30 June 2008. The review, to ensure the Consolidated List is as accurate as possible and to confirm that listing remains appropriate, is to be concluded by 30 June 2010 (SC/9612).

The Committee provided the European Council with summaries of the reasons for listing Al Barakaat International Foundation and Yassin Abdullah Kadi in response to the European Court of Justice ruling on 3 September that the procedures used by the EU to implement UN sanctions had infringed on basic rights in these cases. The European Commission provided the summaries to Kadi and Al Barakaat and gave them the opportunity to comment based on the summaries' content. After considering their comments, the European Commission decided on 28 November that the listings of Kadi and Al Barakaat were justified, given the preventative nature of the asset freezes, "for reasons of his/its association with the Al Qaida network". Both have lodged new applications.

Since the last joint briefing in November, the Committee has added six individuals and made 76 amendments to the Consolidated List, delisted one individual and approved its first exemption from the travel ban.

1540 Committee

Since the briefing in November, the work of the 1540 Committee has focused on:

- the appointment of three new experts who commenced work on 1 April;
- finalising the programme of work for the period 1 February 2009 to 31 January 2010 (S/2009/124);
- considering options for improving funding mechanisms to assist states in identifying and addressing needs for implementing resolution 1540; and
- considering a comprehensive review of the status of implementation of resolution 1540.

Under paragraph 8 of resolution 1810 (which on 25 April 2008 extended the mandate of the Committee and its panel of experts for three years), the Committee agreed to a comprehensive review of the implementation of resolution 1540 (S/2009/170). This will be based on information to be provided by member states, as well as intergovernmental and regional organisations. An open meeting of the 1540 Committee will be held in October or November (timed to coincide with meetings of the First Committee of the General Assembly). An outcome document is anticipated by 31 January 2010 and could include identification of gaps in the implementation of resolution 1540, analysis of its impact and recommendations to increase the effectiveness of the committee's activities.

In December 2007, the then chairman of the 1540 Committee, Ambassador Peter Burian of Slovakia, recommended a greater focus on tailored outreach and assistance to ensure implementation of resolution 1540 and suggested the possibility of a trust fund for country visits by experts to enable more active assistance. In early 2009 the Committee, under paragraph 13 of resolution 1810, decided to use the existing UN Trust Fund for Global and Regional Disarmament Activities to administer voluntary contributions to support activities to identify and address states' needs related to the implementation of resolution 1540 (S/2009/171).

Throughout 2009 the Committee has also sought to:

- promote implementation of resolution 1540 through outreach, dialogue, assistance and cooperation; and
- enhance cooperation with other organisations.

In order to implement the current programme of work more efficiently and better direct and manage the work of the experts, the Committee decided to create four working groups on a trial basis (S/2009/124). Participation in each working group will be at the discretion of Committee members. The working groups will be responsible for monitoring progress on national implementation, assistance, cooperation with international organisations, and transparency and media outreach.

CTC

Since the previous briefing last November, the work of the CTC has focused on:

- an assessment of progress by member states in implementing resolution 1373;
- facilitating technical assistance; and
- visits to member states.

In December procedures for the CTC and its subcommittees for assessing progress by member states were approved. This "stocktaking" exercise is anticipated to be concluded in late 2009.

At press time, the *Counter-Terrorism Committee Executive Directorate's* (CTED) *Technical Guide to the Implementation of Resolution 1373* was awaiting Committee approval. This will identify standards and criteria for determining implementation of the various provisions of resolution 1373. It is intended to enhance the ability of the CTED and the CTC to apply consistent judgement across their assessments of member states' implementation.

Following the approval of a revised technical assistance strategy in June 2008, CTED has referred 84 cases of technical assistance needs to potential donors. Donors have agreed to follow up on 34 referrals.

Key Issues

Sustaining global efforts to combat terrorism and maintaining support for resolutions

1267, 1373 and 1540 and their proper implementation remain key issues. Some states lack either the capacity or the will to implement their provisions. Others accord them low priority because of reporting requirements, lack of understanding and lack of capacity. The 1267 regime has also faced questions about legitimacy, in particular the lack of due process. Key questions are whether these subsidiary organs of the Council are effective and what the most efficient mechanisms to deal with the global threat of terrorism are.

The problem of non-reporting or late-reporting is likely to become more of an issue as the 1267 Committee reviews names on the Consolidated List and the CTC undertakes its stocktaking exercise. Without the active participation of most states, the success of these activities will be undermined.

Concerns over due process raised about the work of the 1267 Committee continue. The Council is making some efforts to strengthen its procedures to enhance the legitimacy of the 1267 regime but it remains unclear to many whether appropriate standards of fairness and clarity are yet met. There are currently thirty legal challenges worldwide involving individuals and entities on the Consolidated List. A key question is whether the new European Council Regulation will go further than the procedures in resolution 1822 (such as reviewing the reasons for listing) and what impact this may have on the 1267 sanctions regime.

A central issue in adopting measures against terrorism is the balance between prevention and protection of human rights. This relates to the broader issue of ensuring that states comply with their obligations under international law when undertaking any measures to combat terrorism.

An issue for the 1540 Committee seems to be its proclivity for focusing on procedural matters (rather than on the substantive implementation of the original measures). Examples are the months taken to agree upon last July's report on 1540 compliance, the recent appointment of experts

and the current programme of work. A key question still not met three months into the current programme of work, and with the working groups now created to implement the programme more efficiently, is whether this is an efficient system to enhance the Committee's full implementation of resolution 1540.

Options

The open briefing in May—and the transparency it provides—offers the Council (and the wider UN membership) an opportunity to take stock of progress on the substance and working methods of the three committees and their expert groups. Possible options include:

- more active information about the work of the three committees, publishing semi-annual reports on their work and providing more regular informal briefings to member states;
- co-locating the three expert groups;
- creating a single counter-terrorism department within the UN Secretariat encompassing the work of the General Assembly's Counter-Terrorism Implementation Task Force and the three subsidiary bodies of the Council;
- ensuring all country visits undertaken by the CTED include experts from the 1267 and 1540 expert groups;
- developing a common strategy across the three committees on technical assistance with a view to potentially centralising the technical assistance programmes; and
- strengthening the three committees' relationships with the Human Rights Council, the High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Council members and member states could use the debate as an opportunity to provide input on:

- the interim review of CTED which is to be conducted by 30 June in accordance with resolution 1805 (which on 20 March 2008 extended CTED's mandate until 31 December 2010);

- the merit of extending the mandate of CTED as a special political mission beyond 31 December 2010;
- 1267 sanctions measures which will be reviewed in December 2009; and
- areas of common interest amongst the committees, in order to improve their coordination (the Council expressed its intention to provide guidance on this issue in resolutions 1805, 1810 and 1822).

Council Dynamics

As with all sanctions committees and other subsidiary bodies of the Council, the limited information in the public domain about the workings of the committees and the fact that records are taken only during official committee meetings, means that even though most committees are chaired by elected members, in practice, permanent members of the Council are at a distinct advantage when it comes to influencing the work of the committees. On the other hand, the three counter-terrorism committees are the only Council subsidiary bodies that provide regular public briefings and offer the broader UN membership the opportunity to participate and to debate their work, both in terms of substance and in terms of their working methods.

Within the P5, the UK and France seem most concerned about the court challenges to the 1267 regime, followed by the US. Russia's historic reluctance to approve delisting requests for Taliban and Chechen entries seems to be becoming an additional factor which is impairing attempts to improve the relevance and fairness of the Consolidated List.

Some new Council members, including Mexico and Austria, seem concerned to bring greater attention to issues of human rights, due process and the rule of law in the work of the committees.

UN Documents

Selected Security Council Resolutions

- S/RES/1822 (30 June 2008) extended the mandate of the 1267 monitoring team until 31 December 2009.
- S/RES/1810 (25 April 2008) extended the mandate of the 1540 Committee and expert body until 25 April 2011.
- S/RES/1805 (20 March 2008) extended the CTED mandate until 31 December 2010.
- S/RES/1566 (8 October 2004) called for better cooperation between Council's counter-terrorism committees and established a working group to consider practical measures to be imposed on terrorists other than Al-Qaida/Taliban.
- S/RES/1540 (28 April 2004) established the 1540 Committee and its mandate.
- S/RES/1373 (28 September 2001) established the CTC and its mandate.
- S/RES/1267 (15 October 1999) established the Al-Qaida and Taliban Committee and its mandate.

Security Council Debate Records

- S/PV.6034 and resumption 1 (9 December 2008) was an open debate to strengthen international solidarity in combating threats caused by terrorist acts.
- S/PV.6015 (12 November 2008) was a briefing by the chairs of the CTC, 1540 and 1267 Committees and the following debate.
- S/PV.4892 (12 January 2004) was a debate in which member states began calling for better cooperation between counter-terrorism committees.

Other

- S/2009/170 (27 March 2009) was the report on the consideration of a comprehensive review of the status of implementation of resolution 1540.
- S/2009/171 (27 March 2009) was a paper on options for funding mechanisms for the implementation of resolution 1540.

- SC/9612 (12 March 2009) was a press release regarding the 1267 Committee conducting a review of entries and posting narrative summaries on their website.
- S/2009/124 (2 March 2009) was the annual programme of work for of the 1540 Committee.
- SC/9607 (3 March 2009) was a press release regarding the 1267 Committee updating its guidelines.
- S/2009/71 (3 February 2009) was the programme of work for the period 1 January to 30 June 2009 for the CTC.
- A/HRC/10/3 (4 February 2009) was a report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
- S/2008/820 (26 December 2008) was a letter informing the Council three new experts had been approved for the 1540 Committee.
- S/2008/428 (23 June 2008) was a discussion paper on the establishment of an expert panel to assess delisting requests from representatives of Denmark, Germany, Liechtenstein, the Netherlands, Sweden and Switzerland.
- A/63/223 (6 August 2008) was the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Other Relevant Facts

Committee Chairs:

- Ambassador Neven Jurica (Croatia): CTC
- Ambassador Jorge Urbina (Costa Rica): 1540 Committee
- Ambassador Thomas Mayr-Harting (Austria): 1267 Committee

Useful Additional Sources

Assessing Damage, Urging Action, Report of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights, International Commission of Jurists, February 2009

Lebanon

Expected Council Action

On 7 May the Council is expected to discuss the latest Secretary-General's report on implementation of resolution 1559, which in 2004 urged the disarmament of all Lebanese and non-Lebanese militias and the extension of government control over all Lebanese territory. The main issues for consideration could be arms smuggling and the upcoming Lebanese legislative elections scheduled for 7 June.

At press time it seemed unlikely that the Council would take any formal action.

Key Recent Developments

The latest report of the Secretary-General on resolution 1559 was submitted on 24 April. The Secretary-General welcomed renewed commitment of Syria and Lebanon toward the delineation of their common border, expressed concern at the porous nature of this border and the potential for breaches of the arms embargo (there are reports of a large number of arms inside Lebanon) and said that the continued activities of militias on all sides of the political spectrum constitute a challenge for Lebanon's exclusive military authority. He also urged Syria to assist the Lebanese in disarming Palestinian militias who have a presence in Lebanon but are headquartered in Damascus. And he expressed concern at Hezbollah's statements that it was providing support to militants in Gaza from Egyptian territory.

In a briefing to the Council on 20 April, Under Secretary-General for Political Affairs B. Lynn Pascoe said that the overall situation in Lebanon over the past month remained stable despite a number of security incidents.

On 13 April four Lebanese army soldiers were killed in the Bekaa Valley by rocket propelled grenades, apparently during an attempt by the army to confront drug dealing and criminality. On 23 March a bomb attack in southern Lebanon killed Kamal

Medhat, the deputy head of the Palestine Liberation Organisation in Lebanon. This was condemned by Secretary-General Ban Ki-moon.

On 10 April the leader of Hezbollah, Hassan Nasrallah, acknowledged that his group had attempted to supply military equipment to Hamas in the Gaza Strip through Egypt. Egyptian authorities reacted strongly and on 13 April announced that Hezbollah was planning attacks on Egyptian soil (which was denied by Hezbollah). Tension between Hezbollah and Egypt increased in recent months after Hezbollah accused the latter of not doing enough to protect Palestinians during Israel's military operations in Gaza earlier this year.

Lebanon opened its first embassy in Damascus on 16 March. Syria appointed an ambassador to Beirut on 24 March.

On 10 March, UN Special Coordinator for Lebanon Michael Williams briefed the Council on implementation of resolution 1701, which in 2006 established a ceasefire between Israel and Hezbollah. He said little new progress had been made and that serious violations by Hezbollah and Israel had occurred in recent months. However, the ceasefire held, and southern Lebanon and northern Israel were experiencing the longest period of stability in decades. The briefing was followed by closed consultations.

The 1701 report submitted to the Council on 3 March said that:

- Establishment of diplomatic relations between Syria and Lebanon had a positive effect on the ground.
- There has been better coordination between Lebanon and Syria for border management as a result of improvement in relations.
- The Lebanese national dialogue continued and was contributing to national stability, but there had been slow progress with disarmament.
- The presence of bases of Palestinian armed groups (the Popular Front for the Liberation of Palestine-General Com-

mand and Fatah al-Intifada) in Lebanon continues to pose a threat to the country's stability. The Lebanese government should dismantle them and Syria should help with this issue.

- The firing of rockets from Lebanon toward Israel during the Gaza crisis and again on 21 February was a serious cause of concern. The south should be free of any such unauthorised weapons; nonetheless, there is no evidence of new weapons smuggling.
- Despite a lack of willingness from Israel and Syria to resolve the Sheb'a Farms issue, diplomatic efforts would continue.
- There had been no progress toward Israel's withdrawal from northern Ghajar and Israel has still not provided maps of cluster bombs location in southern Lebanon.
- Israeli overflights of Lebanon have continued.
- The political situation in Lebanon has remained generally calm in the run-up to the June elections.

In another development, the Special Tribunal for Lebanon began its activities in The Hague on 3 March, taking over from the Beirut-based UN International Independent Investigation Commission (whose mandate was left to expire at the end of February). The Tribunal's prosecutor, Daniel Bellemare, has continued to conduct investigations. The Council issued a press statement welcoming the Tribunal, reiterating its support and recalling the importance of full cooperation of member states with the Office of the Prosecutor.

On 25 March the Tribunal, presided by Antonio Cassese, appointed its key officials and adopted rules of procedure and evidence. In addition, Pre-Trial Judge Daniel Fransen directed the Lebanese judicial authorities to defer to the Tribunal's competence, hand over to the prosecutor the results of investigations and submit a list of all persons detained in connection with the investigation, which Lebanon did shortly after. On 29 April, Judge Fransen decided to release four generals that had been arrested and detained in 2005 following

recommendations of former chief investigator Detlev Mehlis, who concluded that there was evidence implicating Syrian and Lebanese intelligence services in the assassination of former Lebanese Prime Minister Rafik Hariri. Former military intelligence chief Raymond Azar; Mustafa Hamdan, head of the presidential guard; Director of Internal Security Forces Ali Hajj; and Jamil al-Sayyed, head of the Lebanese General Security Directorate had never been charged with a crime.

Options

One option is to do nothing, as has been the practice with 1559 reports since 2007.

Other options for the Council, recognising the importance of the upcoming elections, include:

- welcoming the Secretary-General's report and reemphasising the necessity to implement resolution 1559 in full;
- reinforcing the need for free and fair legislative elections without any form of outside interference;
- encouraging further cooperation between Syria and Lebanon, particularly on border control, while reminding the parties of previous commitments to take steps to delineate the border; and
- addressing the security risks of non-Lebanese militias while expressing support for the Lebanese dialogue on a national defence strategy.

Key Issues

The main issue is the upcoming parliamentary elections, which will pit the anti-Syrian "14 March" alliance led by Sunni leader Saad Hariri (who is backed by the US and Saudi Arabia) against the "8 March" alliance including the Shiite group Hezbollah (which is supported by Iran and Syria). The Christian voters, who belong to neither

camp, seem divided. The results are likely to be close. In addition, there are questions about the potential impact that the Tribunal's decision to release the four generals may have on the electoral process and political dynamics as they were originally suspected to have ties with Syria and to have been involved in Hariri's assassination. The Prosecutor's decision could affect the political dynamics. (The pro-Syrian "8 March" coalition has always denied Syrian involvement in the killing.) Despite fears that the elections may be accompanied by renewed tensions, the improvement in Syrian-Lebanese relations, a recent cautious détente between Saudi Arabia and Syria and initial steps toward a US-Syrian rapprochement may have a smoothing effect.

A related important issue is the prospect for the formation of a new government after the elections. It is unclear whether the opposition minority blockage mechanism conferred on the opposition in the May 2008 Doha Agreement will remain since it is being contested by the "14 March" alliance, and there are fears that this may also lead to political tensions.

Another issue to be addressed is the reported presence of weapons on Lebanese soil and on proliferation of extremist groups and militias activities, even though the 1701 and 1559 reports both said that there had not been any new reports of arms smuggling. But rocket attacks against Israel from southern Lebanon in January and February seem to signal that illegal weapons remain available in the south. And Hezbollah's stated activities in Egypt have led to questioning about the militia's end goals. It remains to be seen whether there will be enough appetite for addressing such an issue that is not directly connected to the 1559 mandate.

Another issue is the delineation of the Syrian-Lebanese border. Syria has continued to say that it is ready to proceed but that it wants to exclude the Sheb'a Farms. So far there has been no apparent progress.

Finally, the assassination in March of Kamal Medhat, in addition to allegations that Palestinian militants were involved in the firing of rockets into Israel in January and February, has exposed continuing tensions among Palestinian factions in Lebanon and the related threat to security. It suggests perhaps that the Hamas/Fatah division in Palestine is having destabilising effects on Palestinians in Lebanon. It may remind the Council that progress on disarming non-Lebanese militias also remains crucial.

A more general issue at this stage is when it would be useful for the Council to revisit resolution 1559 which is becoming in some respects progressively outdated (and some of its elements are covered in resolution 1701).

Council Dynamics

There is a lack of appetite in the Council for 1559 reports. Many members, including the P5, believe that with the elections scheduled in June, Council action in May would be bad timing. It may also be linked to persisting divisions within the Council on several issues in relation to the 1559 mandate. For instance, while France, the US and the UK tend to believe that Syria should be reminded to delineate its border, Russia and China have usually been more reluctant as they say it is a sovereignty issue (both China and Russia abstained on resolutions 1559 and 1680). Council members are also reluctant to discuss arms smuggling issues.

There has been a general lack of momentum on Lebanon, including on the 1701 process since 2007. The Council did not react to the March Secretary-General's report. This may stem from the fact that many hold the view that full implementation of Council resolutions on Lebanon will be feasible only within a broader Middle East peace process. Many believe that the only way to deal with militias in Lebanon is through a US-Syria and US-Iran rapprochement, as well as through renewed Syrian-Israeli peace talks.

UN Documents

Selected Security Council Resolutions

- S/RES/1757 (30 May 2007) established the Tribunal under Chapter VII of the UN Charter.
- S/RES/1701 (11 August 2006) called for a cessation of hostilities between Hezbollah and Israel and for a permanent ceasefire, establishment of an area free of weapons in southern Lebanon and an arms embargo; called for the disarmament of all militias and for the provision of all maps of landmines in Lebanon in Israel's possession; and requested the Secretary-General to develop proposals to deal with the Sheb'a Farms.
- S/RES/1680 (17 May 2006) encouraged Syria to respond positively to the Lebanese request to delineate their common border and called for further efforts to disband and disarm Hezbollah and to restore fully the Lebanese government's control over all Lebanese territory.
- S/RES/1559 (2 September 2004) urged withdrawal of all foreign forces from Lebanon, disarmament of Lebanese and non-Lebanese militias, extension of the Lebanese government's control over Lebanese territory and free and fair presidential elections.

Latest Presidential Statements

- S/PRST/2008/8 (15 April 2008) was the latest presidential statement on implementation of resolution 1701.
- S/PRST/2007/17 (11 June 2007) was the latest presidential statement on implementation of expressed concern at illegal movements of arms and supported the Lebanese army's efforts to restore stability in Lebanon.

Latest Press Statement

- SC/9606 (3 March 2009) welcomed the beginning of activities of the Special Tribunal for Lebanon.

Latest Secretary-General's Reports

- S/2009/218 (24 April 2009) was the latest report on implementation of resolution 1559.

- S/2009/119 (3 March 2009) was the latest report on implementation of resolution 1701.
- S/2009/106 (24 February 2009) was the final report of the Secretary-General on the Special Tribunal for Lebanon before it commenced functioning as an independent judicial body on 1 March 2009.

Selected Letter

- S/2009/191 (7 April 2009) was a letter from Lebanon condemning Israel's defiance of UN calls to hand over the exact strike data and the maps of cluster munitions in south Lebanon.
- S/2009/183 (6 April 2009) was a letter from Lebanon on violations of Lebanese territorial integrity in March.
- S/2009/157 (25 March 2009) was a letter from Palestine on the 23 March assassination of Kamal Medhat.
- S/2009/141 (12 March 2009) was a letter from Lebanon on violations of Lebanese territorial integrity in February.
- S/2008/392 (22 May 2008) was a letter from Lebanon transmitting the May 2008 Doha agreement.

Other Relevant Facts

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

Terje Rød-Larsen (Norway)

UN Special Coordinator for Lebanon

Michael Williams (UK)

Prosecutor of the Special Tribunal for Lebanon

Daniel Bellemare (Canada)

President of the Special Tribunal for Lebanon

Antonio Cassese (Italy)

Useful Additional Sources

- Seymore M. Hersh, "Syria Calling: The Obama Administration's chance to engage in a Middle East peace," *The New Yorker*, 6 April 2009
- *Engaging Syria? U.S. Constraints and Opportunities*, International Crisis Group, 11 February 2009
- *Special Tribunal for Lebanon* website, www.stl-tsl.org/

Notable Dates for May

Reports Due for Consideration in May		Document Requesting Report
16 April	SG report (S/2009/210) on Somalia (AMISOM)	S/RES/1863
17 April	SG report (S/2009/211) on Sudan (UNMIS)	S/RES/1812
24 April	SG report on resolution 1559 (Lebanon)	S/RES/1664
30 April	SG report (S/2009/221) on Nepal (UNMIN)	S/RES/1864
Early May	Report of the High Representative for the Implementation of the Peace Agreement in Bosnia and Herzegovina.	S/RES/1031
15 May	DRC Group of Experts interim report	S/RES/1857
by 15 May	SG report on Georgia (UNOMIG)	S/RES/1866

May 2009 Other Important Dates

1 May	Special Representative and Head of UNFICYP appointment expires
7 May	Consultations on Secretary-General's report on implementation of resolution 1559 (Lebanon)
11 May	High-level Council meeting on Israel/Palestine
14-21 May	Council delegation visit to Africa
18-19 May	The fifth round of Geneva talks on Georgia is expected to take place.

Also expected in May:

- The Council is expected to receive a briefing from the new High Representative for Bosnia and Herzegovina.
- The chairs of the Counter-Terrorism Committee, the 1267 Committee, and the 1540 Committee are expected to brief the Council in a public debate.
- The conclusions of a UN board of inquiry into damage to UN facilities and loss of life during the December-January conflict in Gaza may also be submitted to the Council during May.
- The report by the Secretary-General on Protection of Civilians is expected.
- Kurdistan National Assembly and Kurdistan Regional Government Presidency elections are expected to be held in Iraq.
- A meeting of the International Contact Group for Piracy off the Coast of Somalia is expected in New York at the end of May.

Important Dates over the Horizon

- Legislative elections in Lebanon are scheduled for 7 June 2009.
- Presidential elections in Guinea-Bissau are scheduled for 28 June 2009.
- AU Summit expected in July 2009.
- Referendum on the Status of Forces Agreement between the US and Iraq is expected to be held in Iraq by 31 July 2009.
- Presidential elections are expected in Afghanistan in September 2009.
- Legislative elections are expected to be held in Iraq in December 2009.
- Legislative elections in Chad are currently slated for 2009.
- Elections in the DRC are currently slated for 2009.
- Palestinian presidential and legislative elections are to be held in January 2010.
- Elections (presidency and parliament, south Sudanese presidency, state governors, southern parliament and state assemblies) in Sudan are expected in February 2010.

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