



SECURITY COUNCIL REPORT

MONTHLY FORECAST

JUNE 2009



29 May 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 JUNE

Turkey holds the presidency of the Council in June.

An open debate on **protection of civilians** is planned late in the month. There is also a possibility of another open debate on **peacekeeping** with a particular focus on troop contributing countries late in the month (this has not been confirmed at press time).

Debates are likely on **Kosovo**, with the participation of representatives of Serbia and Kosovo, and on **Iraq**, with the likely participation of the country's representative.

Formal meetings to adopt resolutions renewing mandates of operations in the **Golan Heights** (UNDOF) and in **Georgia** (resolution 1866) are expected.

The Council is likely to receive several briefings in June:

- A briefing on **Sudan** by John Holmes, the Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, originally scheduled

in May but postponed.

- The monthly **Middle East** briefing may be conducted in June by Tony Blair, the Quartet Special Envoy (at press time this has not been confirmed).
- Early in the month, the Council will be briefed by the presidents and prosecutors of the International Criminal Tribunals for the former Yugoslavia (**ICTY**) and Rwanda (**ICTR**) on the completion strategies for each tribunal.
- The Prosecutor of the International Criminal Court (**ICC**) is also expected to brief the Council.
- The Chair of the Liberia Sanctions Committee.
- The Chair of the Iran Sanctions Committee.
- The head of the United Nations Regional Centre for Preventive Diplomacy for Central Asia (**UNRCCA**).

The Council is likely to receive briefings on:

- **Sierra Leone** (UNIPSIL);
- **Burundi** (BINUB); and
- **Guinea-Bissau** (UNOGBIS).

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The Council will also discuss:

- **Afghanistan** (UNAMA);
- **Central African Republic** (BONUCA); and
- the Counter Terrorism Executive Directorate (**CTED**).

Aide-Memoire

Important matters pending for the Council include:

- 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. (The last report, released in December, covered the period 1 May to 31 July 2008.) The next report covering the period 1

August to 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 always very delayed. The last report, released in late April, covered the period from 1 July to 31 December 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.

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Aide-Memoire (continued)

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

- **Nepal:** On 5 May the Council heard a briefing from Karin Landgren, Representative of the Secretary-General in Nepal (S/PV.6119) and considered the report of the Secretary-General on Nepal. (S/2009/221). Following the meeting the Council issued a presidential statement expressing its concern over the current political situation in Nepal and underscoring the urgent need for the Nepal government and all political parties to continue to work together in a spirit of compromise. It also reaffirmed its full support for the peace process and UNMIN (S/PRST/2009/12).
- **Peace and Security in Africa:** A presidential statement expressing deep concern about the resurgence of coups d'état in Africa (first circulated to Council members on 9 April by Uganda) was adopted on 5 May (S/PRST/2009/11).
- **Lebanon:** On 7 May, the Secretary-General's special envoy for implementation of resolution 1559, Terje Roed-Larsen, briefed the Council (S/PV.6120) following his latest report (S/2009/218). He said that there had been general improvement of the situation and that reconciliation efforts had created a favourable environment for strengthening Lebanon's sovereignty. Relations between Syria and Lebanon were improving and a renewed commitment from Syria to respect Lebanon's sovereignty was positive (S/2009/227). However, direct threats to the stability of the country and recurrent security incidents remained. The briefing was followed by consultations.
- **Middle East:** On 11 May the Council held a high-level debate (S/PV.6123) on the Middle East. Russia's Foreign Minister Sergei Lavrov presided. He reiterated the need for a rapid resumption of negotiations between Israel and Palestinians, taking into account available decisions of the international community and existing agreements, but acknowledged that progress would depend on success of intra-Palestinian reconciliation. He added that the next step would be a Moscow conference on the Middle East. UN Secretary-General Ban Ki-moon said there was a deep crisis of confidence among people on the ground. Palestinians reject Israeli settlements, which must cease. Israelis have suffered unacceptable and counterproductive rocket attacks. He added that he believed in the potential for activating regional tracks of the peace process on the basis of land for peace. During the debate, many Council members spoke against the continuation of Israeli settlements. Many also mentioned the need for the Syrian-Israeli peace track to resume. The Council adopted a presidential statement reiterating its commitment to the irreversibility of bilateral negotiations built upon previous agreements and encouraging steps toward intra-Palestinian reconciliation (S/PRST/2009/14).
- On 5 May, the Secretary-General submitted a summary of the report of the UN Board of Inquiry into nine incidents involving UN facilities and personnel in Gaza between 27 December and 19 January. The Board concluded that in six cases Israel was responsible for deaths, damages and injuries. It also found Palestinian factions responsible for physical damage in one incident. The Board recommended that the UN seek formal acknowledgement by Israel, accountability and reparations, and obtain guarantees from Israel against the repetition of such incidents. It also recommended for the future the establishment of a stand-by arrangement to deploy trained investigators rapidly to any UN presence. Finally, it recommended that all allegations of international humanitarian law violations in Gaza and southern Israel be investigated by an impartial inquiry. The Secretary-General said that he would address other incidents involving the UN that needed further investigation on a case by case basis and through dialogue with Israel.
- The Council failed to agree on holding formal consultations on the report. It, however, agreed to meet under "other matters" on 13 May to discuss a draft resolution which had been introduced by Libya welcoming the report, condemning Israel for its actions in Gaza, calling for accountability and reparations and calling for further investigation into humanitarian law violations by Israel. However there was no agreement on the draft. In remarks to the press, the Council's president said that Council members expressed their appreciation for the information provided by the Secretary-General. They also expressed concern about the report's findings and general interest in being kept abreast of progress as the Secretary-General deems appropriate.
- **Sri Lanka:** On 13 May the Council held closed consultations to discuss the humanitarian situation in Sri Lanka. Following the meeting it issued a press statement (SC/9659) which expressed grave concern over the humanitarian crisis in northeast Sri Lanka and called for urgent action by all parties to ensure the safety of civilians. The press statement also condemned the Liberation Tigers of Tamil Eelam (LTTE) for

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terrorism, the use of civilians and demanded it lay down its arms and allow civilians to leave the conflict zone. It also expressed deep concern at reports of continued use of heavy calibre weapons and expressed the expectation that the Sri Lankan government would fulfil its commitment not to use such weapons. The Secretary-General visited Sri Lanka on 23 May to press the following points:

- the importance of humanitarian assistance and access by the UN and humanitarian agencies;
- the need to screen and release refugees as soon as possible so that they can be integrated back into society; and
- the need for the government to take immediate steps to initiate a political process of dialogue, accommodation and reconciliation.

Following a visit to an internally displaced persons (IDPs) camp in Vavuniya and a fly-over the conflict area, the Secretary-General met Sri Lankan President Mahinda Rajapaksa. They agreed that addressing the aspirations and grievances of all communities and working towards a lasting political solution was fundamental to ensuring long-term socio-economic development. They also agreed that the UN would continue to provide humanitarian assistance to the IDPs in Vavuniya and Jaffna and that humanitarian access would be provided. Reintegration of child soldiers forcibly recruited by the LTTE was brought up as an important issue as was rehabilitation

and reintegration of ex-combatants.

- **Cyprus:** On 22 May the Council held a meeting with UNFICYP's troop contributors. It then heard a briefing by the Secretary General's Special Representative in Cyprus Tayé-Brook Zerihoun, and held consultations on the renewal of UNFICYP's mandate. At press time it was expected that the Council would adopt a resolution by the end of May renewing the UNFICYP mandate until 15 December 2009. (Please see our 19 May *Update Report*.)
- **Myanmar:** On 22 May the Council held consultations on Myanmar and issued a press statement expressing its concern about the political impact of recent developments relating to Aung San Suu Kyi (SC/9662). It reaffirmed the Council's presidential statements of 11 October 2007 (S/PRST/2007/37) and 2 May 2008 (S/PRST/2008/13). It also reiterated the call for the release of all political prisoners and the need for the necessary conditions for genuine dialogue with Aung San Suu Kyi and all concerned parties in order to achieve an inclusive national reconciliation with the support of the UN.
- **DPRK:** On 25 May, following the conduct of an underground nuclear test in the DPRK, the Council met in an emergency session and voiced its strong opposition to and condemnation of the test. In an agreed statement to the press, citing it as a clear violation of resolution 1718, the president said the Council agreed to begin work on a new resolution. The Secretary-General also issued a state-

ment calling the test a grave violation of UN resolutions and an act that undermines regional peace and stability. On 13 May Turkish Ambassador Baki Ilkin, chairman of the 1718 Sanctions Committee on the DPRK briefed the Council on its latest activities. On 24 April the Committee designated new entities and materials subject to sanctions (S/2009/222). It seems that during consultations some Council members emphasised the need for the DPRK to return to the six-party-talks.

- **Subsidiary Bodies (Counter-Terrorism):** On 26 May the Council heard briefings during an open debate (S/PV.6128 and resumption 1) by the chairs of the 1267 Committee (Al-Qaida/Taliban sanctions), the Counter-Terrorism Committee (established under resolution 1373), and the 1540 Committee (non-proliferation of weapons of mass destruction) on the work of their respective committees and continuing collaborative efforts among the committees (SC/9664).
- **DRC:** At press time, the Council was expected to be briefed on 28 May in private consultations by the chairman of the DRC sanctions committee, Ambassador Baki Ilkin of Turkey, on the 15 May interim Group of Experts report (S/2009/253).
- **Bosnia and Herzegovina:** At press time the Council was expected to receive a briefing on 28 May from the High Representative for Bosnia and Herzegovina, Valentin Inzko and to discuss his latest report. (S/2009/246).

Afghanistan

Expected Council Action

In June the Council is expected to consider the Secretary-General's first report on the UN Assistance Mission in Afghanistan (UNAMA) since the 23 March adoption of resolution 1868, which requested that these reports include benchmarks for measuring and tracking the mission's mandate. The resolution also requested more frequent reports (every three months as opposed to six).

No formal action is necessary, but a presidential statement is possible given the

ongoing instability and the significance of the upcoming elections.

UNAMA's mandate expires on 23 March 2010 and the mandate for the International Security Assistance Force (ISAF) expires on 13 October 2009.

Key Recent Developments

NATO figures indicate a 64 percent rise in Taliban attacks between January and April. The increase has been attributed to a milder winter and increased instability in the Indo-Afghan border region. In mid-May there were suicide bombings near Afghan government buildings and a US military

base in Khost province. Insurgents also targeted trucks carrying NATO supplies near Peshawar.

US President Barack Obama on 27 March unveiled a new strategy for Afghanistan. The US will now treat Pakistan and Afghanistan as a single integrated challenge and engage them in a trilateral framework. Other elements of the Obama plan include increased resources for training and support for the Afghan national army and Afghan national police. To bolster civilian efforts, Obama suggested a new contact group on Afghanistan and Pakistan bringing together those with a stake in the

region. (This could include some NATO allies, central Asian neighbours, Gulf states, Russia, India, China and perhaps even Iran.)

Civilian casualties continue to be a point of tension between the US and the Afghan government. On 6 May the Secretary-General's Special Representative, Kai Eide, expressed serious concern over reports of civilian casualties and fighting in Farah province. On 10 May Afghan President Hamid Karzai accused the US of failing to abide by a "high moral" standard in its air strikes and demanded their cessation.

During Karzai's visit to Washington on 6 May, US Secretary of State Hillary Clinton expressed her regret and sympathy about the civilian deaths. General David Petraeus, chief of the US central command, on 11 May said the US would review the use of air strikes in Afghanistan.

On 11 May, citing the need for a wider change of strategy, the US replaced ISAF commander, General David McKiernan with Army Lieutenant General Stanley McChrystal, a counterinsurgency expert.

Nominations for the presidential and provincial elections closed on 8 May with 44 candidates, including Karzai, in the running and 3,324 candidates putting themselves forward for the provincial council elections.

In the last few months there have been multilateral events with an Afghanistan-focus.

- The Shanghai Cooperation Organisation (comprising China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan) sponsored a conference on Afghanistan in Moscow on 27 March. The conference focused on key regional challenges facing Afghanistan, including the illegal drug trade, terrorism and organised criminal groups.
- A high-level conference on the future of Afghanistan was held at The Hague on 31 March. The conference was co-chaired by Eide and the Dutch Foreign Minister Maxime Verhagen.
- The third Regional Economic Cooperation Conference on Afghanistan was held in Islamabad on 13-14 May. Twenty-four countries and 18 regional organisations attended. They endorsed

the need for a comprehensive approach and international participation in Afghanistan's development and various regional initiatives.

- On 19 May Iran hosted a summit with the leaders of Pakistan and Afghanistan.
- NATO heads of state and government met in Strasbourg on 3-4 April and agreed to new initiatives on Afghanistan. These include an expansion of training and support for the Afghan national security forces, enhanced engagement with neighbouring countries and a more integrated approach to working with the international community and the Afghan government in implementing the Afghan National Development Strategy.

Options

One option is a presidential statement, possibly with the following elements:

- welcoming the benchmarks developed by the Secretary-General and providing suggestions for measuring them;
- highlighting the importance of credible, free and fair elections;
- reminding the Afghan government of its commitment to fight corruption;
- acknowledging the importance of regional cooperation and stressing the need for action following the third Regional Economic Cooperation Conference;
- calling on international donors and the Afghan government to adhere to their commitments to help finance and implement the Afghan National Development Strategy; and
- focusing on the importance of the upcoming elections.

Other possible options are:

- requesting the Secretary-General to focus future reports on key developments and be more forward-looking; and
- requesting a briefing in early August ahead of the election in order to be kept abreast of latest developments.

Key Issues

The deteriorating security situation is a continuing issue of concern to the Council and UNAMA. Reconstruction and humanitarian efforts have become increasingly difficult in areas under constant attack.

A major issue is how to support the August presidential and provisional council elections and encourage that they be credible, free and fair. There are already warning signs of corruption in the registration of candidates. A related problem is how to handle electoral irregularities.

A concurrent issue is ensuring the safety and security of Afghan civilians during the elections.

Another issue is diminishing support from the Afghan people for ISAF and US-led forces as the civilian death toll rises. NATO argues that civilian casualties were down 44 percent in the first four months of 2009 compared to the same period a year earlier. But the large numbers of casualties from recent air strikes have reinforced the perception among Afghans that the international forces are not doing enough to protect civilians. This could become an issue in the elections.

A further issue is the dispute between Council members over the conclusions to the Secretary-General's first report on children and armed conflict in Afghanistan. The Working Group on Children and Armed Conflict, which has been negotiating conclusions on this issue since January, has been deadlocked over differences in language.

A key issue is whether having regular reports on benchmarks will help UNAMA execute its mandate in a more effective manner, and whether this is the most efficient way of measuring and tracking implementation of the mandate.

Other continuing issues include donors honouring commitments to align their efforts behind financing and implementing the Afghan National Development Strategy, and whether government institutions can be strengthened and accountability mechanisms can be introduced to provide donors with confidence to commit funds to Afghanistan's central budget.

Council Dynamics

Many Council members are showing a stronger interest in Afghanistan. The US, with its new strategy and increased focus on civilian efforts in Afghanistan, is now paying greater attention to the UN's role there.

Elected members like Turkey and Japan, the lead country on the issue in the Council, are keen to play a strong role. Libya has pushed for stronger language on national reconciliation.

The issue of civilian casualties may become divisive in the Council. Russia and China continue to feel that ISAF operations have caused unnecessary civilian deaths. Other members such as Mexico and Costa Rica have been consistent in voicing concern over protection of civilian issues and may also want greater attention paid to this issue. Austria has also voiced the need for further efforts to minimise civilian casualties.

UN Documents

Selected Security Council Resolutions

- S/RES/1868 (23 March 2009) extended UNAMA's mandate until 23 March 2010 and asked for reports with benchmarks every three months.
- S/RES/1833 (22 September 2008) extended ISAF's mandate until 13 October 2009.
- S/RES/1659 (15 February 2006) endorsed the Afghanistan Compact (on international cooperation with Afghanistan) and its annexes.
- S/RES/1401 (28 March 2002) created UNAMA.

Selected Presidential Statement

- S/PRST/2008/26 (11 July 2008) welcomed the outcome of the Paris conference, recalled the strengthened role of UNAMA and the Special Representative of the Secretary-General and endorsed the increase of resources of UNAMA to fulfil this role.

Selected Reports

- S/2009/135 (10 March 2009) was the Secretary-General's UNAMA report.
- S/2008/782 (12 December 2008) was the report of the Security Council mission to Afghanistan, 21 to 28 November 2008.
- S/2008/695 (10 November 2008) was the report of the Secretary-General on children and armed conflict in Afghanistan.
- S/2008/434 (3 July 2008) was the special report of the Secretary-General pursuant to resolution 1806 on UNAMA.

Special Representative of the Secretary-General and UNAMA's Chief of Mission

Kai Eide

UNAMA: Size, Composition and Duration

- *Strength* (as of 31 March 2009): 291 international civilians, 1,169 local civilians, 16 military observers, seven civilian police, 32 UN volunteers
- *Duration*: 28 March 2002 to present; mandate expires on 23 March 2010

ISAF Military Commander

Army Lieutenant General Stanley McChrystal (US)

ISAF: Size, Composition and Duration

- *Total strength*: about 58,390 troops
- *Contributors of military personnel*: 42 NATO and non-NATO countries
- *Current top contributors*: US, UK, Germany, Canada, and Italy.
- *Duration*: 20 December 2001 to present; mandate expires on 13 October 2009

Operation Enduring Freedom: Size, Composition and Duration

- *Current strength*: 13,500 (this is an estimate as the troop numbers shift continuously)
- *Top contributor*: US
- *Duration*: 7 October 2001 to present

Burundi

Expected Council Action

The Council is expected to consider the Secretary-General's report on the implementation of the mandate of the UN Integrated Office in Burundi (BINUB) in June. Resolution 1858, which extended the mandate of BINUB last December, requested that the report to be submitted by May. BINUB's mandate expires on 31 December.

Key Recent Developments

On 4 December the government and the last remaining major rebel group, Palipehutu-FNL (*Parti pour la libération du peuple Hutu-Forces nationales de libération*), signed an agreement at the Great Lakes Summit held in the Burundian capital Bujumbura. The government agreed to Palipehutu-FNL's demand to release political and war prisoners and offered 33 positions to senior Palipehutu-FNL members in the



organs of the state. Palipehutu-FNL dropped its longstanding demand that it be recognised as a political party under its existing name. (The inclusion of "Hutu" in a political party's name would contravene Burundi's constitutional ban on ethnically based political bodies.) The rebel group also dropped its demand that the Burundian armed forces be disbanded and restructured. It agreed that its combatants would report to assembly areas for the disarmament, demobilisation and reintegration process (DDR), as envisaged by the 2006 Comprehensive Ceasefire Agreement (CCA) that the government signed with Palipehutu-FNL in 2006.

On 9 January the Palipehutu-FNL changed its name to *Forces nationales de libération* (FNL). By late January the Burundian government had released some 118 FNL political prisoners and prisoners of war. On 16 March initial disarmament of FNL rebels commenced at an assembly site west of Bujumbura.

On 10 April the FNL released 112 child soldiers. It also indicated that it would release 200 more in the near future. The Secretary-General's Special Representative on Children and Armed Conflict, Radhika Coomaraswamy, welcomed the development and said the FNL's actions showed that the demobilisation process of children associated with the rebel group had "finally begun."

On 8 April the Burundian government and the FNL met in Pretoria, under the leadership of the South African facilitator (leading the regional peace initiative on Burundi and comprised of key countries including Burundi, Tanzania, South Africa and Uganda). The meeting resulted in a decision to establish a roadmap for the finalisation of the peace process.

The leader of the FNL, Agathon Rwasa, handed over his weapons to AU troops overseeing the peace process on 18 April. Subsequently, thousands of FNL rebels

were physically disarmed by AU troops on 21 April before moving to demobilisation centres. The FNL also registered as a political party that day. The Secretary-General subsequently welcomed this latest development and urged both the government and FNL to adhere to the peace process.

On 8 April Ernest Manirumva, the vice-president of the anticorruption organisation, Anti-corruption and Economic Malpractice Observatory, was kidnapped from the Ministry of Agriculture where he also worked as a consultant and was later found stabbed to death in his home. The UN Independent Expert on the situation of human rights in Burundi, Akich Okola, expressed concern, as did international human rights groups. They called on the government to take appropriate measures to ensure the protection of civil society and human rights, conduct an immediate investigation into the murder and bring the perpetrators to justice.

On 11 December the Council was briefed by the Facilitator of the Burundi Peace Process, South African Defence Minister Charles Nqakula. Nqakula discussed developments related to the Great Lakes Summit a week earlier and his peace facilitation work. The Council was also briefed by the chair of the Peacebuilding Commission (PBC) country-specific configuration on Burundi, Ambassador Anders Lidén of Sweden. Lidén told the Council that Burundi appeared to be on track toward peace consolidation but required continued international support to prevent a relapse into armed conflict. Lidén stressed the need for close collaboration between the Council and the PBC to ensure full implementation of the agreement.

Burundian Ambassador Augustin Nsanze thanked the Secretary-General for contributing towards the success of the 4 December summit. Nsanze agreed with the recommendation in the Secretary-General's November report to extend BINUB's mandate and its transfer to the UN Department of Political Affairs to help align the activities of UN agencies in the country.

On 22 December the Council adopted resolution 1858 extending the mandate of BINUB until 31 December 2009. It emphasised the need to maintain international support for peace consolidation and long-term devel-

opment in Burundi. It also highlighted the importance of the mission's support for national elections in 2010, transitional justice and the DDR process, in coordination with the government, the UN country team and the PBC. It asked the Secretary-General for a report on BINUB that would include the results of a technical assessment mission in early 2009 and recommendations that could guide the Council in deciding BINUB's future direction.

Developments in the PBC

On 12 December the Burundi country-specific configuration of the PBC held a meeting with the South African facilitator on developments. The meeting concluded with the adoption of recommendations (PBC/3/BDI/1), including:

- calling on both the Burundian government and the FNL to urgently implement the outcome of the 4 December Great Lakes Summit in Bujumbura and of the CCA, and stressed the importance of immediate international support in that regard;
- calling on the international community to urgently extend the necessary support for the preparatory tasks in connection with the DDR process; and
- urging the FNL to release without further delay all children associated with its forces and take necessary steps to transform itself into a national political party.

On 4 February the second biannual report on the Strategic Framework for Peacebuilding in Burundi (PBC/3/BDI/2) was issued, describing progress made during the July to December 2008 period and the remaining challenges to peacebuilding. On 6 February the Burundi configuration held its second biannual review of the implementation of the Strategic Framework for Peacebuilding in Burundi and adopted recommendations (PBC/3/BDI/3).

At press time the chairman of the Burundi configuration was on a visit to the country to follow up on the implementation of the priorities of the strategic framework and preparations towards holding presidential elections in 2010.

Key Issues

A key issue for the Council is how proactive it should be in reinforcing the momentum created by recent positive developments.

Another related issue is whether the Council should take up the future of BINUB in light of recent developments and the upcoming report of the Secretary-General as envisaged by resolution 1858.

An underlying issue is maintaining an effective balance between matters addressed by the Council and those tackled by the PBC in the evolving situation in the country.

Options

Options before the Council include:

- issuing a statement or resolution welcoming the positive developments in Burundi, including urging the government and the FNL to adhere to the requirements of CCA and encouraging the work of the PBC and other international stakeholders to assist in keeping the peace process on track;
- pressing for further implementation of its resolutions on child soldiers;
- addressing the need for security sector reform; and
- deciding on whether to transform BINUB into an integrated UN mission.

Council Dynamics

Council members are pleased about the recent progress in Burundi, especially in regard to mutual concessions made by the government and the FNL on a more ethnically integrated government and the release of child soldiers by the FNL. However, members also remain cautious at this stage about the sustainability of the process. The Secretary-General's report with recommendations on next steps in relation to the future direction of BINUB is awaited with interest.

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

Underlying Problems

Fundamental challenges persist in security sector reform, human rights and judicial reform, economic constraints, lack of basic social services and resettlement of refugees. Sustaining the peace process and progress towards the 2010 elections remain the overall decisive challenge.

UN Documents
Selected Security Council Resolutions
<ul style="list-style-type: none"> • S/RES/1858 (22 December 2008) extended the mandate of BINUB until 31 December 2009. • S/RES/1719 (25 October 2006) established BINUB.
Selected Security Council Presidential Statement
<ul style="list-style-type: none"> • S/PRST/2008/10 (24 April 2008) was the latest statement of the Council on the situation in Burundi.
Selected Secretary-General's Report
<ul style="list-style-type: none"> • S/2008/745 (28 November 2008) was the latest report on BINUB.
Other Selected Documents
<ul style="list-style-type: none"> • PBC/3/BDI/3 (6 February 2009) were the conclusions of the second biannual review of the implementation of the Strategic Framework for Peacebuilding in Burundi. • PBC/3/BDI/2 (4 February 2009) was the second biannual report reviewing progress on the Strategic Framework for Peacebuilding in Burundi. • PBC/3/BDI/1 (16 December 2008) were the conclusions of the Burundi configuration of the PBC.
Other Relevant Facts
Executive Representative of the Secretary-General and Head of BINUB
Youssef Mahmoud (Tunisia)
Size and Composition of Mission
<i>Strength as of 31 March 2009:</i> 434 personnel (including 130 international civilians, 246 local civilians, eight military observers, seven police and 43 UN volunteers)
Duration
January 2007 to present; mandate expires 31 December 2009
Recommended Budget
\$33.1 million

Central African Republic

Expected Council Action

In June the Council is expected to consider the next report of the Secretary-General on the Central African Republic (CAR). The mandate of the UN Peacebuilding Support Office (BONUCA) expires on 31 December.

Key Recent Developments

On 7 April the Council adopted a presidential statement welcoming the Secretary-General's recommendation on 3 March to establish a UN Integrated Peacebuilding Office in the Central African Republic (BINUCA) to succeed BONUCA.

BINUCA's mandate and structure include the following:

- assisting national and local efforts to implement outcomes of the inclusive political dialogue agreed to in December, focusing on governance reforms and electoral processes;
- supporting the completion of the disarmament, demobilisation and reintegration programme (DDR) process and reform of security sector institutions;
- helping to restore state authority in the provinces;
- enhancing national human rights capacity, and promoting respect for human rights and the rule of law, justice and accountability;
- assisting the Peacebuilding Commission (PBC) with the implementation of the Strategic Framework for Peacebuilding and projects supported through the Peacebuilding Fund;
- supporting the UN Mission in CAR and Chad (MINURCAT); and
- ensuring that child protection is properly addressed in the implementation of the Comprehensive Peace Agreement and the DDR process, including by supporting the monitoring mechanism on children and armed conflict.

Developments in the PBC

On 6 May the CAR country configuration of the PBC formally adopted a Strategic Framework for CAR. Three mutually reinforcing peacebuilding priorities were identified by the framework:

- security sector reform (including DDR);
- governance and the rule of law; and

- organising the national economy around local growth engines (i.e. the strategy of establishing "development poles" throughout the country).

(The adoption of the framework would also provide a response to the 30 May 2008 request from the Council to the PBC for advice and recommendations on the situation in CAR.)

The chair of the CAR country configuration, Ambassador Jan Grauls of Belgium, visited the country on 21 and 22 May to interact with the government and other key national players on the newly adopted peacebuilding framework.

Key Issues

The key issue for the Council is consolidation of peace and security in the country in light of the formidable political and socio-economic challenges confronting CAR.

A closely related issue for the Council is being satisfied that the structure and strength of BINUCA are adding value and reaching an understanding on a possible timeframe for completing the transformation of BONUCA.

Options

The main options for the Council are either:

- responding immediately to the Secretary-General's report (and possibly issue a statement); or
- waiting, in the absence of any significant developments on the ground, until after the Secretary-General's December report.

Council Dynamics

There is currently general consensus on CAR and the need to support peacebuilding. The contents of the Secretary-General's report, especially aspects dealing with the structure and strength of BINUCA will likely influence the Council's next steps, as will significant developments on the ground.

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

Underlying Problems

Perennial challenges to peace and security in CAR include high levels of poverty and unemployment, lack of accountability and professionalism in the state security sector, rebel activity and banditry (especially in the northern parts of the country), lawlessness and a proliferation of small arms and the absence of state authority in large parts of the country.

UN Documents

Latest Presidential Statement

- S/PRST/2009/5 (7 April 2009) welcomed the recommendation of the Secretary-General to set up BINUCA to succeed BONUCA.

Latest Secretary-General's Report

- S/2008/733 (26 November 2008) was the latest report of the Secretary-General on CAR and BONUCA.

Selected Letters

- S/2009/128 (3 March 2009) was the letter from the Secretary-General recommending the establishment of an integrated UN presence in CAR.
- S/2008/809 (23 December 2008) was the letter from the president of the Council welcoming the Secretary-General's recommendation to extend the mandate of BONUCA for an additional year and requesting for recommendations on the setting up of an integrated UN office in CAR.
- S/2008/383 (30 May 2008) was the letter from the president of the Council to the chair of the PBC supporting the request by CAR to be placed on the agenda of the PBC and requesting advice and recommendations on the situation in the country.

PBC Related Documents

- PBC/3/CAF/4 (20 January 2009) was the statement by the chair of the PBC country configuration for CAR, welcoming the outcome of the inclusive political dialogue.
- PBC/3/CAF/3 (11 December 2008) was the report of the PBC mission to CAR from 30 October to 6 November 2008.
- PBC/3/OC/5 (30 June 2008) was the letter from the acting chair of the PBC to the president of the Security Council

informing him of the composition of the country configuration for CAR.

- S/2008/419 (17 June 2008) was the letter from the chair of the PBC to the president of the Security Council informing him of the addition of CAR on the agenda of the PBC.

Council Meeting Records

- S/PV.6091 (10 March 2009) and S/PV.6027 (2 December 2008) were the briefings by the Special Representative of the Secretary-General and head of BONUCA and the chair of the CAR country configuration of the PBC.

Other Relevant Facts

Special Representative of the Secretary-General

Sahle-Work Zewde (Ethiopia)

BONUCA: Size

Strength as of 31 March 2009: 34 international civilian staff, five military and six police, 59 local civilian, and four UN volunteers

BONUCA: Duration

15 February 2000 to present; mandate expires 31 December 2009

MINURCAT: Special Representative of the Secretary-General

Victor da Silva Ângelo (Portugal)

MINURCAT: Size, Composition and Cost

- *Authorised strength as of 14 January 2009:* 300 police, 25 military liaison officers, 5,200 military personnel and an appropriate number of civilian personnel
- *Strength as of 31 March 2009:* 2,303 total uniformed personnel, including 2,016 troops, 46 military observers, and 241 police officers, as well as 364 international civilian personnel, 203 local civilian staff, and 102 UN volunteers.
- *Main police contributors:* Côte d'Ivoire, Senegal, Burkina Faso, Benin and France
- *Main military contributors:* France and Ireland
- *Cost:* approved budget 1 July 2008-30 June 2009: \$315 million

MINURCAT: Duration

September 2007 to present; mandate expires on 15 March 2010

Georgia

Expected Council Action

Council action is expected before the mandate of the UN Observer Mission in Georgia (UNOMIG) ends on 15 June. Resolution 1866, which on 13 February extended UNOMIG's mandate for four months, expressed the Council's intention to outline elements of a future UN mission by the end of the mandate. At press time on 27 May, the Council was scheduled to have closed consultations on the Secretary-General's report which contains recommendations for the elements of a security regime and activities of a future mission.

Intense discussions are expected in early June. In the recent past, UNOMIG resolutions have been prepared by the Group of Friends (Germany, France, the UK, the US and Russia) before being presented to the Council. It is unclear if this procedure will be followed for the June decision.

Key Recent Developments

On 18 May the Secretary-General circulated the report requested in resolution 1866. For some 15 years, Secretary-General's reports on this issue were entitled "The Secretary-General's report on the situation in Abkhazia". But the current report is titled "The Report of the Secretary-General pursuant to Security Council resolutions 1808, 1839 and 1866."

Moreover, the text also omits the mention of the name of the UN operation on the ground, UNOMIG. It is referred to as "the Mission".

The Secretary-General describes the security situation in UNOMIG's area of responsibility as "fragile, with a continued threat of incidents, including from mines and improvised explosive devices." The local population remains in a precarious situation with limits on freedom of movement across the ceasefire line. He also indicated that the ceasefire regime, which had been the foundation for the separation of forces and stabilisation, continued to erode with heavy equipment and military personnel remaining.

Over the last few months, the Secretary-General's Special Representative for Georgia, Johan Verbeke, consulted

parties and international stakeholders on possible new security regimes. Based on these consultations the Secretary-General in his report recommended the following elements:

- strict adherence to the ceasefire and the principle of noninterference;
- a 12 kilometre security zone on both sides of the ceasefire line where there are no armed forces or military equipment (law enforcement and security personnel will be able to carry a limited amount of personal weapons);
- a restricted zone extending yet another 12 kilometres where there will be no heavy military equipment or storage of heavy weapons ammunition and where a restricted number of armoured personnel carriers will be allowed;
- advance notification of movement of personnel and equipment in both zones;
- no military and reconnaissance aircraft allowed in either zone; and
- maritime security zones extending 12 nautical miles off the coast and 12 kilometres on each side with no naval vessels and where only limited number of coast guard patrol boats will be allowed.

Other elements include regular monitoring of the security and humanitarian situation in the Kodori Valley; provision of information on and access to military installations; regular meetings of the joint incident prevention and response mechanism; UN investigation reporting of violations; and security and full freedom of movement of UN personnel.

The Secretary-General also provided recommendations for possible activities of a future mission:

- monitoring and verifying implementation of the security regime;
- maintaining contact with the parties and relevant actors;
- facilitating freedom of movement of the local population across the ceasefire line;
- contributing to provision of humanitarian assistance and creation of conditions for the return of internally displaced persons and refugees;
- contributing to improved law enforcement and respect and promotion

of human rights; and

- facilitating contacts between parties to promote cooperation on practical issues, confidence-building and dialogue.

The May session of the Geneva talks stalled when Abkhazia refused to attend and Russia and the South Ossetian delegation walked out. These talks, set up by the 12 August ceasefire agreement which called for internationally mediated talks, are co-chaired by the UN, the EU and the Organisation for Security and Co-operation in Europe (OSCE) and involve Georgia, Russia, South Ossetia and Abkhazia. Some press reports indicated that Abkhazia had been unhappy with an earlier draft of the Secretary-General's report which mentioned Abkhazia as a part of Georgia. Russia said that it had decided to "pause" its participation in the talks as the UN report asked for in resolution 1866 was not ready by the 15 May deadline (the report was released on 18 May). South Ossetia apparently did not want to participate without Abkhazia.

On 18 May the parties were eventually persuaded to meet. Among the issues discussed were questions related to security and stability, including the non-use of force and different types of security regimes. The next meeting is scheduled for 1 July.

Greece, holding the current OSCE chairmanship, suspended negotiations over extending the OSCE mission in Georgia on 14 May when Russia rejected its revised proposal to keep OSCE monitors in Georgia beyond 30 June. (The OSCE mission was given six months to withdraw after Russia opposed a proposal to extend the mission in Georgia beyond 31 December 2008.)

The Greek proposal had been careful not to mention Georgia or South Ossetia and to avoid the issue of the separatist region's status, while specifying free movement for monitors across the August ceasefire line. It suggested that South Ossetia's situation be addressed at status talks in Geneva while retaining a single OSCE mission in the country and thereby implicitly reaffirming Georgia's territorial integrity. Russia



produced its own proposal which, according to media reports, crossed out references to "free and unimpeded contact and movement across the truce line" and replaced it with a reference to such movement needing agreement from "relevant authorities". Greece says its proposal is still on the table. The US voiced disappointment that consensus could not be reached on this issue.

In Georgia, opposition groups announced a "national disobedience campaign" and started daily protests on 9 April, calling for Georgian President Mikhail Saakashvili to resign. Saakashvili met with opposition groups on 11 May but failed to win them over despite his offer to cooperate on a number of reforms. The Georgian government cancelled its traditional Independence Day parade on 26 May in order to avoid confrontation with protestors who had threatened to line the streets.

Heated accusations were exchanged between Russia and Georgia at the beginning of May as NATO exercises began in Georgia on 6 April. The Georgian permanent representative to the UN accused Russia of seeking to build up its military presence in Abkhazia and South Ossetia, while Russia said Georgia was trying to increase troop numbers near the two regions. Georgian officials also accused Moscow of funding an alleged uprising 5 May at a Georgian military base in order to undermine NATO exercises. On 21 May the alleged organiser of this uprising was killed and two other suspects injured when they resisted arrest. Further escalation of tension was seen in April with the expulsion of two Russian diplomats from NATO headquarters in Brussels after they were accused of spying. Russia responded by expelling two Canadian diplomats working in NATO's Moscow office.

Options

Possible options include:

- a third technical rollover if the Council needs more time to negotiate the details for the mandate for the new mission;
- a “bridging” resolution which would contain elements that can be agreed upon and the commitment to keep working on the areas of disagreement; or
- a full-fledged resolution with a comprehensive mandate for a new mission based on recommendations in the Secretary-General’s report.

Shutting down the mission is also an option if there is no agreement.

Key Issues

The immediate key issue is whether the Council can agree on a security regime and mandate for the new mission before 15 June. (Given the diverse positions of members, some major concessions would need to be made in a relatively short time.)

A connected issue (also relevant in view of the short time) is engaging the Council members not involved in drafting the resolution. Keeping them informed and giving them the opportunity to provide feedback during the process may be a key challenge.

The constant exchange of accusations between Georgia and Russia remains an issue as well as whether this is merely verbal brinkmanship or a sign of possible future conflict. With UNOMIG’s future in question, the potential for further instability appears high, and this constitutes a central underlying issue along with the wider effect on the region if both the OSCE and the UN were forced to withdraw.

The stability of the Saakashvili government in the face of continuing demonstrations by opposition groups remains an issue.

Council Dynamics

Most Council members are cautious about expressing views over how this issue will be played out but they generally expect complex and sensitive negotiations. The obscure title of the Secretary-General’s report has already ruffled some feathers. Some question his right to change the

name without Council agreement. Most members are gearing up for a tough fight.

Some fundamental positions appear to have hardened and key players do not appear willing to shift their red lines. Many read Russia’s recent position on the OSCE mandate renewal as a sign that it is in no mood to compromise. In the last few months observers had believed Russia was willing to take a more flexible approach to some key issues while waiting to see what the US “reset” of its relationship with Russia meant. However, recent indications seem to suggest that in order to reach agreement significant concessions will need to be made to meet Russia’s concerns. The US, also a key player on this issue, remains firmly committed to the territorial integrity of Georgia, a position also held by members like the UK, France and Austria.

Some elected members are increasingly uneasy with the lack of transparency in drafting resolutions on Georgia. The last resolution was drafted by Germany, discussed with the US, the UK, France and then Russia. Afterwards, it was circulated to other members during “silence procedure” where members were given a chance to either accept or object it within 24 hours. However, there is also acknowledgment that in the end, high-level contacts between the US and Russia could be significant in producing a breakthrough on the issue. Russian Foreign Minister Sergei Lavrov and US Secretary of State Hillary Clinton discussed Georgia when they met in early May. It is likely to be on the agenda when US President Barack Obama meets Russian Prime Minister Vladimir Putin in July.

The Secretary-General’s recommendations appear to be acceptable to the US and the European members as a starting point. There is interest in a symmetrical security regime that applies to all. Some may wish to have more explicit references to the reasons for having a security zone, but this is unlikely to be acceptable to Russia. Some elements suggested by the Secretary-General such as transparency arrangements and access to military installations may be opposed by Russia.

UN Documents

Selected Security Council Resolutions

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

Selected Secretary-General’s Report

- S/2009/254 (18 May 2009) was the report asked for in resolution 1866 on recommendations for future activities of the mission.
- S/2009/69 and Corr. 1 (3 February 2009) was the February report 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 30 April 2009*: 129 military observers and 16 police officers.
- *Key troop-contributors*: Germany, Jordan, Pakistan and Bangladesh

Duration

August 1993 to present

Cost

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

Golan Heights

Expected Council Action

The mandate of the UN Disengagement Observer Force in the Golan Heights (UNDOF) expires on 30 June. It was established in May 1974 to maintain the ceasefire between Israel and Syria and supervise areas of separation and limitation. A report of the Secretary-General on UNDOF is also due in June.

The Council is expected to extend the mandate for six months, and following its usual practice, call upon Israel and Syria to implement resolution 338 of 1973 (which called on the parties to start negotiations

on a just and durable peace) and to implement resolution 242 of 1967 (on the withdrawal of Israeli forces from occupied territories).

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

Key Recent Developments

In the November report on UNDOF the Secretary-General noted that the ceasefire in the Israel-Syria sector had been maintained and the UNDOF area of operation had remained generally quiet. The situation currently appears unchanged.

The Secretary-General has been encouraging Syria and Israel to resume the indirect peace talks that were launched in early 2008 with Turkish mediation. These were suspended in early September following the resignation of Ehud Olmert as Israeli prime minister and were further delayed after Israel's incursions into Gaza last December.

Before taking office, Israeli Prime Minister Benjamin Netanyahu had said that he would not give up the Golan Heights to achieve peace with Syria because of its strategic value. However, on 20 May he said he was prepared to resume talks with Syria without preconditions. For its part, Syria continues to insist that complete Israeli withdrawal from the Golan Heights remains the key to any agreement.

The new US administration seems already more active than the Bush administration in promoting contacts with Syria. Syrian President Bashar al-Assad has indicated on several occasions that a US role in Syria/Israel negotiations would be helpful, and has hinted that Syria would enter into direct negotiations with Israel if the US acted as a mediator. Obama administration officials twice visited Syria for meetings in early March and early May.

Key Issues

The key issue for the Council is whether to continue the 35 year ritual of renewing UNDOF's mandate and the associated

statements or whether to be more proactive in encouraging Syria and Israel to resume peace talks.

A possible related technical issue (see our June 2008 Forecast report on Golan Heights) is how any settlement of the issue of the Sheb'a Farms, which is part of the Golan Heights, might affect UNDOF's mandate.

Council Dynamics

There is consensus that UNDOF remains useful in the absence of a peace agreement between Israel and Syria, but there is also a wide sense of caution about the issues.

UN Documents

Selected Security Council Resolutions

- S/RES/1848 (12 December 2008) renewed UNDOF until 30 June 2009.
- S/RES/1701 (11 August 2006) requested the Secretary-General to develop, in liaison with relevant international actors and the concerned parties, proposals for delineation of the Lebanese borders, especially in the Sheb'a Farms area.
- S/RES/350 (31 May 1974) established UNDOF.
- S/RES/338 (22 October 1973) called for a ceasefire and comprehensive peace.
- S/RES/242 (22 November 1967) called for the withdrawal of Israeli forces from the occupied territories.

Latest Presidential Statement

- S/PRST/2008/46 (12 December 2008) was the last statement following the renewal of UNDOF.

Latest Secretary-General's Reports

- S/2008/737 (26 November 2008) was the last report on UNDOF

Latest Letter

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



Other Relevant Facts

UNDOF Force Commander

Major-General Wolfgang Jilke (Austria)

Size and Composition of Mission (31 March 2009)

- *Size:* 1,046 troops, assisted by some 76 military observers of UN Truce Supervision Organisation's Observer Group Golan.
- *Troop contributors:* Austria, Canada, Croatia, India, Japan and Poland

Approved Budget

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

Guinea-Bissau

Expected Council Action

The Council is expected to consider the Secretary-General's quarterly report on the UN Peacebuilding Support Office in Guinea-Bissau (UNOGBIS), due by mid-June, including his recommendations on the establishment of an integrated UN office in Guinea-Bissau. The mandate of UNOGBIS expires on 30 June. It remains to be seen whether the Council will consider a shift to an integrated office premature in light recent developments.

Key Recent Developments

On 19 March the Economic Community of West African States (ECOWAS) Mediation and Security Council met in Guinea-Bissau and recommended that ECOWAS collaborate with the international community, including the UN, to deploy military and police contingents to protect state institutions, the authorities and the electoral process in Guinea-Bissau. The meeting called for convening a focused roundtable meeting on Guinea-Bissau's security sector reform (SSR) needs, to be held in Cape Verde. It also considered the drug trafficking problem in the West African subregion.

On 8 April the Council was briefed by the head of UNOGBIS, Joseph Mutaboba.

Mutaboba noted that on 12 March the government's commission of inquiry into the double assassination of President João Bernardo Vieira and Armed Forces Chief of Staff General Tagme Na Waie began work. The prosecutor general and minister of justice had requested technical and financial support and expressed concerns about the lack of security for commission members and witnesses. The prosecutor general said there was lack of cooperation from the parallel military inquiry set up to investigate the assassination of Waie.

Outlining political developments, Mutaboba said that on 14 March the Council of Ministers had nominated Navy Commander José Zamora Induta as chief of general staff and Lieutenant Colonel António N'djai as his deputy. This move bypassed the army and air force chiefs of staff. Subsequently, interim President Raimundo Pereira issued a decree on 4 April, without a constitutional basis, confirming the appointments on an interim basis until a new president is elected.

A constitutional crisis was avoided following talks between Pereira and political parties, as well as civil society. This resulted in broad consensus to hold elections on 28 June 2009. The estimated budget for the elections was about US\$5 million, with the UN Development Programme identifying a funding gap of US\$2.5 million.

On socioeconomic developments, Mutaboba reported that teachers' and health workers' unions had commenced strike action over salary arrears and other issues. (The government owed three months' salaries from 2008 and was still processing February salaries at the time of the April briefing.)

He listed key issues, including:

- the "precarious fiscal situation";
- a growing disconnect between the local population and the democratic process;
- the need for a credible commission of inquiry;
- the need for international financial and technical support for both the national SSR programme and the ECOWAS regional action plan to curb illicit drug trafficking and organised crime; and
- the need for the Council and international community to "send a signal" to

the security forces and the government about their responsibility to protect and uphold human rights.

The chair of the Guinea-Bissau Peacebuilding Commission's country configuration, Ambassador Maria Luiza Ribeiro Viotti of Brazil, said mobilising funding to organise the June elections and SSR were areas in which the Commission could make significant contributions in the short term.

Ambassador Alfredo Cabral Guinea-Bissau called for sustained international support for the country's peace consolidation efforts.

On 9 April the Council adopted a presidential statement which:

- welcomed the scheduling of the presidential election for 28 June and urged the government and all political actors to ensure its credibility;
- reiterated the importance of SSR in Guinea-Bissau and expressed concern about the growth in illegal drug trafficking and transnational organised crime;
- invited ECOWAS to work in coordination with the government in regard to any regional military deployment;
- condemned acts of arbitrary detentions, armed attacks and intimidation, and demanded full protection of human rights and fundamental freedoms; and
- called on the international community to support the commission of inquiry established to investigate the double assassination.

Developments in the Peacebuilding Commission

The PBC configuration on Guinea-Bissau has been engaged in efforts to secure peacebuilding funding, including by convening a meeting in May on the work of the IMF and World Bank in the country. In an effort to help get Guinea-Bissau's SSR effectively underway, the PBC organised a mid-April meeting dedicated to SSR and assisted with preparations for the Roundtable on the Restructuring and Modernisation of the Defence and Security Sector in Guinea-Bissau held in Cape Verde on 20 April. The roundtable was convened by the ECOWAS Mediation and Security Council, and its organisers included UNOGBIS and the Guinea-Bissau government.

Key Issues

The immediate issue is ensuring the successful holding of free and fair elections on 28 June and whether the Council should adopt a statement focused on the elections.

A related key issue is whether to renew the mandate of UNOGBIS for a further period until the post-election situation has settled or to transform it into an integrated UN mission in order to harmonise the work of all UN agencies, funds and programmes operating in the country under one central body.

Options

Options available for Council action in June include:

- renewing the mandate of UNOGBIS and delaying a decision on the transition to integrated office until the post-election situation has stabilised;
- deciding to transform UNOGBIS into an integrated UN mission; and
- including in a statement key messages regarding the election, the need for continued international attention and engagement regarding peace consolidation in Guinea-Bissau and supporting the PBC's efforts in that regard.

Council Dynamics

Council members generally support the idea of transforming UNOGBIS into an integrated UN mission, but in light of recent developments they also seem inclined towards monitoring developments on the ground and shaping subsequent decisions accordingly. The Secretary-General's upcoming report will be an influencing factor. The question of timing and whether it is premature to shift to an integrated mission remains crucial to the Council's final decision.

Burkina Faso is the lead country on this issue in the Council.

Iraq

Expected Council Action

A Secretary-General's report on the UN Assistance Mission in Iraq (UNAMI) is due by 31 May. The Council will likely be briefed on recent developments by his Special Representative for Iraq, Staffan de Mistura, and also hold a public debate, currently expected on 18 June.

A Secretary-General's report on the activities of both the Development Fund for Iraq (DFI) and the International Advisory and Monitoring Board (IAMB) is also due in June. A review of DFI and IAMB immunities is due before 15 June under resolution 1859, which was adopted on 22 December. (Both the DFI and the IAMB were provided with immunities to prevent creditors from seizing Iraqi oil revenue and financial assets.) A briefing by the UN Controller, Jun Yamazaki, is likely.

Resolution 1859 mandated the Secretary-General to submit a report after consultation with Iraq "on relevant facts necessary for the Council to take action enabling Iraq to regain its international standing prior to being placed on the Council's agenda." The aim is to review all Council resolutions adopted on Iraq since the Iraqi invasion of Kuwait in 1990. At press time it was unclear when the report would be submitted, but there were indications that it would be towards the end of June. It is therefore unlikely that it would be considered by the Council until July.

Key Recent Developments

Despite overall improvements in the security situation, recent months have seen a heightened number of terrorist attacks against Iraqi civilians. On 23 and 24 April in Baghdad and nearby Diyala, there were serious attacks killing at least 155 people. In a press statement on 25 April the Council condemned these attacks.

UN Documents

Selected Security Council Resolution

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

Selected Presidential Statements

- S/PRST/2009/6 (9 April 2009) welcomed the convening of the presidential election for 28 June 2009 and urged credible polls.
- S/PRST/2009/2 (3 March 2009) condemned the assassination of President Vieira and the chief of the armed forces of Guinea-Bissau, and urged continued adherence to stability, constitutional order, the rule of law and the democratic process.
- S/PRST/2007/38 (24 October 2007) called on the government and the UN system to take further action on drug trafficking and organised crime.

Selected Letters

- S/2009/56 (30 January 2009) and S/2009/55 (27 January 2009) was the exchange of letters between the Secretary-General and the president of the Council on the appointment of Joseph Mutaboba as the Secretary-General's Representative in Guinea-Bissau and head of UNOGBIS.
- S/2008/778 (22 December 2008) and S/2008/777 (10 December 2008) was the exchange of letters between the Secretary-General and the president of the Council that revised and extended the UNOGBIS mandate to 30 June 2009 and requested recommendations on establishment of an integrated UN Office in Guinea-Bissau by 15 June 2009.
- S/2008/208 (25 March 2008) was the letter from chairperson of the PBC to the president of the Security Council providing advice on the peacebuilding priorities for Guinea-Bissau.
- S/2007/744 (11 December 2007) was the letter in which the Council requested information from the PBC on the situation in Guinea-Bissau.
- S/1999/232 (26 February 1999)

welcomed the Secretary-General's proposal to establish UNOGBIS.

Selected Reports

- S/2009/169 (31 March 2009) was the latest report on UNOGBIS.

PBC Documents

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

Other

- S/PV.6103 (8 April 2009) was the last briefing by the Representative of the Secretary-General and the head of UNOGBIS, Joseph Mutaboba, on the latest report of the Secretary-General on UNOGBIS.
- S/2009/120 (3 March 2009) was the letter from the presidency of the Community of Portuguese-speaking Countries to the Council conveying its reaction to the assassination of Guinea-Bissau's President Vieira and army chief Waie.
- S/2008/87 (28 December 2007) was the letter from the chair of the PBC informing the president of the Council about the placement of Guinea-Bissau on the PBC's agenda.

Other Relevant Facts

Representative of the Secretary-General and Head of UNOGBIS

Joseph Mutaboba (Rwanda)

Size of UNOGBIS Staff

27, including international civilians, military advisers, a police adviser and local civilians

Duration

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

On 16 April the Council was briefed in consultations by Yamazaki on DFI and IAMB activities. In 2006 the Iraqi Council of Ministers had established a Committee of Financial Experts (COFE) to work alongside the IAMB. Yamazaki said the IAMB believes the COFE would be ready to oversee the DFI by the end of 2009.

Also on 16 April, the Council was briefed by 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. This followed a report by the Secretary-General on 8 April providing a timescale to complete the mandate. The report said that there has been no further progress recovering remains of missing persons and that more progress was unlikely. A confidence and cooperation-building period until June 2010 was also proposed in the report. The Council issued a press statement confirming its agreement to finance the activities of the Coordinator for an additional six months.

The February Secretary-General's report on UNAMI said that Iraq's humanitarian conditions had improved substantially. However, he added that potential for tensions in Kurdistan remained. De Mistura briefed the Council on 26 February.

At the end of April, UNAMI issued its latest Human Rights report, covering the period from 1 July to 31 December. The report emphasised that there were further security improvements in the second half of 2008. However, indiscriminate attacks against civilians remained frequent and impunity continued, the report said. (The publication of UNAMI human rights reports, which were previously published every two or three months, are now delayed by several months, making some of their information nearly obsolete.)

On 27 February US President Barack Obama announced that the US would withdraw all US combat troops from Iraq by August 2010. Under this plan, between 35,000 and 50,000 troops would remain to train Iraqi security forces until December 2011. Nonetheless, the current level of approximately 140,000 troops is not expected to change before parliamentary

elections, provisionally scheduled for the end of January 2010.

Provincial elections in Iraq were held on 31 January in 14 out of 18 governorates. The voter turnout was 51 percent, which was deemed encouraging since Sunni voters had largely boycotted the 2005 elections. On 3 February the Council adopted a press statement commending the Iraqi people for their commitment to democracy.

Options

The following are possible options:

- limit action in June to the technical DFI and IAMB issues;
- use the proposed public debate in June to set the scene for considerations of the wider issues expected to come up in the mandate review;
- set up an informal working group to begin discussions on the mandate review;
- delay decisions on the mandate review report until August so as to discuss all issues on Iraq when considering the UNAMI mandate (UNAMI expires in August, the High-Level Coordinator for the Iraq/Kuwait missing persons and property mandate expires in October and DFI and IAMB immunities expire in December); and
- review issues on Iraq on a case-by-case basis.

Key Issues

Issues regarding UNAMI activities include:

- **Disputed internal boundaries:** UNAMI on 22 April submitted a report to the Iraqi and Kurdish governments on disputed areas in the Kurdistan region including analysis of the disputed factors and options. An issue is whether these options will be taken into account by the parties on the ground.
- **Upcoming elections:** On 25 July provincial elections will be held in Kurdistan, and Iraqi parliamentary elections are scheduled for early 2010.
- **Human rights:** Council members may want to address the latest UNAMI human rights report.
- **Security:** Recent large-scale attacks on civilians have renewed concerns about the fragile situation. An issue is whether UNAMI's protection can continue as US troops gradually withdraw. A related

question is whether Iraqi security forces will be capable to take over this responsibility soon.

On mandate review, a preliminary issue is determining which Council decisions taken under Saddam Hussein's regime are still effective. The next issue is which mandates should be closed because Iraq has fulfilled its obligations or because the situation has changed. A related issue is what conditions will have to be fulfilled in order for Iraq to be removed from the Council's agenda. Key past decisions include the following:

- **Iraq/Kuwait:** Kuwaiti claims following the first Gulf war still amount to approximately \$25 billion. Every year, 5 percent of Iraqi oil proceeds are used to pay compensation through a mechanism administered by the UN Compensation Commission (UNCC). Iraq has requested a smaller percentage, but this has so far been rejected. Other obligations include demarcation of the border between Iraq and Kuwait, and cooperation with the UN and Kuwait on the search for missing persons and missing Kuwaiti property. (While Iraq would like to see the mandate of the High-Level Coordinator closed, this remains a sensitive humanitarian issue for Kuwait.) A question is whether the parties can now resolve those outstanding issues bilaterally.
- **Oil-for-Food:** The UN is holding funds in escrow to cover the costs of residual contracts passed under the oil-for-food programme. The UN Secretariat can release payments only upon receipt of documentation confirming delivery. However, this documentation has not been provided by Iraq and the issue has been lingering for years. Last year, Costa Rica blocked an attempt from the P5 to pay creditors without authentication documents, out of concern about exposing the UN itself to claims by creditors. Costa Rica made a number of proposals, including verification measures for authorising payment to suppliers in cases where there is no confirmation of receipt of goods by Iraq. None of these proposals were taken up. (Please see our October 2008 *Forecast* on Iraq (Oil-For-Food).)

■ **Sanctions:** The Council in 2003 decided to freeze the assets of individuals and entities linked to Saddam Hussein's regime. Resolution 1518 established a sanctions committee which mostly inherited the list of individuals and entities already subject to measures under resolution 661 of 1990. The committee has recently been seized of delisting requests. The reintegration of former Ba'athist officials into Iraqi public administration raises the question of whether or to what extent sanctions should be lifted. An arms embargo remains. A key question is whether the embargo should still be maintained.

■ **Immunities for the DFI and IAMB:** It seems that Iraq wants those immunities retained to prevent claims.

Council Dynamics

There is a general sense of approval in the Council that Iraq is progressively regaining full sovereignty but also a sense that the Council needs to continue to provide support. At the same time, most members also believe that Iraq still needs to fulfil outstanding obligations.

The Iraq/Kuwait issue is sensitive, as evidenced by the latest negotiations on the renewal of financing for the High-Level Coordinator. The US and the UK tend to favour a closure of the mandate of the High-Level Coordinator at some point. But Russia tends to support the Kuwaiti position that until the bodies of all missing persons are found and all Kuwaiti property is recovered, the mandate should continue. Others such as France and Turkey have been more neutral. However, there appears to be general agreement on the need for better cooperation between the two parties, including with compensation and border demarcation, and that ultimately those issues can be solved only bilaterally. But there seems to be no appetite for initiatives to bring the parties together.

Another divisive issue is whether the DFI immunities should be lifted in line with the termination of other Chapter VII mandates related to Iraq or whether they should be maintained on an exceptional basis.

On outstanding oil-for-food issues, many members think that Iraq should try to

provide authentication documents to enable payment and eventually close this file. This may be used as a bargaining chip for closing other mandates. Likewise, the issue of immunities may be used to pressure Iraq to make more progress, for instance on its cooperation with Kuwait.

Finally, as to positions in the Council on UNAMI, some members seem especially interested in human rights. Others focus on security. Most are willing to address the issue of internal boundary disputes because of their implications for general stability.

Selected UN Documents

Selected Security Council Resolutions

- S/RES/1859 (22 December 2008) extended the arrangements for the DFI and the IAMB until 31 December 2009 with a review by 15 June and requested the Secretary-General to report on all Council decisions regarding Iraq since 1990 in view of conducting a review.
- S/RES/1830 (7 August 2008) renewed the UNAMI mandate for 12 months.
- S/RES/1518 (24 November 2003) established a sanctions committee.
- S/RES/1483 (22 May 2003) established sanctions against the previous Iraqi government, created the DFI, provided immunity to Iraqi petroleum products and envisaged the termination of the oil-for-food programme.
- S/RES/1284 (17 December 1999) requested the Secretary-General to report on compliance by Iraq with its obligations regarding the repatriation of Kuwaiti and third-country nationals and property, and appointed a High-Level Coordinator.
- S/RES/692 (20 May 1991) established UNCC.
- S/RES/687 (3 April 1991) affirmed that Iraq was liable for any direct loss, damage or injury as a result of its unlawful invasion of Iraq, and called upon the Secretary-General to help Iraq and Kuwait demarcate their border.

Selected Press Statements

- SC/9643 (25 April 2009) condemned the terrorist attacks in Baghdad on



Baquba on 23 and 24 April.

- SC/9637 (16 April 2009) agreed to finance the activities of the High-Level Coordinator for six months.
- SC/9587 (3 February 2009) welcomed Iraq's provincial elections.

Secretary-General's Reports

- S/2009/190 (8 April 2009) was the latest report of the Secretary-General on Iraq/Kuwait missing persons and missing property.
- S/2009/102 (20 February 2009) was the latest UNAMI report.

Letters

- S/2009/226 (30 April 2009) was a letter from the UNCC welcoming the willingness of Iraq and Kuwait to discuss unpaid compensations on 20 May 2009.
- S/2008/521 (25 July 2008) and S/2008/588 (26 August 2008) were letters from Costa Rica on the oil-for-food-programme.
- S/2008/206 (26 March 2008) was a letter from the Council to the Secretary-General about financing the activities of the High-Level Coordinator for an additional 12 months and requesting a report providing a timescale for completion of the mandate.

Latest Council Briefing and Debate on Iraq

- S/PV.6087 (26 February 2009)

Other Relevant Facts

Special Representative of the Secretary-General in Iraq

Staffan de Mistura (Sweden)

Secretary-General's High-Level Coordinator for Iraq/Kuwait Missing Persons and Property

Gennady Tarasov (Russia)

Chair of the 1518 Sanctions Committee

Ambassador Michel Kafando (Burkina Faso)

Expected Council Action

The chairman of the 1737 Sanctions Committee on Iran, Ambassador Yukio Takasu of Japan, is due to deliver a briefing in June.

The next report from the IAEA on Iran's compliance with Council resolutions will be presented to its Board of Governors in June. It is not expected to be taken up in the Council.

Iran's presidential elections are scheduled for 12 June, and no new developments in the E3+3 (France, Germany, UK, China, Russia and the US) process are expected before the electoral outcome is known.

Key Recent Developments

On 20 May Iran announced that it had successfully test launched a missile which was later confirmed by US officials.

On 11 May an Iranian-American journalist, Roxana Saberi, sentenced in April by Iranian courts to eight years in prison on charges of spying, was released. This was seen as a response to recent positive overtures toward Iran by the new US president.

On 8 April the E3+3 issued a statement welcoming the US intention to participate in future meetings of the E3+3 with Iran and requested a meeting with Iran. Iran's chief nuclear negotiator, Saeed Jalili, on 13 April told EU foreign policy chief Javier Solana that Iran welcomed discussions with the E3+3 and would soon unveil its official position.

On 19 March, in a major policy shift from the previous administration, the US offered to start direct talks with Iran. In a video message addressed to Iran on the occasion of the Persian New Year (*Nowruz*), US President Barack Obama said that his administration was now committed to using diplomacy to address the full range of issues and to pursuing constructive ties. Obama said that he wanted to speak directly to the people and leaders of Iran and that the US was seeking honest engagement grounded in mutual respect. In May President Obama indicated that he was expecting this process to take at least until the end of 2009.

Iran's Supreme Leader Ayatollah Ali Khamenei said on 21 March that Iran was hoping for concrete changes in US policy. On 8 April, Iranian President Mahmoud Ahmadinejad said that his country welcomed talks with the US based on honesty, justice and respect.

On 10 March, Ambassador Takasu briefed the Council on recent activities of the 1737 Sanctions Committee, which monitors targeted sanctions on Iran, an arms export ban and the prohibition of trade with Iran of certain nuclear proliferation-sensitive items imposed in resolutions 1737, 1747 and 1803. He said that a member state (Cyprus) had informed the committee in February that it had found arms-related material on board a vessel from Iran en route to Syria. Iran was therefore in violation of resolution 1747 prohibiting it to supply, sell or transfer any arms and related material.

It seems that the Sanctions Committee has been seeking clarification from Iran and Syria on the arms shipment. (The communications have not been made public in an effort to keep the Committee's activities low-key in order not to jeopardise the current diplomatic track.) The ship remains in Cyprus, and the cargo was confiscated.

On 3 March the E3+3 issued a joint statement calling upon Iran to comply with all three Council resolutions. It noted the concern expressed by IAEA Director General Mohamed ElBaradei in his latest report to the IAEA Board of Governors that the continued lack of progress in clarifying some of Iran's outstanding nuclear issues is fuelling suspicions about possible military dimensions of Iran's nuclear programme. The E3+3 also reaffirmed their commitment to a diplomatic solution through direct dialogue and urged Iran to seize the opportunity.

The latest IAEA report, submitted to the Board of Governors in February, mentioned that Iran was slowing down its uranium enrichment programme. But Iran has continued to expand the number of centrifuges at its Natanz enrichment site and in April announced that 7,000 centrifuges were installed.

On 25 February Iran tested the reactor of the Bushehr nuclear power plant supplied by Russian nuclear fuel. There are expectations that the plant will be operational late in 2009.

Key Issues

The main issue is whether direct and substantive engagement with the E3+3 begins after Iran's presidential elections in June and opens the way for Iran and the US to normalise relations and resolve longstanding issues.

A related issue is whether the Council can play any positive role in encouraging his process.

The E3+3 "freeze-for-freeze" proposal remains on the table. Under this plan, Iran would agree to suspend its sensitive nuclear activities, and the Council would suspend its sanctions against Iran to allow for formal negotiations. A new element is that the Obama administration recently agreed to include the lifting of unilateral US sanctions. However, many analysts believe that Iran is unlikely to consider any proposal with preconditions. A related question is whether there is merit in signalling support for a more flexible option (e.g. Iran would stop enriching more uranium in exchange for a commitment by the Council (and the US) not to adopt new sanctions during a period of pre-negotiations).

Finally, there is the question of how vigorously the Sanctions Committee should be in its investigation of the February incident.

Council and Wider Dynamics

For the moment, diplomacy seems the preferred path, but the Europeans see the threat of sanctions as a tool which should be kept in reserve. US Secretary of State Hillary Clinton said on 22 April that Iran would face "very tough" sanctions if it rejects offers of engagement. Divisions on the proper timing to reactivate sanctions may become more apparent should the diplomatic track prove slow. Russia and China have traditionally been sceptical about the utility of sanctions.

It seems that the 1737 Sanctions Committee is currently debating whether to pursue further action following the case raised by Cyprus. One option being considered is to

send a note to all member states notifying them of the incident, reminding them of their obligations under resolutions 1737, 1747 and 1803, asking them to exercise more vigilance and providing them with guidance on how to appropriately respond to similar situations. Committee decisions have to be made by consensus therefore action depends on all members being comfortable. Most members also seem willing to keep the Committee investigation low-key so as to avoid jeopardising the diplomatic track. It has not formally met since the Cyprus case emerged in February despite a high degree of informal activity.

UN Documents

Selected Security Council Resolutions

- S/RES/1835 (27 September 2008) reaffirmed the Council's commitment to an early negotiated solution to the Iranian nuclear issue and called upon Iran to comply with its obligations under previous Council and IAEA resolutions.
- S/RES/1803 (3 March 2008) imposed additional measures against Iran and reinforced the existing ones.
- S/RES/1747 (24 March 2007) established a ban on Iran's arms exports and added names to the list of people and entities subject to assets freeze.
- S/RES/1737 (23 December 2006) banned trade with Iran of certain nuclear proliferation-sensitive items, imposed an asset freeze on a list of persons and entities involved in proliferation-sensitive activities and established a sanctions committee.

Latest IAEA Report

- GOV/2009/9 (19 February 2009)

Latest Briefing from the Chairman of the 1737 Sanctions Committee

- S/PV.6090 (10 March 2009)

Letter

- INFCIRC/749 (12 March 2009) was a communication from the E3+3 to the IAEA including their latest joint statement on the Iran nuclear issue.

Useful Additional Sources

- E3+3 meeting in London of 8 April 2009, www.fco.uk
- US President Obama's video address to Iran of 19 March 2009, www.whitehouse.gov/nowruz/

Kosovo

Expected Council Action

In June the Secretary-General's quarterly report on the UN Interim Mission in Kosovo (UNMIK) will be available. The Secretary-General's Special Representative and head of UNMIK, Lamberto Zannier, is expected to brief the Council. The six-point plan for Kosovo covering the areas of police, judiciary, boundary management, protection of religious facilities, transport and customs and the operation of EU Rule of Law Mission in Kosovo (EULEX) are expected to be featured.

The format is likely to follow the discussion in March with representatives from both Serbia and Kosovo participating (Serbia participates under the Provisional Rules of Procedure of the Security Council rule 37 which provides for a member to participate where its interests are affected. A Kosovo representative participates under rule 39 where the Council can invite a person to provide it with information.) A lively discussion is likely but no formal outcome is expected.

Key Recent Developments

Regular power cuts in Serbian villages led to demonstrations in central and eastern Kosovo in March and eventually to a violent clash with police in a Serbian village near Gjilan/Gnjilane. By early April electricity was restored to villages that signed a collective agreement with the Kosovo power company, KEK. However, power was not restored to 14 villages that preferred to deal with the Serbian power company, EPS instead of KEK. Clashes on 10 May led to 26 people being injured.

On 27 April, Serbs in northern Kosovo protested against the rebuilding of homes for ethnic Albanians in northern Mitrovica. Protestors threw hand grenades and fired shots at EU police officers. The EU expressed deep concern over the protests and re-emphasised its support for EULEX and the NATO Kosovo Force (KFOR) in establishing rule of law in Kosovo. It said that the rioters should be brought to justice.

In May US Vice President Joe Biden visited Kosovo, Serbia and Bosnia and Herzegovina. In Pristina, he told Kosovo's parliament that its independence is irreversible and



the only viable option for regional stability. In Belgrade he said that the US does not expect Serbia to recognise Kosovo's independence and that this was not a precondition for its relationship with Serbia or its support for Serbia becoming a part of the EU.

On 8 May the IMF agreed to offer membership to Kosovo, giving Kosovo access to international aid. Serbia and Russia tried to block Kosovo's membership, but the organisation's majority voting allowed it to be accepted.

On 15 April Serbia wrote to the president of the Council expressing concern at the extensive cuts in UNMIK funds and personnel for the next financial year. It said that the cuts would jeopardise UNMIK's mandate under resolution 1244, which established the mission in 1999. Another area of budgetary concern cited was the lack of funds to implement the six-point agreement between the Secretary-General and Serbia.

The Council met in a closed session on 16 April at Russia's request to discuss the Government of Kosovo's relations with UNMIK.

By 17 April, 34 states (including Kosovo and Serbia) had submitted their arguments on the legality of Kosovo's declaration of independence with the International Court of Justice (ICJ). The countries now have until 17 July to comment on each other's submissions. (On 8 October 2008 the UN General Assembly voted in favour of a Serbian-sponsored resolution asking the ICJ for an advisory opinion on the legality of Kosovo's unilateral declaration of independence.) A decision is not expected until 2010 at the earliest.

During a meeting with Zannier on 23 April, Kosovo President Fatmir Sejdiu asked UNMIK to leave, stating that its presence was no longer needed. Prime Minister Hashim Thaci has said that UNMIK is unnecessary with EULEX and the International Civilian Office in Kosovo.

When Kosovo declared independence in February 2008, more than 300 Serbian police officers left the Kosovo Police Service (KPS), responding to Serbian pressure to boycott Kosovo institutions. Many of these officers were from eastern and central Kosovo and were suspended on full pay by the Kosovo government. By mid-May about 45 officers had returned to the KPS.

The UN Development Programme's quarterly Early Warning Report on Kosovo published on 15 May revealed that the majority of Kosovars saw socioeconomic issues such as unemployment, poverty, lack of electricity and corruption as the main problems threatening Kosovo's stability. The report also highlighted a shift in attitudes towards UNMIK which is no longer seen as the main actor responsible for the political situation with this role being attributed to the Kosovo government and political parties.

At the opening of its headquarters in Pristina on 6 April, EULEX announced that it had reached full operational capacity with most of its staff now deployed. (At the time of writing, EULEX had 1,713 international and 910 local staff.) Since beginning operations on 9 December, EULEX police have been deployed at police headquarters in Pristina, at all local and regional police stations and border checkpoints. It has established a 24 hour presence at the two customs gates in northern Kosovo, which had been set on fire following Kosovo's declaration of independence.

Options

Since no outcome is required, the most likely option is for the Council to receive the briefing and listen to statements from interested parties.

Key Issues

A key issue is how serious the Kosovo government is about wanting UNMIK to leave. (Closing down UNMIK has in the past been a very contentious issue and under resolution 1244, adopted for an indefinite period under Chapter VII, any such decision requires nine votes and no vetoes.)

Also an issue is how much more UNMIK can realistically be downsized. A proposal to reduce staff from 1,000 to 500 by 1 June was included in the draft budget for this

year which is currently being discussed by the Fifth Committee of the General Assembly. It remains to be seen whether Russia and Serbia will use Fifth Committee consensus rules to block downsizing.

A further issue is whether Serbia will seek to intensify its control over institutions north of the Ibar River. The Kosovo government appears to be increasingly impatient with the slow pace of Serb integration. But it runs the risk of provoking de facto partition if it becomes inflexible.

Rising discontent among Kosovo Serbs who feel that they are being unfairly treated is also an issue. This is beginning to be translated into action as shown in the protests over power cuts. The potential for violence is of concern to the Council.

The future role of the Organisation for Security and Co-operation in Europe (OSCE) which is a central element of the reconfigured UNMIK is also an issue. Currently it is responsible for comprehensive monitoring of compliance with the protection of minorities throughout Kosovo. The OSCE's extensive field presence has led some observers to suggest that it could take on an implementation role in areas such as human rights, minority rights and democratisation. But this could be sensitive as Russia and Serbia are concerned that OSCE remains status-neutral and refrains from strengthening Kosovo institutions.

Council Dynamics

Most members seem comfortable with the compromise which allowed EULEX's role in Kosovo under a UN umbrella. There appears to be no change in their fundamental positions. The Council is still divided between members who support Kosovo's independence and those who believe that Kosovo's declaration of independence violates international law and resolution 1244.

Most of the European members are now focused on making EULEX's role in Kosovo a positive one. They are open to UNMIK downsizing further. Russia continues to hold strongly to the view that UNMIK needs to keep a substantial presence in Kosovo and that it should retain its coordination and political, as well as administrative functions. It also believes that the Council

should continue to play a leading role on this issue.

The US appears to be reenergising its focus on the Balkans. Vice President Joe Biden's Balkans tour in May covered Bosnia and Herzegovina, Serbia and Kosovo. One of the stated aims was to "reset" in a positive way relations with Serbia. An improvement in US-Serbia relations might lead to a more flexible and constructive atmosphere.

Many of the elected Council members are concerned over the ongoing incidents of interethnic violence in Kosovo and have highlighted the need for continued dialogue between the parties on areas of mutual concern.

UN Documents

Security Council Resolution

- S/RES/1244 (10 June 1999) authorised NATO to secure and enforce the withdrawal of Yugoslav forces from Kosovo and established UNMIK.

Selected Presidential Statement

- S/PRST/2008/44 (26 November 2008) was the presidential statement welcoming the Secretary-General's 24 November report and the cooperation between the UN and other international actors within the framework of resolution 1244.

Selected Letters

- S/2008/638 (2 October 2008) was the letter that transmitted the report on the operations of KFOR from 1-31 July 2008.
- S/2007/168 and Add. 1 (26 March 2007) was the letter transmitting UN Special Envoy Martti Ahtisaari's report on Kosovo's future status and the Comprehensive Proposal for the Kosovo Status Settlement.

Selected Reports

- S/2009/149 (17 March 2009) was the last report of the Secretary-General.
- S/2008/354 (12 June 2008) was the Secretary-General's report on how he plans to reconfigure UNMIK.

Other

- S/PV.6097 (23 March 2009) was the discussion on the Secretary-General's 17 March report.

Additional Useful Resources

- *Fast Facts: Early Warning Report #24*, UNDP, 15 May 2009
- *Serb Integration in Kosovo: Taking the Plunge*, International Crisis Group, 12 May

Protection of Civilians

Expected Council Action

In June the Council will hold an open debate on protection of civilians in armed conflict. (It takes up this issue twice a year; the last debate was on 14 January.) At press time the Secretary-General's seventh report on the issue was expected. It is likely to assess the first ten years of Council involvement in the issue since it first addressed it thematically in 1999. John Holmes, the Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, is expected to brief the Council on the report.

No new decisions are expected in June. However, the recommendations of the Secretary-General and the findings expected in late June of the independent study on implementation of protection mandates in peacekeeping operations, commissioned by the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations (DPKO) may lead to new initiatives later in the year.

For the Council's history of addressing the issue of protection of civilians both thematically and in country-specific situations, please see our 14 October 2008 *Cross-Cutting Report on Protection of Civilians*.

Recent Developments

The Council has recently been confronted with three major crises that have focused attention on protection of civilians:

- the severe fighting in late 2008 in the eastern part of the Democratic Republic of the Congo (DRC);
- Israel's military operation in Gaza in December/January; and
- Sri Lanka's military offensive against the Liberation Tigers of Tamil Eelam (LTTE).

In all three cases the Council's response was subject to significant public criticism.

The January debate on protection of civilians took place with the situations in DRC and Gaza as an important backdrop. Holmes's briefing on that occasion focused on the conduct of hostilities and the need for strict compliance with international humanitarian law. He made particular reference to the Gaza situation, along with those in the eastern DRC, Afghanistan, Somalia and Sri Lanka. Holmes also pointed to the need for humanitarian actors to engage with all parties to a conflict (including non-state actors like the Taliban, Hamas or Al-Shabaab) to ensure access and promote respect for international humanitarian law. He noted the need to respond to protection challenges in a more consistent and comprehensive way, including in peacekeeping operations and efforts to combat sexual violence.

At the end of the debate the Council adopted a presidential statement with an annex that contained an update of the aide-mémoire that the Council first adopted in March 2002 "as a means to facilitate its consideration of issues pertaining to protection of civilians" (see our January 2009 *Forecast*). The aide-mémoire was expanded substantially to cover issues in more detail, reflect new priorities, and offer a more user-friendly format by providing specific protection language relating to the list of issues.

Also in January the Council held a private meeting on respect for international humanitarian law, addressing this as a separate issue for the first time. It was a French initiative with the stated purpose of starting a process focusing on possible measures that the Council could consider in order to more effectively prevent or end violations of international humanitarian law. OCHA as well as the UN's Office of Legal Affairs, Office of the High Commissioner for Human Rights and Office of the High Commissioner for Refugees were invited to brief the Council, as was the International Committee of the Red Cross. While France initially floated the idea of a presidential statement, there was no outcome. It is unclear whether there will be any follow-up. France hopes that others will pursue the issue, including in fora other than the Council. (For more details, see our *Update Report* of 27 January.)



A significant new development was the establishment of an informal Council expert group on protection of civilians in line with the Secretary-General's recommendation in his October 2007 report. At this stage its agreed informal mandate is to consider protection issues related to existing peacekeeping operations. A meeting is thus convened when a peacekeeping mandate with a protection dimension comes up for renewal. OCHA is invited to brief on behalf of the entire UN system, focusing on what are considered to be the most pressing protection issues. Based on the revised aide-mémoire, OCHA is also invited to make suggestions on agreed language that the Council might want to include in the mandate resolution.

As the lead country in the Council on the issue of protection of civilians, the UK convened the first meeting of the expert group in January on the mandate for the UN Operation in Côte d'Ivoire (UNOCI) which was renewed 27 January. There have been two more meetings so far: one focusing on the mandate of the UN Assistance Mission for Afghanistan (UNAMA) which was renewed on 23 March, and the other on the mandate of the UN Mission in Sudan (UNMIS) which was renewed on 30 April. The next meeting will be on the mandate of the AU/UN Hybrid Operation in Darfur which expires on 31 July. China has so far not participated in any of the meetings.

In March, the General Assembly's Special Committee on Peacekeeping Operations (C-34), which meets annually to "conduct a comprehensive review of all issues related to peacekeeping," for the first time included protection of civilians in its report, acknowledging that protection of civilians is one of the mandated tasks of UN peacekeeping operations, requiring integration and a comprehensive approach. The Special Committee also requested the Secretary-General to present proposals to improve the ability of existing peacekeeping

operations to respond to situations where civilians are under threat and provide information on resources, training and concepts of operation with regard to protection mandates.

Key Issues

After ten years of Council attention to protection of civilians, a key issue is how to make the Council's role more effective and consistent. In this regard, the Secretary-General's report is expected to provide an assessment of what has been done and what the key challenges are, and make proposals for the way forward.

Some key challenges expected to be addressed include:

- enhancing compliance with existing international humanitarian law, particularly during the conduct of hostilities;
- enhancing compliance by non-state actors;
- making more effective use of peacekeeping operations in protection of civilians;
- improving humanitarian access; and
- ensuring accountability for violators of international humanitarian law.

A key issue common to all these challenges is translating Council decisions into results on the ground.

A related issue is the implementation of peacekeeping protection mandates. Lack of guidelines on protection is still an issue, but the recent developments in the General Assembly's Special Committee suggest that a more constructive dialogue among key players may be possible. The findings of the OCHA/DPKO independent study on implementation of protection mandates, which are expected at the end of June, may prove helpful.

A further key issue demonstrated recently by the crisis in Sri Lanka is the Council's often slow and reluctant response when confronted with situations not formally on its agenda and where there is political reluctance from the country in question to be named in a Council agenda item. The question remains whether Council practice can evolve to allow for a less politicised approach when civilians are threatened.

A final issue is whether the Council could make better use of the informal expert

group on protection of civilians by agreeing that it can informally discuss urgent new issues as they develop without the need for adoption of a formal agenda item.

Options

No Council decision is expected at this time. However, options for the Council include:

- continuing work in the informal protection expert group on the current basis;
- expanding the group's scope to include discussions of urgent new situations and also inviting representatives from the UN system other than OCHA to give briefings; and
- devising new informal Council working methods which would allow for briefings on developing situations involving grave risks to civilians.

Council and Wider Dynamics

In spite of the Council's problems in dealing with several recent protection situations, there seems to be a sense among members and other key players that the atmosphere in the Council on protection of civilians as an thematic issue is improving.

The informal expert group is seen as a positive development that most members find very useful despite the absence of China. China said in the last open debate that it was not in favor of a "working group" on protection. It also seems hesitant about the current informal format. Russia, on the other hand, is seen as an engaged and constructive participant.

The UK, as the convener, seems to see value in taking a cautious approach at the outset in order to limit tensions both among Council members and within the UN system. The initial decision to look only at mandate renewals was part of this approach. In the longer term several members hope for a more ambitious agenda.

OCHA seems pleased with the way the expert group is functioning. Some of the language proposed by OCHA has been reflected in the resolutions. On the wider protection agenda OCHA appears keen on trying to move things forward but seems more focused on process at this stage, rather than substantive recommendations that past experience has shown may never be taken up by the Council.

UN Documents

Selected Security Council Resolutions

- S/RES/1870 (30 April 2009) extended UNMIS to 30 April 2010.
- S/RES/1868 (23 March 2009) extended UNAMA to 23 March 2010.
- S/RES/1865 (27 January 2009) extended UNOCI to 31 July 2009.
- S/RES/1860 (8 January 2009) called for a ceasefire and full withdrawal of Israeli forces from Gaza and condemned all violence against civilians.
- S/RES/1820 (19 June 2008) called for enhanced action on sexual violence.
- S/RES/1674 (28 April 2006) reaffirmed the responsibility to protect as formulated in the World Summit Outcome Document (A/RES/60/1) and expressed the Council's intention to ensure that protection is clearly outlined in peacekeeping mandates and priority given to its implementation.
- S/RES/1265 (17 September 1999) and 1296 (19 April 2000) expressed the Council's willingness to take measures to ensure protection of civilians in armed conflict and to consider how peacekeeping mandates might better address the negative impact of conflict on civilians.

Selected Security Council Presidential Statements

- S/PRST/2009/1 (14 January 2009) reaffirmed previous decisions on protection of civilians and contained an updated aide-mémoire.
- S/PRST/2008/18 (27 May 2008) reaffirmed previous decisions on protection of civilians and requested a report from the Secretary-General by May 2009.
- S/PRST/2002/6 (15 March 2002) and its update S/PRST/2003/27 (15 December 2003) contained an aide-mémoire to assist Council members in their consideration of protection of civilians issues.

Selected Reports of the Secretary-General

- S/2007/643 (28 October 2007) was the sixth report.
- S/1999/957 (8 September 1999) was the landmark first report on the issue.

Related Developments in the PBC

On 25 February Ambassador John McNee of Canada replaced Majoor as chairman of the PBC Sierra Leone configuration.

On 6 April McNee issued a statement welcoming the joint communiqué between the two leading political parties following the March interparty political violence and recommending follow-up action by the international community in that regard.

McNee visited Washington on 12 May to further explore the PBC's cooperation with the International Monetary Fund and the World Bank. He also visited Sierra Leone from 20 to 24 April for an assessment of the situation on the ground and reviewed key peacebuilding issues.

At press time the PBC was preparing to hold a high-level special session on Sierra Leone on 10 June. The meeting will aim, among other things, at garnering support for the Sierra Leonean president's Agenda for Change, which is the primary national framework for development and peace consolidation. The session may also provide the basis for continued PBC engagement and generate support for the UN Joint Vision for Sierra Leone and launch the UN Multi-Donor Trust Fund.

Key Issues

The key issue for the Council is whether UNIPSIL is adding value to sustainable peace consolidation, particularly against the backdrop of the violent expression of political tensions in March.

Another key issue is whether the Council can play a role, in partnership with the PBC, in sustaining progress.

Latest Council Meeting Record

- S/PV.6066 and resumption 1 (14 January 2009)

Other

- SC/9659 (13 May 2009) was a Council press statement on Sri Lanka.
- A/63/19 (24 March 2009) was the Report of the Special Committee on Peacekeeping Operations and its Working Group from the 2009 substantive session.

Sierra Leone

Expected Council Action

The Council is expected to consider the report of the new UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) in June. UNIPSIL's mandate expires on 30 September. No Council action is required at this time but a statement may be a possibility.

Key Recent Developments

On 9 February Executive Representative of the Secretary-General Michael von der Schulenburg briefed the Council. He stated that formidable challenges still confront Sierra Leone seven years after the civil war. He urged patience, decisive action and fulfillment of commitments by the international community. He said UNIPSIL was the "nexus of partnership" between the Sierra Leonean government and the UN, especially the Council and the Peacebuilding Commission (PBC).

The then chairman of the PBC Sierra Leone configuration, Ambassador Frank Majoor of the Netherlands, told the Council that the creation of UNIPSIL had been a groundbreaking innovation for the UN family. He said it was creating a truly integrated approach to peacebuilding. The peace consolidation agenda in Sierra Leone remained unfinished, and he cautioned against shifting limited resources from the "relatively stable" country to urgent crises elsewhere. He said the PBC would intensify its efforts to mobilise additional resources for Sierra Leone, especially through broadening the donor base and strengthening partnerships with the private sector.

Ambassador Shekou Touray of Sierra Leone called for sustained international engagement in nurturing peacebuilding. Establishment of UNIPSIL had been a significant step and was the "fourth-generational" phase of the UN presence in the country. The challenges remained and therefore the PBC and all development partners needed to support Sierra Leone's national agenda.

On 25 February the Special Court for Sierra Leone found the three most senior surviving leaders of the former rebel Revolutionary United Front, Issa Sesay, Morris Kallon and Augustine Gbao, guilty of a number of counts of war crimes and crimes against humanity between 1991 and 2002. On 18 March the Special Court signed an agreement with Rwanda that would allow some criminals convicted by the court to complete their sentences in Rwanda. On 8 April the Special Court sentenced Sesay, Kallon and Gbao to jail terms of between 25 and 52 years.

On 4 May the Special Court's Trial Chamber at The Hague dismissed a request by the defence counsel for former Liberian President Charles Taylor to drop the charges against him (11 counts of war crimes and crimes against humanity) on the grounds of insufficient evidence. Taylor's trial is scheduled to resume on 29 June.

From 13 to 16 March, following a disputed local council special election in southern Sierra Leone, political violence flared up in the capital, Freetown, between supporters of the country's largest political parties—the ruling All People's Congress (APC) party and supporters of the opposition Sierra Leone People's Party (SLPP). On 18 March, President Ernest Koroma called for calm and warned of a possible government crackdown. Following bipartisan dialogue facilitated by the UN, the APC and SLPP on 2 April agreed to:

- a bipartisan understanding on the role of the ruling and opposition parties;
- rejection of all forms of violence; and
- mechanisms for enquiry into the violent clashes.

Options

The main option for the Council is whether to respond to recent developments in the country and if so, whether to issue a formal statement.

Council Dynamics

There is consensus among Council members on the need to continue consolidating peace in Sierra Leone through peacebuilding. The content of the upcoming report will likely influence members' positions on next steps.

The UK is the lead country on this issue in the Council.

Underlying Problems

The socioeconomic problems that underlay the civil war still persist, with widespread poverty and youth unemployment, along with inadequate resources to effectively combat endemic corruption. Issues of drug-trafficking are also emerging throughout the West African subregion.

There is also concern about the lack of sufficient funds to secure the future work of the Special Court. Unlike the international tribunals for Rwanda and Yugoslavia, the Special Court is not supported through assessed contributions by the UN member states but by voluntary contributions.

UN Documents

Selected Security Council Resolutions

- S/RES/1829 (4 August 2008) authorised the creation of UNIPSIL to replace UNIOSIL for one year commencing 1 October.
- S/RES/1793 (21 December 2007) extended the mandate of UNIOSIL until 30 September 2008 and requested a completion strategy for the mission by 31 January, and specific proposals on the successor office.

Selected Secretary-General's Report

- S/2009/59 (30 January 2009) was the first report of the Secretary-General on UNIPSIL.

Other

- S/PV.6080 (9 February 2009) was the open debate by the Council to consider the first report of the Secretary-General on UNIPSIL.
- S/2009/18 (8 January 2009) and S/2009/17 (5 January 2009) was the exchange of letters between the Secretary-General and the Council president on the appointment of Michael von der Schulenburg as the executive representative for UNIPSIL.
- S/PV.5948 (4 August 2008) was the meeting resulting in the adoption of resolution 1829 establishing UNIPSIL.
- S/2008/63 (31 January 2008) was the letter from the Secretary-General conveying the completion strategy for UNIOSIL.

Peacebuilding Commission

- PBC/3/SLE/4 (6 April 2009) was the statement welcoming the joint communiqué between the two leading political parties in Sierra Leone.
- PBC/3/SLE/2 (15 December 2008) outlined conclusions and recommendations of the second biannual review of the Sierra Leone Peacebuilding Cooperation Framework.
- PBC/2/SLE/SR.4 (19 June 2008) was the summary record of the Sierra Leone configuration's fourth meeting (biannual review of the Peacebuilding Cooperation Framework and report of the PBC's visit to Sierra Leone between 1-7 June 2008).
- PBC/2/SLE/6 (19 June 2008) outlined conclusions and recommendations of the biannual review of the Sierra Leone Peacebuilding Cooperation Framework.
- PBC/2/SLE/5 (19 May 2008) was the chair's summary of the high-level stakeholders consultation on Sierra Leone.
- PBC/2/SLE/1 (3 December 2007) was the Sierra Leone Peacebuilding Cooperation Framework.
- PBC/OC/1/2 (21 June 2006) was a letter from the Council president to the Secretary-General referring Sierra Leone to the PBC.

Other Relevant Facts

UNIPSIL Executive Representative of the Secretary-General

Michael von der Schulenburg
(Germany)

Size and Composition of Mission

Staff strength (as of 31 March 2009): 29 international civilians, 15 local civilians

Duration

1 October 2008 to present; current mandate expires 30 September 2009

Somalia

Expected Council Action

At press time Somalia was not scheduled to be discussed by the Council in June, but Council members are likely to monitor the situation closely in light of the recent increase in insurgent attacks against the Transitional Federal Government (TFG).

Key Recent Developments

In May heavy fighting broke out in Mogadishu between insurgents and forces loyal to the government. According to the UN, there was an attempted coup on 9 May led by Sheikh Hassan Dahir Aweys, leader of the hardline-faction of the Alliance for the Re-liberation of Somalia (ARS) who has joined the insurgent group Hisbul Islam and recently returned to Mogadishu from exile in Asmara.

While failing to overthrow the government, the insurgents gained ground in Mogadishu and elsewhere. The militant group Al-Shabaab, which is vowing to continue fighting until the government collapses and the AU Mission in Somalia (AMISOM) leaves the country, has reportedly started registering young recruits to "join the jihad" against the government. On 17 May it captured the town of Jowhar. However, there were also signs of divisions within the insurgents. One of the key leaders of Hisbul Islam, Sheikh Yusuf Mohamed Siad (also known as Inda'ade) on 16 May reportedly defected to the government.

There were also reports of a growing presence of foreign insurgents. The Secretary-General's Special Representative for Somalia, Ahmedou Ould-Abdallah, in an interview estimated their number at

around 300. The Somali government accused Eritrea of bringing in weapons illegally and called on the international community to help stop Eritrean interference. The US State Department issued a press release on 15 May denouncing Eritrea's support for antigovernment forces in Somalia. According to several media reports, Ethiopian forces re-entered border areas in Somalia on 19 May, but Ethiopia denied the claims.

The UN humanitarian coordinator for Somalia, Mark Bowden, on 12 May said Somalia was facing its worst drought in a decade, deepening an already dire humanitarian crisis. Two days later the International Committee of the Red Cross deplored the high number of civilian casualties and called on the parties to comply with international humanitarian law. On 15 May, the UN High Commission for Refugees estimated that 135 had been killed, more than 400 wounded, and 34,000 displaced since the recent fighting erupted. It later raised the number of displaced to 67,000.

On 13 May the Council was briefed on the Secretary-General's 16 April report by Under Secretary-General for Political Affairs B. Lynn Pascoe, Under Secretary-General for Peacekeeping Operations Alain Le Roy and Under Secretary-General for Field Support Susana Malcorra.

Pascoe noted that international support for the Somali government was particularly crucial in light of the recent surge in violence. He said pledges made at the Brussels donors conference in April must be disbursed quickly. Le Roy characterised the peace process as extremely fragile. While reiterating that a peacekeeping operation could not be deployed under the present circumstances, he said the Secretary-General had received some positive responses (from Bangladesh, Indonesia, Pakistan and Uruguay) to an initial request for troop contributions. Somali Foreign Minister Mohamed Abdullahi Omaar, also present, said his government had sought every opportunity to reach out to its opponents without preconditions, but renewed fighting was the only response received.

On 15 May the Council adopted a presidential statement condemning the renewed

fighting by Al-Shabaab and "other extremists" as an attempt to remove the legitimate government by force and demanding an immediate end to the violence. It also expressed concern over reports of Eritrean arms supplies and called on the Sanctions Monitoring Group on Somalia to investigate these. Eritrea rejected the accusations in a 19 May letter to the Council.

During its Africa mission, the Council on 16 May also discussed Somalia with the AU Peace and Security Council in Addis Ababa.

On 20 May the Intergovernmental Authority on Development, in a communiqué, called on the Council to impose a no-fly zone and a blockade of seaports in Somalia to prevent further arms supplies. It also called on the Council to impose sanctions on the government of Eritrea. The AU supported these calls in a communiqué on 22 May and requested the Council to impose sanctions on all foreign actors providing support to armed opposition groups in Somalia.

On 26 May the Council adopted a resolution requesting the Secretary-General to implement the phased approach recommended in his 16 April report (please see our *May Forecast*) and continue to provide a logistical support package for AMISOM with funding from UN assessed contributions. It also requested the AU to maintain AMISOM in Somalia and renewed its authorisation until 31 January 2010. The General Assembly's Fifth Committee is expected to approve the support package extension before its current session ends on 5 June.

Key Issues

A key issue in June is whether the TFG can withstand continued attacks by insurgent groups. A closely related issue is whether the UN strategy for Somalia, which is centred on support for the TFG and AMISOM, can succeed under current conditions. The role of foreign fighters and outside interference, notably from Eritrea, appears increasingly important.

Options

Options for the Council in June are limited. With the resolution adopted on 26 May focus is likely to remain on implementation of the current strategy of strengthening AMISOM and Somali security institutions.



Should the situation continue to deteriorate, the Council might request another briefing from the Secretariat. It might also include Somalia as a footnote on its program of work for June to signal its watchfulness on the issues.

Council Dynamics

The Council now seems fairly united on the approach to the situation in Somalia. The renewal in fighting is a major concern for all members, as are reports of foreign arms supplies. The US and the UK seem particularly concerned about the influence of Eritrea.

There were apparently no major divisions in negotiating the resolution adopted on 26 May. The main difficulty was US opposition to any language that might be interpreted as a commitment to establish a UN peacekeeping operation, in effect a reversal in position from the previous US administration.

UN Documents

Selected Security Council Resolutions

- S/RES/1872 (26 May 2009) renewed authorisation of AMISOM until 31 January 2010, approved its funding from assessed UN contributions and requested the Secretary-General to implement the phased approach recommended in his 16 April report.
- 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/2009/15 (15 May 2009) condemned the renewed fighting by Al-Shabaab and other extremists and demanded an immediate end to the violence.

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/2009/132 (9 March 2009) was the most recent regular report.

Latest Monitoring Group's Report

- S/2008/769 (10 December 2008)

Other

- S/2009/256 (19 May 2009) was a letter from Eritrea rejecting accusations that it had supplied arms to groups opposing the TFG.
- S/PV.6124 (13 May 2009) was the Council's last open meeting on Somalia.

Sudan

Several Council meetings on Sudan are likely in June, although no formal Council action is expected.

The Council will receive its regular briefing by the prosecutor of the International Criminal Court (ICC), the first since the March indictment of Sudanese President Omar Al-Bashir.

A briefing by the Department of Peacekeeping Operations (DPKO) and consultations are expected on the Secretary-General's sixty-day report on the AU/UN Hybrid Operation in Darfur (UNAMID). John Holmes, the Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, may also brief the Council on his recent trip to Sudan.

A briefing of the Sudan Sanctions Committee (previously expected in March but delayed by visa refusals) by the sanctions Panel of Experts is possible.

Finally, the Secretary-General may convey results of the recent needs-assessment mission for Sudan's 2010 elections. The Council would need to meet to consider endorsing such a request.

The mandates of the UN/AU Hybrid Operation in Darfur (UNAMID) and the UN Mission in Sudan (UNMIS) expire on 31 July 2009 and 30 April 2010 respectively.

Key Recent Developments

Holmes visited Sudan from 6 to 10 May to assess the impact of the expulsion of NGOs on the humanitarian situation. He also visited Malakal in southern Sudan to meet individuals displaced by intertribal clashes in the region.

In the two months since NGOs were expelled, the UN and the Sudanese government have worked to fill the gaps in services. Nonetheless, with the rainy season fast approaching, it is feared that the humanitarian crisis will continue to worsen.

Banditry and clashes continued in Darfur. A UN peacekeeper was killed on 7 May by attackers attempting to steal his car. On 9 May, members of the Justice and Equality Movement claimed to have repulsed an ambush set by Sudanese armed forces and the forces of Minni Minnawi, near Umm Baru. Heavy fighting in that area continued in late May with UNAMID and the Secretary-General issuing statements condemning the violence on 25 May.

Tribal clashes continued in southern Sudan. Thousands of civilians reportedly fled interethnic fighting between Lou-Nuer and Jikany-Nuer tribes, in Upper Nile State. In response, UNMIS announced on 13 May that it would deploy 120 peacekeepers to assist local communities in restoring dialogue and provide security for aid delivery.

The Chad/Sudan border situation deteriorated significantly. At talks in Doha from 29 April to 4 May, both countries agreed to renew diplomatic ties and cease cross-border attacks. On 5 May, however, Chad accused Sudan of sending armed forces and Chadian rebels into its territory. Hostilities followed. On 20 May reports indicated that Chad's armed forces were preparing to enter Sudan to attack Chadian opposition fighters. On 8 May the Council issued a presidential statement

calling on the parties to respect and implement their mutual commitments.

At the Permanent Court of Arbitration in The Hague, oral pleadings on Abyei concluded on 23 April. (Abyei is a long-contested zone between north and south Sudan.) On 7 May, the Secretary-General welcomed the progress and encouraged the National Congress Party and the Sudan People's Liberation Movement (SPLM) to reach a peaceful settlement in the matter.

On 18 May, rebel leader Bahr Idriss Abu Garda became the first Sudanese indicted to voluntarily appear before the ICC. He is accused of war crimes involving an attack on AU peacekeepers in 2007 in which 12 died.

On 8 May a Sudanese official indicted by the ICC, Ahmed Haroun, was appointed as governor of Sudan's oil rich South Kordofan province. Haroun is a former minister of state indicted by the ICC for recruiting Janjaweed militias who committed atrocities in Darfur between 2003 and 2004.

Sudan was one of the key issues discussed in Addis Ababa during the Council's mission to Africa when it held an informal meeting with the AU Peace and Security Council on 16 May.

The heads of the AU, the Arab League and the Organization of the Islamic Conference (OIC) visited Sudan on 17-18 May, with a field trip to Darfur, and met the Sudanese government in Khartoum. In the subsequent press communiqué, leaders expressed their confidence in the "ability and integrity of the Sudanese judiciary to realize accountability and address impunity." They called on the Council to heed previous requests made by the three organisations, regarding the ICC indictment of Al-Bashir.

Data from the 2008 population census, crucial for preparations for elections in February 2010, were released on 21 May. Of Sudan's total population of 39.15 million, Darfur accounts for nearly 22 percent (or 8.5 million) while 21 percent live in the south. This was disputed by the southern-based SPLM, which claims that at least 30 percent resides in the south. The SPLM threatens to boycott the elections over the census issue.

A mission to assess Sudan's needs for the 2010 elections took place in May with representatives from the Departments of Political Affairs and Field Support, and the DPKO.

Key Issues

Fragile political relations between Chad and Sudan, which collapsed into violence only two days after the two countries signed the Doha agreement to end cross-border violence and renew diplomatic links, is an important matter at the heart of the Darfur issues.

Preparation for the 2010 elections in light of the recent census is an important emerging issue relevant to both the Darfur situation and the Sudan north/south situation. Producing a credible plan for elections in Darfur and responding to a threatened SPLM boycott will be important challenges.

The issue of the ICC warrant against Al-Bashir remains in the background.

Options

On the ICC indictment of Al-Bashir, the Council remains divided. A public or open debate on the occasion of the prosecutor's briefing is therefore unlikely.

An option for the Council on Darfur is to begin early discussions on the UNAMID July mandate renewal.

Finally, with regard to the 2010 elections, an option for the Council will be to begin discussion of resources and strategy.

Council Dynamics

There are no major divisions within the Council on the overall support for the north/south peace process and keeping the 2005 Comprehensive Peace Accord on track, and concern about the humanitarian situation in both Darfur and South Sudan.

The Council remains deeply divided on deferral of the ICC warrant under article 16 of the Rome Statute, which allows the Council to defer an ICC investigation or prosecution for 12 months. African members and some others favour this approach, but European and Latin American members are firmly opposed. The US has in the past indicated that it would veto any such measure and its position remains unchanged in this respect.

UN Documents

Selected Security Council Resolutions

- S/RES/1870 (30 April 2009) renewed UNMIS.
- S/RES/1828 (31 July 2008) renewed UNAMID.
- 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 Presidential Statements

- S/PRST/2009/13 (8 May 2009) called on Chad and Sudan to respect and fully implement their mutual commitments.

Latest Secretary-General's Reports

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

Selected Security Council Meeting Records

- S/PV.6112 (27 April 2009) was the latest open UNAMID briefing.
- S/PV.6079 (5 February 2009) was the latest UNMIS open briefing.

Selected Letters

- S/2009/255 (16 May 2009) was a letter from Sudan detailing complaints against Chad.
- S/2009/249 (15 May 2009) was the letter containing the 3 May 2009 Doha agreement between Chad and Sudan.
- S/2009/144 (6 March 2009) was the AU PSC communiqué on the ICC arrest warrant for President Al-Bashir.
- S/2009/100 (18 February 2009) was the Agreement of Goodwill and Confidence-Building for the Settlement of the Problem in Darfur.

Other

- S/2009/259 (20 May 2009) contained the press statement from the 17-18 May consultative meeting between the Sudanese government and a delegation from the AU, the Arab League and the OIC.
- S/2008/743 (26 November 2008) listed the names of the five members of the Sudan sanctions Panel of Experts with a mandate to serve until 15 October 2009.



Other Relevant Facts

UNAMID: Joint AU-UN Special Representative for Darfur

Rodolphe Adada (Republic of Congo)

Joint AU-UN Chief Mediator

Djibrill Yipènè Bassolé (Burkina Faso)

UNAMID: Size, Composition and Cost

- *Maximum authorised strength:* up to 19,555 military personnel, 3,772 police and 19 formed police units (total police 6432)
- *Strength as of 23 May 2009:* 13,454 military troops, 1,855 police advisers and 978 formed police unit members.
- *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 2010

Sanctions Committee Chairman

Thomas Mayr-Harting (Austria)

Expected Council Action

On 4 June the Council will receive briefings from the presidents and prosecutors of the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) on their biannual progress reports about completion strategies for each tribunal. The reports will provide updates on trials and cooperation by states in arresting fugitives.

The Secretary-General's report on administrative and budgetary aspects of possible options for a residual tribunal mechanism and location of the tribunals' archives, requested in a presidential statement on 19 December, is likely to be circulated in early June and it is expected that the Council's Informal Working Group on International Tribunals will take it up for discussion.

Key Recent Developments

At the 12 December briefings from the presidents and prosecutors of the ICTY and ICTR Patrick Robinson, president of the ICTY, said arrest of remaining fugitives should be the priority of the international community. He also said that while the ICTY was still on track to complete most of its trials during 2009, a number would continue into the first part of 2010. This would also affect the dates for appeals and a few may spill over into 2012. Dennis Byron, president of the ICTR, emphasised the importance of member states cooperating with the arrest and transfer of fugitives.

The Council was also briefed by Belgium, chair of the Council's Informal Working Group on International Tribunals in 2008. The Working Group had made significant progress on establishing a residual mechanism to carry out essential functions of the Tribunals after their mandates expired.

On 18 December the Council adopted a presidential statement noting that the 2008 target for completion of trial activities at first instance had not been able to be met and therefore the completion of work of the tribunals by 2010 was unlikely to be met. The Council emphasised that trials should

be conducted by the Tribunals as quickly and efficiently as possible.

The statement also acknowledged the need for an ongoing ad hoc mechanism to carry out essential functions of the Tribunals, including trials of remaining high-level fugitives, after the Tribunals closed. It said the mechanism should be:

- a small, temporary and efficient structure;
- structured so that functions and size would diminish over time; and
- funded by UN assessed contributions in accordance with article 17 of the UN Charter.

The statement also asked the Secretary-General to report on administrative and budgetary aspects of options for possible locations for the Tribunals' archives and the seat of the residual mechanism. It seems the Secretariat report will focus on the following questions:

- Will there be one or two residual mechanism(s)?
- Will the residual mechanism(s) and the archives be managed together or separately?
- If the archives are managed separately, will they be located in the same building or city?

The report is not expected to recommend a single outcome but rather staffing and costing indications for various options.

Austria has the chair of the Working Group for 2009 and has instituted weekly meetings which allow the Working Group to focus systematically on each issue that needs to be agreed on for the residual mechanism. Areas covered include witness protection, review of judgments, trial of contempt cases, referral of cases to national jurisdictions and the start date and structure of the mechanism.

During the visit of the Council to Rwanda on 18 May, which included a two hour meeting with President Paul Kagame, the Rwandan authorities reiterated their interest in having cases not yet tried by the ICTR transferred to Rwanda. ICTR judges have rejected five prosecution attempts to transfer cases to Rwanda, but Kigali has

said that it is working on lifting obstacles to the transfer of cases. It would also like to see ICTR convicts serve their sentence in Rwanda in a specially built prison.

Other developments include:

- Colonel Théoneste Bagosora, former cabinet director for Rwanda's Defence Ministry, was sentenced to life in prison on 18 December by the ICTR. He is the most senior military officer to have been convicted.
- The ICTY appeals court more than tripled the prison sentence for Veselin Šljivančanin. He had originally been sentenced to five years for torture and mistreatment of Croatian prisoners of war in 1991. The appeals court ruled that he was also guilty of aiding and abetting their execution, and it extended his sentence to 17 years.

Options

No formal action is required in June but a presidential statement with the following elements is an option:

- highlighting progress made by the Working Group in the last six months;
- reinforcing the need for speed and efficiency;
- urging pressure on states to further intensify cooperation with the Tribunals, perhaps by requesting the Secretary-General to recommend targeted strategies to more effectively engage with countries in question; and
- requesting the Working Group to report in September on progress made with an eye to a possible resolution by the end of the year.

Other options include:

- requesting the Working Group to consider the feasibility of a two step approach where a first resolution would set out the legal framework and structure and a second would put it into effect;
- setting out benchmarks for the Working Group over the next six months; and
- requesting input from the Tribunals in response to the Secretary-General's options regarding the residual mechanism.

Key Issues

One key issue is getting agreement over the form and function of the residual mechanism before the end of the year.

A related issue is whether the Council should take the current opportunity to send stronger signals to the Tribunals to reinforce the need for efficiency and speed in conducting remaining trials and to states that could be doing more to cooperate in apprehending key fugitives.

A potential issue is the possible need to reinforce the appeals chamber which is likely to face an increasing workload as more first instance trials are completed.

An important issue is the cost of keeping the Tribunals running beyond what had been anticipated.

Another issue is ensuring that national courts can handle case referrals. Concerns range from witness protection and impartiality to financial resources and guarantees of fair trials.

Council Dynamics

Regular meetings of the Working Group have improved the atmosphere surrounding discussion of these issues and allowed members to focus on the technical issues relating to the residual mechanism. An understanding is emerging on what a mechanism might involve, though clear differences remain on how to implement it. The European members and some elected members like Mexico feel that a residual mechanism is important, despite its expense, and that the UN must see the process through to the end and avoid any risks of miscarriage of justice by rushing its completion. Others, such as Russia and China prefer early transfers to national jurisdiction and a very lean mechanism with as few functions as possible.

Other differences among members include those who prefer indicative dates for the start of the mechanism like the UK and others like Russia who want a set date.

Many of the elected members like Croatia, Burkina Faso and Uganda have participated actively in the Working Group. Japan and Mexico assess the issue in terms of rule of law principles. Japan also focuses, however, on the budgetary dimension.

UN Documents

Selected Security Council Resolutions

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

Selected Presidential Statement

- S/PRST/2008/47 (18 December 2008) was the statement acknowledging the progress made in the consideration of a possible residual mechanism or mechanisms by the Working Group.

Selected Report of the Secretary-General

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

Selected Letters

- S/2008/849 (31 December 2008) was a letter updating the Council on the Informal Working Group on the International Tribunals' discussions on the establishment of a residual mechanism or mechanisms to carry out essential functions of the ICTY and ICTR after their closure.
- S/2008/729 (21 November 2008) and S/2008/726 (21 November 2008) were, respectively, letters from the presidents of the ICTY and ICTR transmitting their assessments of implementation of the tribunals' completion strategy to the Council.

Other Relevant Documents

- S/PV.6041 (12 December 2008) was the last Council briefing by the presidents and prosecutors of the ICTY and ICTR.



Other Relevant Facts

ICTY

- Two accused at large, including former Bosnian Serb military commander Ratko Mladić and Goran Hadzic
- Six accused at the pretrial stage, 13 referred to a national jurisdiction, 21 on trial and seven at the appeal stage
- Webpage: www.icty.org

ICTR

- Thirteen accused at large, including Félicien Kabuga, a businessman accused of inciting massacres in Rwanda
- Six accused awaiting trial, 25 on trial, seven at the appeal stage and nine awaiting transfer
- Webpage: www.icttr.org

Notable Dates for June

Reports for consideration in June	Document Requesting Report
15 May	SG report on Georgia (UNOMIG) S/RES/1866
end of May	SG report on Burundi (BINUB) S/RES/1858
31 May	SG report on Protection of Civilians S/PRST/2008/18
31 May	SG report on Sierra Leone (UNIPSIL) S/RES/1829
31 May	SG report on Iraq (UNAMI) S/RES/1830
early June	SG report on International Criminal Tribunals S/PRST/2008/47
early June	SG report on Iraq (DFI and IAMB) S/RES/1859
mid June	SG report on Kosovo (UNMIK) S/RES/1244
15 June	SG report on CAR (BONUCA) S/PRST/2001/25
15 June	SG report on Guinea-Bissau (UNOGBIS) S/RES/1580
23 June	SG report on Afghanistan (UNAMA) S/RES/1868
end of June	SG report on Review of Council resolutions on Iraq S/RES/1859
by end of June	SG report on Golan Heights (UNDOF) S/RES/1848

June 2009	Mandates Expire	Relevant Document
15 June	Georgia (UNOMIG)	S/RES/1866
30 June	Golan Heights (UNDOF)	S/RES/1848
30 June	Guinea-Bissau (UNOGBIS)	S/2008/778 and S/2008/777

June 2009	Other Important Dates
7 June	Legislative elections in Lebanon
10 June	The PBC is preparing to hold a high-level special session on Sierra Leone.
12 June	Presidential elections in Iran
15 June	Provisions for the DFI and IAMB to be reviewed
28 June	Presidential elections in Guinea-Bissau
29 June	Trial for former Liberian President Charles Taylor is expected to resume.

Also expected in June:

- The Iran Sanctions Committee Report is expected.
- The Council is expected to hear a briefing from the ICC Prosecutor on Sudan.
- The IAEA is expected to hold its regular Board of Governors' Meeting.

Important Dates over the Horizon

- AU Summit expected in June and 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 on 20 August 2009.
- Presidential elections are expected in Côte d'Ivoire on 29 November 2009.
- Legislative elections in Chad are currently slated for 2009.
- Gubernatorial elections in the DRC are currently slated for 2009.
- Palestinian presidential and legislative elections are to be held in January 2010.
- Parliamentary elections for Iraq are provisionally scheduled for 30 January 2010.
- Elections (presidency and parliament, south Sudanese presidency, state governors, southern parliament and state assemblies) in Sudan are expected in February 2010.

SECURITY COUNCIL REPORT STAFF

Colin Keating, Executive Director
Joanna Weschler, Director of Research
Amanda Roberts, Programme Coordinator
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Anne-Gaëlle Claude, Research Analyst
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Nina Pregellio, Research Analyst
Astrid Forberg Ryan, Research Analyst
Brian Lockstone, Communications Consultant
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