



# SECURITY COUNCIL REPORT

## MONTHLY FORECAST

### AUG 2009



30 July 2009

This report is available online and can be viewed together with Update Reports on developments during the month at [www.securitycouncilreport.org](http://www.securitycouncilreport.org)

## OVERVIEW FOR AUGUST

The United Kingdom will hold the presidency of the Council in August. At print time, the first part of the month appeared particularly busy.

There will be two **open debates** in the first week of August: on **peacekeeping** and on the implementation of Council resolution 1820 on **sexual violence in situations of armed conflict**. The debate on peacekeeping is likely to result in a presidential statement, whereas an outcome from the other open debate is expected in the fall, most likely in September.

Two mandates are due for renewal: that of the mission in **Iraq** (UNAMI) by 7 August and of the peacekeeping operation in **Lebanon** (UNIFIL) by 31 August. Consultations and formal meetings are expected.

The Council will receive a briefing from the chair of its sanctions committee on the **Democratic People's Republic of Korea** (the 1718 Committee).

The annual reports from the International Criminal Tribunals on Rwanda (**ICTR**) and the former Yugoslavia (**ICTY**) are also due to be received in August (the Council has not in the past held discussions on these reports but developments may lead to consideration of whether some Council action is desirable).

A Secretary-General's report on the benchmarks and drawdown of the operation in **Liberia** (UNMIL) is due mid-month. The mandate does not expire until September and no formal discussions are expected in August. However, given the other pressures in September, experts may start their thinking on Liberia somewhat sooner.

Members will be following closely the situation in **Afghanistan**, with elections scheduled for 20 August as well as in **Myanmar**, where the verdict and the sentencing in the trial of Aung San Suu Kyi are expected.

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**Somalia** will also be on Council members' minds as the sanctions committee moves closer to finalising names for targeted sanctions and because of the connection to related issues in the region.

Members may also hold informal discussions on the Council's **annual report** to the General Assembly.

## 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 Security Council's request, in resolution 1820 on **sexual violence**, that the Secretary-General systematically include in his written reports on conflict situations his observations concerning the protection of women and girls and recommendations in this regard, has yet to be fully implemented.
- The Council has yet to address the Secretary-General's summary of the report

of the UN Board of Inquiry into incidents involving UN facilities and personnel in **Gaza** between 27 December and 19 January, submitted to it on 4 May (S/2009/250).

- The monthly reports from the **Kosovo Force** (KFOR) appear to have stopped. The last one available covers the period 1-31 July 2008.
- The quarterly reports of the International Security Assistance Force in **Afghanistan** are now always outdated when released. (The last report, released in June, covered the period from August 2008 to January 2009.)
- UNAMI reports on **human rights in Iraq**, in the past produced every two to three

months, are now always very delayed and thus outdated when published. The last report, released in late April, covered the period from 1 July to 31 December 2008.

- The Secretary-General is yet to appoint a new Assistant-Secretary-General for Peacebuilding Support, following the resignation of the previous incumbent, Jane Holl Lute, on 1 April.
  - The Secretary-General's recommendations to the Council regarding specific action on sexual violence as put forward in his 2007 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 July Forecast

- **UN Office in West Africa:** On 7 July the head of UNOWA, Said Djinnit, briefed the Council on developments in the subregion. The Executive Director of the UN Office on Drugs and Crimes, Antonio Maria Costa, also spoke and said that the volume of drug trafficking appeared to be diminishing significantly in the subregion, but the situation remained volatile (S/PV.6157). On 10 July the Council adopted a presidential statement (S/PRST/2009/20) which emphasised the importance of adopting a “comprehensive strategy of conflict resolution and crisis prevention while addressing the cross-border issues and regional challenges”.
- **Somalia:** On 9 July the Council held an open debate on the situation in Somalia (S/PV.6158) with briefings by Under-Secretary-General for Political Affairs B. Lynn Pascoe and Under-Secretary-General for Field Support Susana Malcorra. Malcorra reported that there had been significant progress in implementing the support package for AMISOM with 95 percent of the initial funding of \$72 million provided by the General Assembly having been committed. Following the debate the Council adopted a presidential statement (S/PRST/2009/19) reiterating its support for the Djibouti Peace Process and the Transitional Federal Government and expressed concern at foreign support to the insurgents. On 20 July the Secretary-General submitted his regular report on Somalia to the Council (S/2009/373). He called for strong international support. In particular he called on donors to honour commitments made at the April donor conference and support AMISOM both bilaterally and through the UN trust fund. On 29 July the Council heard a briefing by Special Representative of the Secretary-General Ahmedou Ould-Abdallah. It was followed by closed consultations in which Council members were also briefed by the chairman of the Somalia Sanctions Committee, Mexican Ambassador Claude Heller.
- **DRC:** On 10 July the Council was briefed in an open meeting (S/PV.6159) by the Special Representative of the Secretary-General in the DRC and head of MONUC, Alan Doss, who presented the Secretary-General's latest report (S/2009/335). The Council subsequently issued a press statement (SC/9703) on the issue of impunity within the national security forces.
- **Myanmar:** The Secretary-General briefed the Council on 13 July on his July visit to Myanmar (S/PV.6161). He said that the refusal of the senior leadership to allow him to see Aung San Suu Kyi was a deep disappointment.
- **Northern Uganda and LRA Affected Areas:** On 15 July the Secretary-General's Special Envoy for LRA-Affected Areas Joaquim Chissano gave a final briefing to the Council in closed consultations. (His mandate was suspended on 30 June.) He recommended that the Council should support regional military operations to compel the LRA to sign the agreement. At the same time mediation efforts should continue. In speaking to the press after the meeting the Council president, the ambassador of Uganda, said that Council members highly commended Chissano's work as Special Envoy. He also said Council members called on the LRA to sign the final peace agreement.
- **Afghanistan:** On 15 July the Council adopted a presidential statement (S/PRST/2009/21) on the upcoming Afghan presidential and provincial council elections and stressed that it was important that the elections be free, fair, transparent, credible, secure and inclusive.
- **Sierra Leone:** On 16 July the Council was briefed during an open meeting by the President of the Special Court for Sierra Leone, Judge Renate Winter. She indicated that the trial of former Liberian President Charles Taylor was critical to preserving peace and stability in West Africa, but it needed \$30 million for the successful completion of its mandate (S/PV.6163).
- **Terrorism:** On 17 July the Security Council condemned the terrorist attacks in Jakarta in a presidential statement (S/PRST/2009/22).
- **Djibouti/Eritrea:** On 21 July Council members met in closed consultations to discuss the situation between Djibouti and Eritrea. Under-Secretary-General for Political Affairs B. Lynn Pascoe confirmed that there had been no change in the situation since his last briefing in April. Eritrea continued to refuse any dialogue. Council members reportedly encouraged the Secretary-General to continue his good offices efforts.
- **Post-Conflict Peacebuilding:** On 22 July, after a debate on post-conflict peacebuilding with more than forty participants (S/PV.6165), the Council adopted a presidential statement emphasising the vital role of the UN in post-conflict peacebuilding (S/PRST/2009/23). It supported the Secretary-General's recommendation to “broaden and deepen” the pool of international civilian experts and requested the Secretary-General to report within a year to the Council and the General Assembly on progress achieved in fulfilling his recommendations to improve UN peacebuilding efforts.
- **Nepal:** On 23 July the Council adopted resolution 1879 extending UNMIN till 23 January 2010 in line with a request from the government of Nepal (S/2009/360). The Council requested the Secretary-General to report

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by 30 October 2009 on progress in creating conditions conducive to the completion of UNMIN's mandate by January.

- **Côte d'Ivoire:** On 23 July the Special Representative of the Secretary General in Côte d'Ivoire briefed the Council (S/PV.6168). On 30 July the Council is expected to adopt a resolution renewing the mandate of UNOCI until 31 January 2010.
- **Middle East:** On 27 July Assistant Secretary-General for Political Affairs Oscar Fernandez-Taranco briefed the Council at an open debate and noted the Secretary-General's participation at the 26 June meeting of the Quartet in Trieste, Italy (S/PV.6171 and SC/9717).

■ **Chad-Central African Republic:** On 28 July the Council was briefed during a public meeting by the Special Representative of the Secretary-General and head of MINURCAT, Victor da Silva Angelo, on the latest report of the Secretary-General (S/2009/359) which highlighted the benchmarks towards fulfillment of the mission's mandate.

■ **Sudan:** On 30 July the Council is expected to renew UNAMID. On 17 July, Alain Le Roy, the Under-Secretary-General for Peacekeeping Operations, briefed the Security Council in closed consultations on the work of UNMIS and the Secretary-General's 14 July report on the mission.

On 24 July, the Council met to discuss both the UNMIS and UNAMID reports (respectively, S/2009/357 and S/2009/352). On 17 July the Council welcomed the commitment of both parties to respect the decision of the Permanent Court of Arbitration on Abyei in a statement made to the press by its president.

- **Children and Armed Conflict:** At press time the Working Group on Children and Armed Conflict was negotiating a possible presidential statement or resolution which would expand the criteria for including parties to armed conflict in the annexes to the Secretary-General's report on children and armed conflict.

## Somalia and Related Horn of Africa Issues

### Expected Council Action

Somalia is not expected to be on the Council work programme as such in August. However, because of interrelated issues, including the work by the Somalia Sanctions Committee on a list of individuals and entities for targeted sanctions (including possibly persons from Eritrea), the pressure for Council action against Eritrea from Djibouti, and the dynamics created by recent developments in Somalia (including French personnel being held hostage), it seems inevitable that Council members will be continuing to discuss Somalia in various ways during August.

### Key Recent Developments

Please see our *Update Report* of 20 July 2009 for background on the situation between Djibouti and Eritrea and the linkages between this issue and wider problems in the Horn of Africa, including Eritrea's alleged support for the insurgency in Somalia.

A key development is the progress made by the Somalia Sanctions Committee. It seems that it is close to producing names for the list of persons and entities that would be subject to targeted sanctions. And it seems that among the peace spoilers envisaged for sanctions are some persons in Eritrea.

A related development is that Djibouti continues to press for more explicit Council action against Eritrea.

The transfer to Al-Shabaab insurgents of two French personnel abducted in Mogadishu while providing training to Transitional Federal Government security forces has added a new dimension to the issues.

### Council Dynamics

A number of Council members are sensitive to the possibility that adopting sanctions against Eritrean personnel at this time could complicate efforts to secure the freedom of the French advisers.

## UN Documents

### Selected Security Council Resolutions

- S/RES/1862 (14 January 2009) demanded that Eritrea withdraw its forces to the positions of the *status quo ante* within five weeks and requested a follow-up report from the Secretary-General.
- S/RES/1844 (20 November 2008) expanded the Somalia sanctions regime to include targeted sanctions on individuals or entities violating the arms embargo, threatening the peace, security and stability of Somalia or impeding the delivery of or access to humanitarian assistance.

### Selected Security Council Presidential Statements

- S/PRST/2009/15 (18 May 2009) condemned the renewed fighting by Al-Shabaab and other extremists,

demanding an immediate end to the violence, and called on the Somalia Sanctions Monitoring Group to investigate reports that Eritrea had supplied arms to insurgent groups.

- S/PRST/2008/20 (12 June 2008) called for a ceasefire between Djibouti and Eritrea.

### Selected Report of the Secretary-General

- S/2009/373 (20 July 2009)

### Letter from the Secretary-General

- S/2009/163 (30 March 2009) was the Secretary-General's response to the Council's request in resolution 1862 for a report on the situation between Djibouti and Eritrea and the parties' compliance with their obligations.

### Other

- S/2009/319 (9 July 2009) was a letter from Djibouti requesting action on its border dispute with Eritrea as soon as possible.
- S/2009/217 (23 April 2009) was a letter from Djibouti submitting to the Council decisions of IGAD, AU, the League of Arab States and the Organization of the Islamic Conference calling for the implementation of resolution 1862.
- S/2009/180 (6 April 2009) was a letter from Djibouti calling for the implementation of resolution 1862 and asking the Council to refrain from making any further statement "as such action would only tend to compromise the significance and integrity of the resolution."

## DPRK (North Korea)

### Expected Council Action

The Council is expecting a briefing in August by the chairman of the 1718 Sanctions Committee on the Democratic People's Republic of Korea (DPRK). No action in the Council itself is scheduled. However, many Council members have noted how effective and balanced the format involving the whole fifteen members was in discussion of the 6 July press statement from the president.

### Key Recent Developments

On 16 July the Committee imposed additional sanctions against a number of DPRK entities and individuals, as well as goods. It was the first list of individuals drawn up by the Committee in line with resolution 1874.

On 12 June the Council adopted resolution 1874, condemning a 25 May underground nuclear test by the DPRK citing it as a violation of resolution 1718 (which imposed sanctions against the country after its nuclear test in October 2006 and set up the Sanctions Committee). The new resolution also expanded the existing arms embargo and authorised the inspection and destruction of banned cargo to and from the DPRK, including on vessels on the high seas.

Resolution 1874 also provided for the creation of a Panel of Experts to support the work of the Committee. The Panel will provide an interim report on its work to the Council within ninety days of the adoption of the resolution.

During the latter half of June a DPRK ship suspected of transporting weapons to Myanmar was placed under US navy surveillance, resulting in the vessel eventually heading back to the DPRK during the week of 30 June. This was the first vessel to be monitored under resolution 1874. The DPRK had earlier indicated that it would treat any interception of its ships as a declaration of war.

In mid-July the DPRK indicated that it considered the six-party talks (among the US, China, Japan, the Republic of Korea (South

Korea), Russia and the DPRK— from which the latter withdrew in April after the Council condemned its missile launch) dead.

On 4 July the DPRK launched seven ballistic missiles into waters off its east coast in violation of resolutions 1718 and 1874. Some analysts suggest the launches were timed to coincide with the US Independence Day as a deliberate political message, particularly to the US. The launches were also seen as a defiant gesture towards the international community regarding the enforcement of Council sanctions.

On 6 July the Council met in private consultations to discuss the 4 July missile launches. After the meeting, the Council president conveyed Council members' condemnation of the DPRK's actions to the press.

During the week of 20 July a war of words ensued between US Secretary of State Hillary Clinton and the DPRK in the context of an Association of Southeast Asian Nations meeting in Thailand. Clinton likened the behaviour of the DPRK's leadership to that of recalcitrant "teenagers." She also said the DPRK would not be rewarded simply for returning to the table. The DPRK's Foreign Ministry called Clinton unintelligent and likened her to a "funny lady".

On 21 July the US expressed concern at the possibility that the DPRK was developing military ties with Myanmar.

On 27 July the DPRK indicated that it was open to "a specific and reserved form of dialogue" on its nuclear issue. Some analysts view this unspecified request for a dialogue as being in line with its previously indicated preference for directly resolving differences with the US over its nuclear weapons programme, but excluding six-party talks involving other regional powers. Washington has maintained in the past that it would engage the DPRK in direct talks only if it agrees to return to the six-party talks.

### Human Rights-Related Developments

On 16 March the Special Rapporteur on the Situation of Human Rights in the DPRK, Vitit Muntarbhorn, presented a report to the Human Rights Council (A/HRC/10/18). Noting the sufferings of ordinary people, he urged the DPRK to cooperate constructively with UN agencies and other humanitarian actors to ensure effective access to food and other basic provisions.

The Human Rights Council expressed serious concern at human rights violations in the DPRK and urged the country to engage fully and positively with the upcoming universal periodic review of the DPRK, scheduled for December 2009. By a vote of 26 in favour, six against and 15 abstentions, it extended the mandate of the Special Rapporteur for another year. The DPRK responded by saying that it did not accept the resolution by which the Special Rapporteur was appointed and rejected his report.

### Key Issues

The key issue for the Council is how the DPRK will respond to the steady tightening of the sanctions regime. (Prior to the adoption of the new measures, Pyongyang threatened military retaliation in the event of imposition of UN sanctions and on 26 July the DPRK defence minister threatened to "mercilessly and resolutely counter the enemy's 'sanctions' with retaliation, its 'all-out war' with all-out war".)

An issue for the Sanctions Committee is whether and when to designate further additional individuals and entities for the sanctions list. The Committee indicated in its 16 July letter to the Council that it intended to "continue working on an expedited basis" to identify additional entities and banned goods. (France, Japan, the UK and the US reportedly gave the Committee a number of names which are still being considered pending further clarification on some of them.)

A closely related matter is the establishment of the Panel of Experts mandated by resolution 1874. While the resolution did not specify a deadline for their appointment, it requested that the Panel submit an interim report by 12 September. At press time the Committee was awaiting a list of candidates from the Secretary-General.

## Options

Options include:

- the Committee expanding the sanctions list to include other individuals, entities and goods deemed to be violating resolutions 1718 and 1874 and using the August briefing to the Council to announce the expanded list; and
- investigating whether the DPRK and Myanmar military cooperation contravenes sanctions.

## Council Dynamics

The consensus among Council members to expand the sanctions list twice in three months indicates how far sentiment has shifted over Pyongyang's increasingly aggressive posture. The DPRK's 25 May nuclear test was a turning point that narrowed divisions among the P5, with China and Russia accepting that the time had come to press the DPRK more firmly. It is unclear, however, how far China and Russia will support further increments of action against DPRK. (Russia, for instance, has indicated it supports a diplomatic and political solution to the matter.)

Normally, briefings by the chairs of sanction committees are technical. However, because of the current situation the 1718 Committee briefing may be more substantial and elicit further deliberations. In the absence of progress on the diplomatic front, particularly since the DPRK has declared the six-party talks on the issue as dead the Council seems likely to be increasingly engaged on the issue.

## UN Documents

### Selected Security Council Resolutions

- S/RES/1874 (12 June 2009) condemned the DPRK's 25 May nuclear test, expanded the existing arms embargo and authorised inspection of cargoes to and from the DPRK, as well as vessels on the high seas.
- S/RES/1718 (14 October 2006) expressed grave concern over the DPRK's nuclear test, imposed sanctions and set up a sanctions committee.

### Presidential Statements

- S/PRST/2009/7 (13 April 2009) condemned the 5 April launch of a rocket by the DPRK, saying it was in contravention of resolution 1718.
- S/PRST/2006/41 (6 October 2006) was the statement expressing concern over the DPRK's declaration that it

would conduct a nuclear test.

### Sanctions Committee Annual Reports

- S/2008/830 (31 December 2008)
- S/2007/778 (31 December 2007)

### Selected Letters

- S/2009/364 (16 July 2009) was the letter from the Sanctions Committee designating additional entities and materials, as well as individuals subject to sanctions.
- S/2009/222 (24 April 2009) was the letter from the Sanctions Committee designating new entities and materials subject to sanctions.
- S/2009/205 (14 April 2009) was the letter from the Sanctions Committee updating a list of items, equipment, goods and technology prohibited from being imported or exported by the DPRK.
- S/2008/547 (11 August 2008) was a letter from the DPRK claiming that the US has been undermining the Neutral Nations Supervisory Commission (a body supervising the implementation of the 1953 armistice agreement in the Korean War) and has created the nuclear issue in the Korean peninsula by massively supplying South Korea with nuclear weapons.
- S/2008/435 (3 July 2008) was a letter from the DPRK on the US lifting of major economic sanctions against it.
- S/2006/481 (4 July 2006) was the letter from Japan requesting a meeting of the Security Council after the DPRK launched a ballistic missile.
- S/1998/866 (17 September 1998) was the letter from the DPRK with a statement on the action of the Council after the launch of a missile on 31 August 1998.
- S/1998/865 (16 September 1998) was the letter from the DPRK condemning Japan's action since the DPRK launched a missile on 31 August 1998.
- S/1998/835 (4 September 1998) was the letter from Japan informing the Council that the DPRK had launched a missile on 31 August 1998.

### Other

- A/HRC/10/18 (24 February 2009) was the report of the Special Rapporteur on the human rights situation in the DPRK.
- A/C.3/63/L.26 (30 October 2008) was a draft resolution before the General Assembly urging the DPRK to put an end to violations of human rights.



## Iraq

### Expected Council Action

The mandate of the UN Assistance Mission for Iraq (UNAMI) expires on 7 August. The Council is expected to renew the mandate for 12 months. The discussion is not expected to be controversial.

Far more difficult and controversial, however, are the ongoing discussions relating to the future of Council resolutions on Iraq flowing from the invasion of Kuwait in 1990. It is unclear, at time of writing, whether Council members will be able to make progress on this in August.

The delayed Secretary-General's report on the Development Fund for Iraq (DFI) and International Advisory and Monitoring Board (IAMB), requested in resolution 1859, will be issued in early August. Again, it is unclear how much progress will be made with many Council delegations depleted over the summer.

### Key Recent Developments

Resolution 1859 requested the Secretary-General to report on Council resolutions concerning Iraq since 1990. His report, made available on 27 July, addressed several areas which concern Kuwait, such as Kuwaiti missing persons and property, Iraqi reparations to Kuwait and the maintenance of the Iraq/Kuwait border.

On 22 July, Iraqi Prime Minister Nouri al-Maliki met with Secretary-General Ban Ki-moon and representatives of the P5 in New York. He pressed for an end to economic sanctions and a lifting of other chapter VII resolutions on Iraq. Iraqi Foreign Minister Hoshyar Zebari also visited New York in July and raised the same issues in meetings with the Secretary-General and Council members.

Violence continued in Iraq during July with frequent attacks in the north. A constitution was approved by Kurdistan's parliament in June, and provincial elections were held in Kurdistan on 25 July. Bombings on 9 July in

Baghdad and northern Iraq killed over forty people. These highlighted concerns about increased insecurity following the recent repositioning of US troops.

On 30 June, the Multinational Force-Iraq (MNF-I), led by the US, withdrew from Iraqi cities and towns. Ad Melkert, the Secretary-General's Special Representative for Iraq and head of UNAMI, expressed concern over orchestrated bombings that struck several churches in Baghdad and Mosul on 12 July. (The former Dutch cabinet minister replaced Staffan de Mistura after the latter completed his assignment on 30 June.)

### Human Rights-Related Developments

After the Iraqi authorities executed 12 people by hanging on 3 May, the Office of the High Commissioner for Human Rights (OHCHR) and UNAMI on 5 May commented on Iraq's resumption of the death penalty. OHCHR and UNAMI expressed concern that the Iraqi justice system did not guarantee sufficient fair trial procedures given Iraq's obligations under article 14 of the International Covenant on Civil and Political Rights.

On 29 April UNAMI issued its 14th human rights report for the period 1 July to 31 December. The report was produced in cooperation with OHCHR. Improvements in security and several institutional developments (e.g., the inclusion of provisions in electoral law for minority representation) were highlighted as offering a basis for bolstering the rule of law and addressing impunity. Specific concerns identified by the report were the need to strengthen the judiciary, improve detention conditions and overcome gender-based violence.

### Key Issues

Several key issues exist with regard to UNAMI activities. These include the upcoming Iraqi parliamentary elections (scheduled for early 2010), human rights and security. UNAMI is also mandated to help the Iraqi authorities to resolve disputed internal boundaries.

A central issue for the Council is how to respond to Iraq's request that resolutions adopted against the regime of Saddam Hussein be rescinded. A related issue is to

determine which mandates should be closed because Iraq has complied with Council requests or because the mandates do not apply to the current situation. Key issues include Iraq/Kuwait, Iraqi recognition of its border, the oil-for-food programme, sanctions and DFI/IAMB immunity provisions which prevent creditors from being able to seize Iraqi funds or oil shipments.

There had been some hope that the outstanding Iraq/Kuwait issues could be settled by bilateral agreement. On 8 July, Iraq informed the Council that 24 boxes of property belonging to the Kuwait Central Bank had been returned to Kuwait on 24 June. Discussions between the two countries continue but the atmosphere seems to have become more terse in recent times with Kuwait increasingly apprehensive that the new Iraqi government is less forthcoming than had been hoped.

In addition to these highly political issues, the closure of the various other resolutions concerning Iraq involves complex technical issues which will not necessarily be resolved quickly.

### Options

On UNAMI, the most likely option is renewing the mandate as it currently stands.

With regard to DFI/IAMB, options include:

- taking up the latest DFI/IAMB report in August as a separate exercise, perhaps aiming for experts to produce a draft by mid-September; or
- postponing action until solutions are found on the Hussein-era resolutions (however, it is important to note that DFI/IAMB immunities expire in December).

On the Secretary-General's report on Hussein-era Council resolutions, options include:

- keeping the issue at the experts level until agreement is found on a resolution addressing the status of all previous resolutions;
- holding an open meeting in which Iraq and Kuwait would both speak;
- releasing a press statement urging Iraq and Kuwait to continue negotiating a solution bilaterally;
- addressing some of the issues contained in the report on Iraq resolutions while negotiations proceed between Iraq and Kuwait;

- holding off on any action until Iraq and Kuwait come to some arrangement themselves; or
- deferring action until October when the present mandate expires for the High-Level Coordinator for the issue of missing Kuwaiti and third-country nationals and the repatriation of Kuwaiti property, Gennady Tarasov.

### Council and Wider Dynamics

At the present time, there seems to be consensus among Council members on continuing the UNAMI mandate as currently structured. Council members generally feel that UNAMI is adding value and should continue. Any possible changes to the mandate, such as downsizing or otherwise altering the composition of UNAMI, would much more likely be raised after the January parliamentary elections in Iraq. (Assisting with elections is a major feature of UNAMI's mandate.)

Council members have not yet decided how to proceed after receiving the report on Council resolutions concerning Iraq. It is possible that the Council will adopt a resolution in August but unlikely that action will be taken in all outstanding areas. The Secretary-General's report covers a broad range of issues and some members, such as the UK, feel that Council members may require some time to digest it. At press time there was no consensus among members on the desirability of holding a debate in which both Iraq and Kuwait would speak.

While Kuwait remains hopeful of recovering more of its nationals, their remains and its national archives, some members think the likelihood of this is decreasing with the passage of time. Missing persons are likely deceased, and in practical terms it may be extremely difficult to locate their remains. Similarly, the national archives may well have been broken up, and thus may be impossible to locate.

Some perceive an advantage in first finding a solution to the outstanding Iraq/Kuwait issues, and then moving on to other issues in the report on Council resolutions concerning Iraq. This is seen as being preferable to trying to address each individual issue separately.

Others feel that, while it would be preferable to settle the Iraq/Kuwait issues first, this should not prevent the Council from

addressing the other outstanding mandates in the 1859 report. The US sees some potential benefit in resolving certain issues in advance of the Iraqi elections scheduled for January 2010, even in the absence of a final settlement between Iraq and Kuwait.

In addition, some members are sceptical whether Iraq and Kuwait can deal with these issues bilaterally, as lengthy efforts at finding a solution have not yet yielded results. The US has the view that both parties may desire to have some sort of Council imprimatur over a settlement. In this case, a more active Council role might be called for, with perhaps some discussion of timelines or a framework of how to move forward on all the issues.

The US is the lead country on Iraq issues in general and the UK is the lead on Iraq/Kuwait issues.

### 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 and requested the Secretary-General to report on all Council resolutions concerning Iraq since 1990.
- S/RES/1830 (7 August 2008) renewed the UNAMI mandate for 12 months.
- 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) appointed a high-level coordinator for Iraq/Kuwait missing persons and property.

#### Selected Letter

- S/2009/350 (8 July 2009) was a letter from Iraq informing the Security Council that 24 boxes of property belonging to the Kuwait Central Bank had been returned to Kuwait on 24 June.

#### Selected Secretary-General's Reports

- S/2009/385 (27 July 2009) was the Secretary-General's report on the review of Iraq resolutions.
- S/2009/284 (2 June 2009) was the latest UNAMI report.
- S/2009/190 (8 April 2009) was the latest report on Iraq/Kuwait missing persons and property.

### Other Relevant Facts

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

Ad Melkert (Netherlands)

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

Gennady Tarasov (Russia)

## Lebanon

### Expected Council Action

The mandate of the UN Interim Force in Lebanon (UNIFIL) expires on 31 August. The Council is expected to extend it for another year. It seems possible that the recent explosions in southern Lebanon will complicate the negotiation of the text.

### Key Recent Developments

On 23 July, Under-Secretary-General for Peacekeeping Operations Alain Le Roy briefed the Council on recent incidents in Lebanon. Fourteen UNIFIL soldiers were injured on 19 July in southern Lebanon when protesters tried to stop an investigation of explosions that occurred on 14 July. News reports said these were caused by the detonation of a Hezbollah arms cache, which Hezbollah denied.

UNIFIL had earlier stated on 15 July that it considered the incident a "serious violation" of resolution 1701. In that resolution, the Council mandated UNIFIL to assist the Lebanese Armed Forces in the establishment of an area free of armed personnel, assets and weapons—other than those of the government or UNIFIL—in southern Lebanon.

On 29 June the Secretary-General issued a report on resolution 1701, covering March through June 2009 (S/2009/330). He noted that the cessation of hostilities continues to hold, but he also reported that progress on implementing the provisions of resolution 1701 has been mixed. UNIFIL and the Lebanese Armed Forces continued to demonstrate a coordinated presence by operating a number of co-located checkpoints, as well as conducting coordinated foot patrols. Progress was made with the visible marking of the Blue Line, with both parties and UNIFIL continuing to measure coordinates and construct



markers. The report also cited as a positive development Israel's handover of technical data on cluster bombs to UNIFIL.

However, the report also noted that violations of Lebanese airspace by Israeli aircraft and unmanned aerial vehicles continued on a regular basis. The Secretary-General's report said that these intrusions were in violation of resolution 1701, and Lebanon and UNIFIL have protested the flights. The Secretary-General reported that Israel maintained the overflights were necessary on the basis that the arms embargo laid out in resolution 1701 allegedly lacked enforcement.

In addition, the Israel Defense Forces continued to control part of the village of Ghajar, north of the Blue Line, in what the Secretary-General's report pointed out was a violation of resolution 1701. In 2008, UNIFIL submitted a proposal that would facilitate the full withdrawal of Israeli forces. This proposal was met with Lebanese approval last year. UNIFIL and Israeli officials have met twice in 2009 to discuss the proposal. Israel has not given a final response because of a policy review being undertaken by the new Israeli government.

The Secretary-General's report also noted that, with the exception of some civilians carrying hunting rifles, UNIFIL did not encounter unauthorised armed personnel during the period. However, Israel contends that Hezbollah has continued to increase its military capacity in Lebanon, including within the UNIFIL area of operations, through the use of private homes. UNIFIL is unable to conduct searches of private homes in the absence of credible evidence pertaining to a certain location. No such evidence had been shared with or discovered by UNIFIL at the time of the report's publication.

While the Secretary-General reported that there were no serious breaches of the cessation of hostilities during the reporting period, he also stated that Hezbollah maintained a significant military capacity in

violation of resolutions 1559 (2004) and 1701 (2006), which poses a significant challenge to Lebanon's ability to exercise control over its territory. The report concludes with a call for greater efforts by the parties to achieve a permanent ceasefire.

### Human Rights-Related Developments

Since the Commission of Inquiry on Lebanon presented its report (A/HRC/3/2) to the Human Rights Council on 1 December 2006, various implementation activities have been taking place involving the UN Office of the High Commissioner for Human Rights (OHCHR) in Geneva and the OHCHR Regional Office for the Middle East in Beirut. A Protection Working Group co-chaired by the OHCHR and the Office of the High Commissioner for Refugees is looking into human rights aspects of economic and social recovery programmes emphasising a rights-based approach to health, education and housing. No date has yet been set for further Human Rights Council consideration of the Commission of Inquiry report and its implementation activities.

### Key Issues

Council members generally consider that UNIFIL is worthwhile and has achieved a good result. Yet an important underlying issue is the fact that resolution 1701 has not been fully implemented: Hezbollah remains armed, rocket attacks into Israel have occurred, Israeli flights into Lebanon continue and Israel still occupies the village of Ghajar.

The recent arms explosion may lead to proposals for language in the August mandate renewal resolution. If so, it will become an important issue because such proposals seem certain to be matched by calls for equivalent language addressing Israel's violations of 1701.

A separate issue relates to the Maritime Task Force (MTF) naval component of UNIFIL. The number of ships taking part in the MTF was recently reduced with the withdrawal of the Belgian naval component at

the end of May. While the MTF has not intercepted any arms shipments, the naval component is still viewed as important and some discussion of this is possible.

### Options

Options available to the Council include:

- simply renewing the UNIFIL mandate as it currently stands for another 12 months; or
- renewing the mandate but also urging all parties to increase efforts to fully implement resolution 1701.

### Council Dynamics

Council members appear agreed that continuation of the UNIFIL mandate is necessary. The Council appears to concur with the conclusion of the Secretary-General in his latest report that resolution 1701 "remains the best available blueprint" leading to a permanent ceasefire.

Council members are generally satisfied with the implementation of resolution 1701. There is an understanding on the part of Council members that the lack of progress in some areas will likely continue until a lasting solution is found. The US is emphasising the recent explosions in Lebanon, apparently caused by the detonation of a large quantity of arms and ammunition maintained by Hezbollah. The US also recognises that Israeli overflights constitute violations, but describes them as understandable in light of the fact that the borders of Lebanon have not been adequately secured to prevent the entry of illegal arms and materiel.

Some members may suggest that a review of the size of UNIFIL should be considered. Decreasing the size of the MTF and trying to increase capacity with the Lebanese military may be discussed. On the other hand possible changes to UNIFIL might form part of a separate discussion on peacekeeping operations generally. Council members will be conscious that as of January 2010 Lebanon is likely to be a member of the Council and this will inevitably impact Council dynamics on these issues.

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

## Selected UN Documents

### Selected Council Resolutions

- S/RES/1832 (27 August 2008) renewed the UNIFIL mandate until 31 August 2009.
- S/RES/1701 (11 August 2006) called for a cessation of hostilities between Hezbollah and Israel and called for full implementation of resolutions 1680 and 1559.
- S/RES/1680 (17 May 2006) strongly encouraged Syria to delineate its common border with Lebanon.
- S/RES/1559 (2 September 2004) urged withdrawal of all foreign forces from Lebanon, disarmament of all militias, and extension of the Lebanese government's control over all Lebanese territory.

### Selected Secretary-General's Reports

- S/2009/330 (29 June 2009) was the latest report on resolution 1701.
- S/2009/218 (24 April 2009) was the latest report on resolution 1559.

### Selected Meeting Record

- S/PV.6120 (7 May 2009) was a briefing by the Secretary-General's envoy Terje Rød-Larsen on his latest 1559 report.

## Other Relevant Facts

### Secretary-General's Special Coordinator for Lebanon

- Michael Williams (UK)

### Special Envoy of the Secretary-General for the Implementation of Security Council Resolution 1559

- Terje Rød-Larsen (Norway)

### UNIFIL Force Commander

- Major-General Claudio Graziano (Italy)

### Size and Composition of UNIFIL as of 31 May 2009

- *Authorised*: 15,000 troops
- *Current*: 12,158 military personnel
- *Troop Contributors*: Belgium, Brunei, China, Croatia, Cyprus, El Salvador, France, FYR of Macedonia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Malaysia, Nepal, New Zealand, Norway, Poland, Portugal, Qatar, Republic of Korea, Sierra Leone, Slovenia, Spain, Tanzania and Turkey

### Cost

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

### Expected Council Action

The Council is to hold an open debate on peacekeeping, most likely on 5 August. This responds to the French-British initiative launched in January this year and seems likely to result in a presidential statement and an ongoing programme of work for the next six months.

The Council will be briefed by Under-Secretary-General for Peacekeeping Operations Alain Le Roy and Under-Secretary-General for Field Support Susana Malcorra. They are expected to elaborate on the Secretariat's recently completed "New Horizon" review of peacekeeping and the Department of Field Support's (DFS) upcoming Field Support Strategy, which is expected out later this year.

### Key Recent Developments

At the time of writing the Council was discussing a draft presidential statement prepared by the UK. The statement seems likely to outline the improved practices the Council has tried to develop at the practical level in the last six months including more regular dialogue with the Secretariat, efforts to deepen consultations with troop and police contributing countries, organisation of political-military meetings, updating of planning documents and the use of benchmarks to chart progress against a comprehensive and integrated strategy in mission mandates. It is also likely to identify future areas for work such as how to :

- ensure credible and achievable mandates;
- share information better, particularly on military challenges and enhancing its military expertise;
- engage earlier and more effectively with troop and police contributing countries; and
- promote greater recognition of resource implications and strategic challenges related to peacekeeping missions.

On 24 July the UK circulated a concept paper for the debate. The paper touched on how the Council has worked to improve the quality of mandating, oversight and evaluation of peacekeeping operations in the first half of the year. It suggested that the debate should chart the way forward and focus on practical recommendations. Among the future areas that could be covered are:

- ensuring that peacekeeping operations support the political settlement of disputes;
- developing a consensus on issues in complex missions, including transition from peacekeeping to peacebuilding;
- what protection of civilians means in practice; and
- when should the UN take a more robust approach to peacekeeping.

On 17 July the Secretariat published a non-paper entitled "A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping". The non-paper points out that the scale of UN peacekeeping today is unprecedented, with 116,000 deployed personnel across 15 missions and an annual budget of nearly \$7.8 billion. It acknowledges that many of the challenges facing peacekeeping today are not new and that the principles set down by the 2000 Brahimi Report are still valid. However, the non-paper notes there is a mismatch between the scale and complexity of modern peacekeeping and its tools, which is creating serious strains. In order to meet this challenge, it suggests that peacekeeping needs to move away from a piecemeal approach to a global one, which requires a renewed global partnership among the Council, the contributing member states and the Secretariat.

### Elements of the "New Horizon" Non-Paper Relevant to the Debate

Some key elements of the "New Horizon" non-paper addressed to the Council include:

- crafting mission mandates with clearly achievable objectives and specify the activities for which the mission is responsible;
- adopting a phased approach when establishing peacekeeping missions;
- establishing informal, mission-specific coalitions of engaged stakeholders to help secure political and operational support in complex missions;
- reviewing, together with the Secretariat, recurrent mandate tasks to enhance clarity and understanding of their objectives; and
- mandating a peacekeeping mission at least six months in advance of an expected transfer of authority from a partner like the AU to the UN, and authorising the deployment of advance-planning capabilities when a UN operation follows an existing operation run by a partner.



It seems there is a good deal of synergy between the "New Horizon" recommendations and many of the areas of future work for the Council envisaged in the draft presidential statement.

The "New Horizon" non-paper also suggests that the DPKO and DFS for their part should develop a practice of:

- presenting proposals on the full range of supporting actions needed for mission deployment when considering a new mission in complex situations;
- supporting strengthened consultations with the Council and with troop-contributing countries (TCCs) and police-contributing countries (PCCs) and include information on consultations with them in regular Secretary-General reports;
- engaging Council members and contributing countries on strengthening mechanisms for consultation and interaction on mission-planning processes; and
- reviewing current reporting practices and engaging the Council and TCCs/PCCs in a dialogue on information requirements.

The Secretariat also plans to produce by December a proposal for updated and streamlined reporting procedures, as well as a draft strategic guidance note on the robust approach to peacekeeping. The latter dovetails well with the Council's concern to ensure that mandates are "credible and achievable".

### History of the France-UK Initiative

In January, France and the UK launched their initiative aimed at improving the Council's approach to mandating and reviewing peacekeeping missions. So far it has focused largely on the Council's strategic oversight role in various peacekeeping operations.

The effects of this effort can be seen in eight out of the 11 resolutions adopted in 2009 on UN peacekeeping missions.

The resolutions on the missions in Chad and Central African Republic (MINURCAT) and in Côte d'Ivoire (UNOCI) approved

benchmarks relating to an exit strategy for the missions. They also requested the “development of a strategic work-plan containing indicative timelines to measure and track progress” on the implementation of the benchmarks.

The resolutions on Sudan, Afghanistan and Guinea-Bissau asked the Secretary-General to develop benchmarks for measuring and tracking progress on their mandates and to assess progress against these benchmarks in his next report. The Council also asked for reports tracking progress in resolutions on Nepal, Cyprus and Timor-Leste.

By contrast, three resolutions, those on Western Sahara, the Golan Heights and Georgia (which was a rollover resolution), did not have references that indicated greater Council oversight of benchmarks.

Further evidence of more intensive Council oversight has been seen in requests for separate informal technical briefings on the military or security situation in the most recent resolutions on:

- the Democratic Republic of Congo (DRC);
- Côte d'Ivoire; and
- Chad/Central African Republic (CAR).

Similarly, the growing practice of asking the Secretary-General to report on the updating of the concept of operations and rules of engagement within three months of the adoption of resolutions signals increased Council engagement. This was seen in the most recent resolutions on:

- Timor-Leste;
- Chad/CAR; and
- the DRC.

### **Impact of Public Council Debates and Working Group Interaction with TCCs/PCCs**

The public debates on 23 January and 29 June enabled the Council to hear key stakeholders voice their views on the current state of peacekeeping. In the debate on 29 June under Turkey's presidency, Le Roy and Malcorra called for a new partnership between the Council, contributing countries and the Secretariat for peacekeeping. The day-long debate, which focused on the relationship with contributing countries, saw thirty TCCs/PCCs as well as financial contributors participating.

The Council Working Group on Peacekeeping Operations, chaired by Japan, has had

five meetings this year. In February, the Group decided to focus on the gap between mandates and their implementation and invited relevant TCCs to discuss this issue in the context of specific missions. Its next three meetings involved TCCs and the Secretariat and addressed from a broad perspective the implementation of mandates in Haiti, the DRC, Burundi, Sierra Leone and Timor-Leste. A wrap-up session was held in July. Working Group members are considering issuing a summary of main points from the meetings. (Please see our *24 June Update Report on Peacekeeping* for the history of the Working Group.)

### **Other Initiatives**

Outside the Council, Canada is expected to convene the second in its series of seminars on peacekeeping in September. The discussion is expected to focus on mandate design and modalities for implementation. The first seminar was on 26 May and discussed the symptoms and causes of peacekeeping overstretch.

### **Key Issues**

An immediate issue is whether there will be agreement on a presidential statement. A clear statement capturing what has been done and setting the work programme on peacekeeping is seen by many Council members as a useful guide on the tasks ahead.

A related issue is focusing the debate on practical steps that can be achieved rather than on the problems in peacekeeping. Most Council members are keen to see a forward-looking discussion with practical suggestions.

A procedural question is how to capture productive synergies from the different peacekeeping initiatives this year (the Working Group activities, the Canadian seminars, the Secretariat's “New Horizon” paper and the British-French initiative).

An example of the practical issues which need discussion is how to better use the existing structures such as the Working Group and Military Staff Committee to improve the quality of interaction between TCCs, the Secretariat and Council. (The perfunctory nature of the meetings of TCCs with the Council and Secretariat was clearly illustrated by the 23 July TCC meeting. It was held 45 minutes before the Council adopted the resolution renewing the UNOCI mandate, immediately after which the Council

held closed consultations which did not involve the TCCs.)

A related issue — and perhaps the key underlying issue with many of the problems identified — is not so much the need for new generic or thematic decision and commitments but practical systems to ensure that past decisions are actually implemented by the Council week after week. The fact that Council decisions in 1994 are still relevant, but do not get implemented in practice, underlines the importance of this aspect.

Another related issue is finding a better system for consistently pooling information from TCCs, military experts and key stakeholders in peace processes giving effect to what the “New Horizon” paper calls a “partnership”. This seems likely to require finding practical ways of making the institutional culture of the Council more inclusive and depoliticising the existing structures. To do this the Council would have to work closely in a practical, sustained way with key stakeholders, the TCC/PCCs, the Secretariat and countries involved in peace processes. This would allow the Council to approach mandate creation, reviews and renewals in a new way. But it seems that it would require an informal process, often in private and with participation structured as the Peacebuilding Commission does in “country specific clusters”.

Also an issue is creating an effective process for benchmarking and review so that the Council can be informed on progress at different stages of a mission's mandate. Currently benchmarks are primarily used when considering a mission's exit strategy and it is clear that this sometimes contributes to politicising the issues.

A further key issue which comes through in the “New Horizon” paper is the need for better resourcing and strategies that could help build political reconciliation and establish and maintain peace in countries with peacekeeping missions.

A number of related issues surround complex mission mandates including:

- achieving a balance between civilian and military components;
- understanding the relationship between peacekeeping and peacebuilding both temporal and political (the Council's action on 22 July in S/PRST/2009/23 is relevant in this regard); and

- addressing the tension involving robust mission mandates and the civilian protection mandate. (In this regard, the upcoming OCHA/DPKO independent study will be an important contribution to further work.)

Another key issue is how to formulate mandates that focus on objectives rather than activities. This could be tested in September and October when the mandates of the UN missions in Liberia and Haiti respectively come up for renewal.

Also an issue is improving the Council's awareness of financial implications at an early stage. One possibility is to institute regular quarterly briefings by the Secretariat on operational, financial, budgetary and administrative aspects of peacekeeping.

### Options

Options available to the Council include:

- Adopting a presidential statement encapsulating what has been accomplished so far and providing a framework for the next phase of work.
- Using the debate to capture ideas for tackling practical solutions to issues. (These could be incorporated in a subsequent note by the president:
  1. outlining the key points emanating from the debate and thereby setting a framework for the future work programme; and
  2. agreeing that senior members of Council delegations will work on these issues intensively with a view to results being published in a note by the president in December.)
- Resolving the tension between the different streams of work on peacekeeping in the first half of the year by agreeing, as a provisional measure until 31 December and subject to review in light of wider review of the partnership recommendations in the "New Horizon" paper, to request the Working Group on Peacekeeping under Japan's leadership to build on its recent practice and take the lead, as mandates come up for renewal, in convening country/mission specific meetings with DPKO and requesting DPKO to provide input for:
  1. discussion of systematic implementation, as applicable, of past generic Council decisions relating to peacekeeping in the context of specific missions;

2. applying recent Working Group practice with TCCs and inviting them to early and substantive exchanges of information and also inviting other key stakeholders as appropriate; and
3. political military updates and review with DPKO of planning documents and benchmarks.

(This would involve the Working Group gearing up to address seven missions in four months: Sierra Leone and Liberia (September); Haiti (October); and Cyprus, DRC, Burundi and UNDOF (December).)

### Council and Wider Dynamics

There is general agreement that the focus this year on peacekeeping is timely. Members seem open to having an outcome document. Some question the value of another debate so soon after the debate under the Turkish presidency on 29 June. However, most members agree that the fact that the full text of the "New Horizon" non-paper is now available means that the debate is likely to add new value.

There is support for greater Council oversight of mission mandates, the need for credible mandates and better interaction with TCCs. Most members are also very keen for the Secretariat's "New Horizon" document to feed into the next phase of the review process.

The UK and France continue to take the lead on this issue and have been particularly energetic in persuading members to take a more strategic look at mandates this year.

The US appears ready to play an active role. During the June debate the US said that it will contribute more military observers, military staff officers and civilian police and other civilian personnel to peacekeeping operations.

There is support for developing the peacebuilding dimensions so as to more safely accelerate the transfer of responsibility from peacekeepers to host countries. Many also recognise the dangers of drawing down too early.

As chair of the Working Group, Japan has been instrumental in engaging major TCCs. It is willing to continue to provide a forum for TCC interaction but appears to be waiting for further direction from members before deciding on its agenda for the rest of the year.



### UN Documents

#### Selected Security Council Resolutions

- S/RES/1876 (26 June 2009) renewed UNOGBIS till 31 December 2009 and requested it be succeeded by a peacebuilding office (UNIOGBIS).
- S/RES/1873 (29 May 2009) renewed UNFICYP and noted the importance of contingency planning in relation to settlement.
- S/RES/1870 (20 May 2009) renewed UNMIS till 30 April 2010
- S/RES/1868 (23 March 2009) renewed UNAMA until 23 March 2010 and included a request to include benchmarks in the next report.
- S/RES/1867 (26 February 2009) renewed UNMIT until 26 February 2010.
- S/RES/1865 (27 January 2009) renewed UNOCI until 31 July 2009.
- S/RES/1864 (23 January 2009) renewed UNMIN till 23 July 2009.
- S/RES/1861 (14 January 2009) renewed MINURCAT and endorsed the benchmarks towards the exit strategy of MINURCAT in the Secretary-General's report.
- S/RES/1856 (22 December 2008) renewed MONUC till 31 December 2009.

#### Selected Presidential Statements

- S/PRST/2009/23 (22 July 2009) was on post-conflict peacebuilding.
- S/PRST/2004/16 (17 May 2004) was the presidential statement following the debate on peacekeeping operations, mandates and resources.
- S/PRST/1994/22 (3 May 1994) addressed issues relating to improving the capacity of the UN for peacekeeping.

#### Selected Meeting Records

- S/PV.6153 and resumption 1 (29 June 2009) was the debate on the relationship with TCC/PCCs.
- S/PV.6075 (23 January 2009) was on UN peacekeeping missions and was part of the UK-France initiative.

## Useful Additional Sources

- *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*, DPKO and DFS, July 2009.
- *Annual Review of Global Peace Operations 2009*, Center on International Cooperation, New York University, 2009.
- *UN Peacekeeping Operations: Principles and Guidelines*, UN Peacekeeping Operations, Department of Field Support, 2008.
- DPKO peacekeeping statistics

A fuller list of UN documents can be found on our website ([www.securitycouncilreport.org](http://www.securitycouncilreport.org)).

## Women, Peace and Security

### Expected Council Action

The Security Council is expected to hold an open debate on 6 August on the implementation of resolution 1820 on sexual violence in armed conflict. (Please see the brief on this issue in the July 2009 Monthly Forecast.) No Council action is expected at the time of the debate, but ongoing discussion between Council members on an outcome document—perhaps a resolution—is expected. The US has the lead in the Council on 1820 and action during its presidency of the Council in September is a possibility if agreement is not reached earlier.

### Background

Current discussions are at a very preliminary stage with no clear steer on what elements might be included in an outcome document. However, these early 1820 discussions seem likely to be underway at the same time as negotiations over an outcome document on children and armed conflict, which is expected to specify additional criteria, including sexual violence, for including parties to armed conflict in the annexes to the Secretary-General's reports to the Council on this issue.

### Secretary-General's Report

The Secretary-General's report on implementation of 1820, originally due at the end of June, was released on 15 July. In it the Secretary-General suggested the Council address gaps in implementation by:

- establishing a commission of inquiry, supported by the Office of the High Commissioner for Human Rights, tasked with investigating and reporting sexual violence in Chad, the Democratic Republic of the Congo and Sudan, and providing recommendations to the Council for mechanisms to ensure accountability (in addition the Secretary-General recommended that the Council establish such commissions in future conflicts where sexual violence was prevalent);
- ensuring that relevant mandates for peacekeeping or political missions contain provisions addressing sexual violence, as well as corresponding reporting requirements;
- ensuring that the issue of sexual violence is addressed by all relevant subsidiary bodies of the Council (e.g. sanctions committees and working groups, in particular the groups on children and armed conflict and protection of civilians); and
- requesting regular annual reporting from the Secretary-General; the next report could include a proposal for a Council monitoring mechanism or procedure.

The report also noted the Secretary-General's consideration of appointing a senior person to coordinate UN system-wide work on prevention of and response to sexual violence.

### Related Future Council Work

In October a debate is expected on the relevant issue of women, peace and security (resolution 1325) and a separate report is expected from the Secretary-General.

## UN Documents

### Selected Security Council Resolution

- S/RES/1820 (19 June 2008) recognised that sexual violence as a tactic of war can exacerbate situations of armed conflict, demanded all parties to protect civilians from all forms of sexual violence and requested a report from the Secretary-General.

### Selected Secretary-General's Report

- S/2009/362 (15 July 2009) was the report on implementation of resolution 1820.

## Liberia

### Expected Council Action

In August the Council will receive a report from the Secretary-General on the UN Mission in Liberia (UNMIL). It is expected to include detailed recommendations on international assistance needed for the presidential and legislative elections scheduled for 2011. These recommendations are based on the findings of a joint Department of Political Affairs/UN Development Programme electoral needs-assessment mission that visited Liberia in May.

UNMIL's mandate expires on 30 September. No action is currently scheduled for August.

### Key Recent Developments

On 25 June the Council met in closed consultations to discuss the Secretary-General's special report on UNMIL of 10 June and heard a briefing by Alain Le Roy, the Under-Secretary-General for Peacekeeping Operations, who had just visited Liberia. There was also a briefing by the chairman of the Liberia Sanctions Committee, Libyan Ambassador Abdurrahman Mohamed Shalgham.

The Secretary-General's June report was issued in response to a Council request for further recommendations on additional adjustments to the mission. The report noted that several security challenges remain and that progress in achieving key benchmarks had been uneven, notably in key security institutions like the Liberia National Police and the Armed Forces of Liberia, which still lacked the capacity to operate independently. UNMIL's presence in Liberia was therefore seen as crucial at least until after the 2011 elections. For UNMIL's third drawdown stage, which would run from October 2009 to May 2010, the Secretary-General recommended a reduction in military strength by 2,029 troops but no change in the police component. (For further details, please refer to our *Update Report* of 23 June.)

On 1 July the Truth and Reconciliation Commission of Liberia (TRC) released its final report. As one of the elements of the 2003 peace agreement for Liberia, the Commission started its work in June 2006

with the mandate to foster truth, justice and reconciliation by identifying the root causes of the civil war and determining those responsible for crimes committed during the conflict (January 1979-October 2003). The final report concluded that all parties to the conflict committed violations of international criminal law, international human rights law and international humanitarian law, as well as domestic law. It stressed the importance of justice and accountability to foster reconciliation.

The report also recommended the establishment of an “extraordinary criminal tribunal for Liberia” to try all individuals recommended for prosecution by the Commission. The list of individuals, annexed to the report, contains almost 100 names, including that of former President Charles Taylor. The Commission noted that persons who had admitted wrongdoings and “spoke truthfully before or to the TRC as an expression of remorse” had avoided being placed on the list.

In addition, the report recommended lesser punitive measures, including a ban on holding public office, against fifty political leaders and others associated with the former warring factions, including against current President Ellen Johnson-Sirleaf for her support of Taylor’s rebellion against former President Samuel Doe before she went into exile in the 1980s. According to the recommendation, Johnson-Sirleaf would be allowed to finish her term, but not seek re-election.

Liberians appeared divided over the findings of the Commission. Some groups said the recommendations could have a negative impact on an already fragile peace process and could threaten the stability of Liberia. Two of the commissioners, Pearl Brown Bull and Sheikh Kafumba Konneh, did not sign the final report, stating that its recommendations put too much emphasis on prosecution as opposed to reconciliation and were not in line with Liberian amnesty legislation and principles. In a speech on 26 July President Johnson-Sirleaf said that she was committed to working with all branches of government, the Independent Human Rights Commission and others to implement the Commission’s

recommendations as long as they were within its mission and mandate.

Meanwhile, the trial of Charles Taylor resumed on 13 July in The Hague with the opening of the defence case. The former Liberian president has been charged before the UN Special Court for Sierra Leone on 11 counts of war crimes and crimes against humanity arising from his alleged role in the civil war in Liberia’s neighbour, Sierra Leone. The defence started with the testimony of Taylor himself, who on 14 July spoke for the first time in public since arriving in The Hague in 2006. He denied all charges and said that the case against him was based on misinformation and lies. His testimony was expected to last some four weeks. The defence has said it has a list of 249 witnesses but may not call on all to testify. Currently, the trial is expected to continue until February with a ruling in July and possible verdict in August 2010.

#### Human Rights-Related Developments

Liberia in July submitted, in a single document, its first six periodic reports on implementation of the Convention on the Elimination of All Forms of Discrimination against Women for the consideration in July of the committee overseeing implementation. Liberia noted in its reports that despite the election of the country’s first democratic government in January 2006, the country was still recovering from 14 years of conflict. Although the security situation had stabilised, state institutions, law enforcement and the judiciary all required strengthening if human rights were to be promoted and protected in a sustained manner.

#### Key Issues

While Council members seem to agree that UNMIL’s presence remains crucial in maintaining security, particularly for the presidential and legislative elections in 2011, a key question is how large UNMIL needs to be for this purpose. In addition to the elections, another key event is the expected verdict in the trial of Charles Taylor in 2010. It also remains to be seen what impact the final report of the TRC will have and whether it will lead to reconciliation or



rancour. Commissioners were reported to have received death threats.

A related key issue is the pace of progress in developing Liberian security structures and security sector reform. So far, progress has been slower than Council members and others would have hoped.

Regional issues also remain important, and negative developments in neighbouring countries could have a spillover effect in Liberia. Destabilising factors including high youth unemployment, high numbers of underemployed and unemployed ex-combatants, drug trafficking and food insecurity are affecting the whole subregion of West Africa. This situation has been exacerbated by the global financial crisis. These issues were also pointed out in the latest report from the Secretary-General on the UN Office for West Africa (UNOWA) of 19 June.

#### Options

In-depth discussions in the Council will most likely not take place until September, ahead of UNMIL’s mandate renewal at the end of that month. The conclusions of the Secretary-General’s forthcoming report are not expected to be significantly different from those in his June report.

#### Council Dynamics

While Council members seem to agree on the security threats still present in Liberia, views differ on the implications for UNMIL’s drawdown. France in particular argues that the threats are of a political rather than military nature and that a faster troop reduction therefore should be possible. But others, in particular the US, are opposed to an accelerated process, arguing that the situation remains very fragile and that what today can be described as a relative success story could easily become another repeated crisis in a very volatile region. Most Council members seem to prefer a balanced approach. There seems to be awareness that Liberia is an important test case for UN peacekeeping and peacebuilding.

## UN Documents

### Selected Security Council Resolutions

- S/RES/1854 (19 December 2008) renewed the arms and travel sanctions for a further 12 months and extended the mandate of the Panel of Experts that monitors implementation of the sanctions regime until 20 December.
- S/RES/1836 (29 September 2008) renewed UNMIL's mandate for 12 months and endorsed the Secretary-General's recommendations for the mission's drawdown.

### Selected Secretary-General's Reports

- S/2009/332 (19 June 2009) was on UNOWA.
- S/2009/299 (10 June 2009) was on UNMIL.
- S/2009/86 (10 February 2009) was the latest regular UNMIL report.
- S/2007/479 (8 August 2007) was the initial drawdown plan for UNMIL.

### Other

- S/2009/303 (11 June 2009) was the report of the Council mission to Africa from 14-21 May, which included a visit to Liberia.
- S/2009/290 (5 June 2009) was the latest report of the Panel of Experts on Liberia.

## Other Relevant Facts

### Special Representative of the Secretary-General

Ellen Margrethe Løj (Denmark)

### UNMIL Force Commander

Lieutenant-General A.T.M Zahirul Alam (Bangladesh)

### UNMIL: Size, Composition and Cost

- *Strength as of 10 June 2009*: 10,231 military and 1,375 police
- *Key contributing countries*: Bangladesh, Ethiopia, Nigeria and Pakistan
- *Cost*: 1 July 2009 to 30 June 2010: approx. \$593 million

### UNMIL: Duration

September 2003 to present; mandate expires 30 September 2009

### Chairman of the Liberia Sanctions Committee

Abdurrahman Mohamed Shalgham (Libya)

### Panel of Experts on Liberia

- Thomas R. Creal (US, expert on finance)

- Wynet V. Smith (Canada, expert on natural resources and coordinator of the Panel)
- Hervé Gonsolin (France, expert on arms)

## International Criminal Tribunals

### Expected Council Action

In August the Council is expected to receive the annual reports of the International Criminal Tribunals of the former Yugoslavia (ICTY) and Rwanda (ICTR). These reports, which are published as both Security Council and General Assembly documents, are usually discussed in the General Assembly in September. In accordance with its usual practice, the Council is not expected to discuss them. This year's reports are likely to include timetables on trials, latest information on remaining fugitives and progress on a residual mechanism.

For the first time, they are also expected to include a section on the activities of the Council's Informal Working Group on International Tribunals.

### Key Recent Developments

On 4 June the presidents and prosecutors of both Tribunals briefed the Council on their completion strategies. Both presidents assessed that the Tribunals are unlikely to complete their work before 2013.

On 7 July the Council adopted resolutions 1877 and 1878 extending, respectively, the terms of 11 permanent judges and 19 ad litem judges of the ICTY and six permanent judges and 11 ad litem judges of the ICTR until 31 December 2010, or until completion of their cases if sooner. The Council also agreed to review by 31 December the extension of the terms of permanent judges who were members of the Appeals Chamber. It also agreed that two judges of the ICTR could work part-time for the remainder of their terms of office but emphasised that this did not set a precedent.

Other developments related to the ICTY and ICTR include:

- On 8 July the ICTY rejected former Bosnian Serb leader Radovan Karadžić's application to be granted immunity from prosecution because of an agreement which he claims he struck with the US government in 1996.

- On 14 July the ICTR jailed for life former Kigali governor, Tharcisse Renzaho, convicted of genocide, rape and murder.
- The ICTR on 30 June ruled that Rwandan businessman Félicien Kabuga's assets should remain frozen until all ICTR trials are completed.
- On 22 June the ICTR sentenced Callixte Kalimanzira, a former Rwandan interior minister, to thirty years in prison for genocide and complicity to commit genocide.

Since January, the Council's Working Group has held 19 meetings to discuss the details of a residual mechanism or mechanisms. It also considered the requests for the extension of judges' mandates and drafted the resolution for these extensions.

Residual matters discussed by the Working Group included trials of fugitives and contempt cases, witness protection, the review of judgements, referrals of cases to national jurisdictions (including revocation), assistance to national jurisdictions, supervision of sentence enforcement and maintenance of archives.

Other areas discussed included possible commencement dates for a residual mechanism or mechanisms and the structure. In the second half of the year the Working Group is expected to begin discussions on a resolution to establish a mechanism.

The Secretary-General's report on administrative and budgetary implications of possible locations for ICTY and ICTR archives and the seat of the residual mechanism is expected to be published shortly. It is likely to include a recommendation that the Council should agree on residual functions to be transferred to the mechanism and narrow down the choice of locations. This would allow the Secretariat to produce more tangible recommendations and costings.

### Options

The most likely option is for members to simply receive but not discuss the annual reports and to address issues in the context of the Secretary-General's report. However, an open debate in the Council is a possibility to respond to growing interest by a wider range of members of the UN and to allow Council members to send some positive signals as well.

Options related to the Secretary-General's report on administrative and budgetary aspects of possible locations for the

Tribunals' archives and seat of the residual mechanism or mechanisms include:

- the president of the Council to send a letter to the presidents of the Tribunals endorsing recommendations relevant to them but expressing concern about the delay in the completion strategy of the Tribunals and exerting pressure on them to complete their work as soon as possible; and
- the Working Group to provide the Council with a draft letter to the Secretary-General following up on his recommendations related to the Council.

### Key Issues

An increasingly serious issue is staff retention in the Tribunals. Lack of clarity from the Council is increasingly a barrier to finding creative, non-monetary incentives to help retain staff already seeking other employment options due to the Tribunals' unclear timing status.

Also an issue is whether the larger UN membership needs to be involved in the discussions about the residual mechanism. Some member states have shown interest in expressing their views.

A continuing issue is how to put pressure on member states to intensify cooperation with the Tribunals in finding and arresting the remaining fugitives.

Another issue is whether the Working Group will be able to reach agreement on the structure and remit of a residual mechanism or mechanisms by the end of the year. Some members seem inclined to defer any decision on a residual mechanism now that the completion dates are likely to be around 2013.

A related issue is whether it would be better to take a two-step approach to the establishment of the residual mechanism or mechanisms. As a first step, a legal framework would be established, with a second step needed to put it into practice.

### Council and Wider Dynamics

Council members agree that the most senior fugitives must face international trials and that the legacy and the archives of the Tribunals must be preserved. There is also an understanding that establishing a roster of available judges may be the most feasible residual system. Members have yet to agree on whether there should be one or

two mechanisms or one mechanism with two branches, or on the possibility of co-location of the Tribunals' archives with the mechanism or mechanisms.

While the final positions on the residual mechanism are likely to be revealed only once negotiations begin on a draft resolution, differences are expected over the location of the archives and the timing of the start of the mechanism.

China and Russia continue to maintain the position that the Tribunals should be guided by the timeframes laid down by the Council and do everything possible to ensure that the bulk of their work is completed by the end of 2010. Their position came out clearly during the negotiations on the resolution to extend the judges' terms when they pushed to limit the terms to 2010.

While most members support the need to strengthen the capacities of national institutions and judicial systems some, like Austria and Mexico, have stressed that referral of cases should only occur when the national jurisdictions meet international standards.

However, there appears to be an emerging interest in trying to reach an agreement on structures and functions of the residual mechanism or mechanisms by the end of the year. Both the UK and Russia voiced this expectation during the June debate.

Austria, as chair of the Working Group since January, has played a leading role in instituting regular meetings and structured agendas for the Working Group.

### UN Documents

#### Selected Security Council Resolutions

- S/RES/1877 and S/RES/1878 (7 July 2009) were, respectively, the resolutions extending the terms ICTY and ICTR permanent and ad litem judges till 31 December 2010 or until they have completed assigned cases.
- S/RES/955 (9 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 (19 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/2009/258 (21 May 2009) was the Secretary-General's report on administrative and budgetary implications of possible locations for ICTY and ICTR archives and the seat of the residual mechanism.
- S/25704 (3 May 1993) contained the statute of the ICTY as requested by resolution 808 of 22 February 1993.

#### Selected Letters

- S/2009/252 (18 May 2009) and S/2009/247 (14 May 2009) 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.6155 and S/PV.6156 (7 July 2009) were, respectively, the meeting records of the adoption of the extension of ICTY and ICTR permanent and ad litem judges' terms.
- S/PV.6134 (4 June 2009) was the June 2009 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 Hadžić
- Four accused at the pretrial stage, 13 referred to national jurisdiction, 21 on trial and 12 at the appeal stage

##### ICTR

- Thirteen accused at large, including Félicien Kabuga, a businessman accused of inciting massacres in Rwanda
- Five accused awaiting trial, 23 on trial, seven at the appeal stage and 0 awaiting transfer.

## Notable Dates for August

Reports for consideration in August	Document Requesting Report
15 July	<i>SG report on implementation of resolution 1820 on sexual violence in situations of armed conflict</i> S/RES/1820
27 July	<i>SG report on Iraq resolutions</i> S/RES/1859
early August	<i>SG report on Iraq (UNAMI)</i> S/RES/1830
early to mid August	<i>SG report on Iraq (DFI/IAMB)</i> S/RES/1859
15 August	<i>SG report on Liberia (UNMIL)</i> S/RES/1836

August 2009	Mandates Expire	Relevant Document
7 August	<i>Iraq (UNAMI)</i>	S/RES/1830
31 August	<i>Lebanon (UNIFIL)</i>	S/RES/1832

August 2009	Other Important Dates
5 August	<i>The Council is expected to hold an open debate on peacekeeping.</i>
6 August	<i>The Council is expected to hold an open debate on implementation of resolution 1820.</i>
20 August	<i>Presidential elections are expected in Afghanistan.</i>

Also expected in August:

- The Council is expected to receive the ICTY and ICTR annual reports in August.
- The Council is expected to receive a briefing from the 1718 Sanctions Committee (DPRK).

## Important Dates over the Horizon

- The G20 Summit will take place in Pittsburgh, PA from 24-25 September.
- An international conference on the Middle East peace process is to convene in 2009.
- Presidential elections are expected in Côte d'Ivoire on 29 November 2009.
- Legislative elections in Chad are tentatively slated for 2009.
- Elections for governor in the DRC are currently slated for 2009.
- Parliamentary elections for Iraq are provisionally scheduled for January 2010.
- The Council is expected to review the extension of the terms of permanent judges in the ICTR/ICTY who were members of the Appeals Chamber by 31 December 2009.
- Palestinian presidential and legislative elections are to be held in January 2010.
- Elections (presidency and parliament, south Sudanese presidency, state governors, southern parliament and state assemblies) in Sudan are expected in April 2010.

### SECURITY COUNCIL REPORT STAFF

**Colin Keating**, Executive Director  
**Joanna Weschler**, Director of Research  
**Amanda Roberts**, Programme Coordinator  
**Robert Afriyie**, Research Analyst  
**Shamala Kandiah**, Research Analyst  
**Nina Pregellio**, Research Analyst  
**Astrid Forberg Ryan**, Research Analyst  
**Troy Prince**, Research Consultant  
**Brian Lockstone**, Communications Consultant  
**Robbin VanNewkirk**, Publications Coordinator  
**Jamaal A. Young**, Programme Assistant

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