



SECURITY COUNCIL REPORT

MONTHLY FORECAST

NOV 2009



2 November 2009

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OVERVIEW FOR NOVEMBER

In November, Austria will hold the presidency of the Security Council.

An open debate on **protection of civilians in armed conflict** (at press time set for 11 November) will mark the tenth anniversary of the Council's thematic engagement with this subject. Austria's Foreign Minister Michael Spidelegger is expected to preside.

Several other debates are likely:

- following the six-monthly **briefing by the chairmen of the three counter-terrorism committees** (the Al-Qaida and Taliban Sanctions or the 1267 Committee; the Counter-Terrorism Committee or the 1373 Committee; and the 1540 Committee on weapons of mass destruction and terrorism);

- on the issue of **piracy in Somali waters** leading to a resolution to renew the Council's authorisation for states and regional organisations to enter Somalia's territorial waters to combat piracy;
- following a briefing by the Special Representative for **Bosnia and Herzegovina**, Valentin Inzko and
- on the annual report of the **Peacebuilding Commission**.

The Council is also expected to hold formal meetings to adopt resolutions on:

- the renewal of **sanctions** and the corresponding **group of experts** on the DRC;
- on the reauthorisation of the **EU Force in Bosnia and Herzegovina** (EUFOR); and

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Aide-Memoire

Important matters pending for the Council include:

- The Secretary-General is yet to appoint his Political Deputy Special Representative for **UNMIS**. The post has been vacant since April 2008.
- The post of the UN/AU Joint Special Representative for **Darfur** has been vacant since August. This post needs to be filled by a joint decision of the Secretary-General and the AU.
- 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).
- In resolution 1874 adopted on 12 June, the Council asked the Secretary-General to

create, in consultations with the Council sanctions committee, a group of experts on sanctions on the **Democratic People's Republic of Korea** and for the experts to report to the Council within ninety days. The reporting deadline has not been extended but, at press time, the group was not fully constituted.

- Reports from the **Kosovo Force** (KFOR) appear to have stopped. The last one available covers the period from 1 to 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.)
- 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.
- 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).

- the reauthorisation for states and regional organisations to enter **Somalia's** territorial waters to **combat piracy**.

Several briefings in Council meetings are expected including:

- on the **Middle East**;
- on the UN mission in **Iraq**, UNAMI;
- by the chair of the **Democratic People's Republic of Korea (DPRK)** sanctions committee;

- on the UN mission on **Nepal** (UNMIN); and
- on the peacebuilding support office in **Guinea-Bissau** (UNOGBIS).

A briefing to members of the Council in informal consultations is expected from the Special Envoy on the Great Lakes Region, Olusegun Obasanjo.

Consultations are also expected on:

- the UN operation in **Darfur** (UNAMID); and
- resolution 1701 on **Lebanon**.

Also in November, the Council president will present the Council's annual report to the General Assembly (scheduled for 12 November) and Council members will participate in the annual retreat with the incoming Council delegations, organised by the Mission of Finland.

Status Update since our October Forecast

- **Women, Peace and Security:** On 5 October the Council held an open debate on implementation of resolution 1325 and adopted resolution 1889 (S/PV.6196). The resolution focuses on women's participation and urges member states, UN bodies, donors and civil society to ensure that women's protection and empowerment is taken into account during post-conflict needs assessment and planning. The adoption of resolution 1889 followed that of resolution 1888 of 30 September which strengthens efforts to end sexual violence against women and children in armed conflict.
- **Afghanistan:** On 8 October the Council reauthorised ISAF to 13 October 2010 in resolution 1890. On 29 October the Secretary-General briefed the Council on the situation in Afghanistan in closed consultations. He said that he would ask member states to expedite measures to strengthen security in response to the escalated threat against the UN following the deadly attacks on 28 October in Kabul. The Council adopted a presidential statement (S/PRST/2009/28) expressing support for the measures already taken by the Secretary-General to ensure UN staff security. The Secretary-General is expected to present further detailed proposals to the Council. The presidential statement also expressed support for the run-off elections which it said should be carried out as scheduled with continued support of the UN (at press time the run-off elections had been cancelled after the withdrawal of Abdullah Abdullah). The previous day the Council had issued a press statement (SC/9778) condemning in the strongest terms the terrorist attack at a guesthouse in Kabul which killed

and injured UN staff members and members of the Afghan Security Forces.

- **Haiti:** The Council, in remarks to the press, expressed its condolence regarding the 9 October plane crash in Haiti which killed all eleven on board, including UN peacekeepers. On 13 October, the Council extended the mandate of the UN Stabilization Mission in Haiti through 15 October 2010 in resolution 1892 (S/PV.6200). The force configuration of the mission was adjusted as suggested by the Secretary-General in order to better meet current requirements.
- **Côte d'Ivoire:** On 13 October the Council was briefed by the Secretary-General's Special Representative for Côte d'Ivoire, Choi Young-jin, on the Secretary-General's mid-term report (S/2009/495), as part of the Council's review of the situation in the country. On 28 October the Council adopted resolution 1893 extending both the Côte d'Ivoire sanctions regime and the mandate of the Group of Experts until 31 October 2010.
- **Middle East:** The Security Council held an open debate on the Middle East on 14 October (S/PV.6201). The debate was originally scheduled for 20 October but was moved forward after closed consultations on 7 October (Libya had requested a meeting of the Council to discuss the report of the UN Fact-Finding Mission on the Gaza Conflict, or the Goldstone Report (S/2009/510)). During the debate most Council members said it would be premature to consider the report while it was in the hands of the Human Rights Council, which adopted a resolution two days later endorsing the recommendations of the Goldstone Report (A/HRC/S-12/L.1). It is now expected that the Goldstone Report will be considered by the

General Assembly on 4 November.

- **Security Council Elections:** On 15 October Bosnia and Herzegovina, Brazil, Gabon, Lebanon and Nigeria were elected to the Security Council by the General Assembly. These five non-permanent members will start their two year term on 1 January 2010, replacing Burkina-Faso, Costa Rica, Croatia, Libya and Viet Nam.
- **Kosovo:** On 15 October the Council held a debate on Kosovo (S.PV.6202). The Special Representative of the Secretary-General and Head of UNMIK, Lamberto Zannier, gave a briefing on the Secretary-General's latest UNMIK report (S/2009/497). In addition to Council members, the Foreign Minister of Serbia, Vuk Jeremić, and the Foreign Minister of Kosovo, Skënder Hyseni, spoke in the debate.
- **Terrorism:** On 20 October, in remarks to the press, the Security Council condemned the 18 October terrorist attacks in Iran which killed 57 people and injured 150 others.
- **Chad/CAR:** On 22 October Edmond Mulet, the UN Assistant Secretary-General for Peacekeeping Operations, briefed the Council in an open debate (S/PV.6204) on the Secretary-General's latest MINURCAT report (S/2009/535).
- **Timor-Leste:** On 23 October the Council held a debate (S/PV.6205) during which it was briefed by Atul Khare, the Special Representative of the Secretary-General for Timor-Leste on the latest UNMIT report (S/2009/504) and by Jose Luis Guterres, Deputy Prime Minister of Timor-Leste. Khare stressed the need for a stable and steady approach to Timor-Leste and that there should be no exit without a strategy. Most Council members agreed with the

Status Update since our October Forecast (continued)

Secretary-General's recommendation that present strength and composition of UNMIT be maintained and that the technical assessment mission expected to take place in January 2010 would be important in evaluating possible adjustments in UNMIT's mandate and strength in the future.

- **Support for AU Peacekeeping:** The Council held a debate (S/PV/6206) on 26 October on the report of the AU-UN panel which covered modalities for support to AU peacekeeping operations. The report was presented by the Under Secretary-General for Peacekeeping Operations. Besides members of the Council, Brazil, Nigeria, South Africa, Sweden (for the EU) and Tunisia also spoke. The Council adopted a presidential statement (S/PRST/2009/26) reiterating the importance

of a more effective strategic relationship between the UN and the AU, underlining the importance of expediting the implementation of the UN-AU Ten-Year Capacity-Building Programme. It noted the assessment of the options for financing AU peacekeeping operations and expressed its intention to keep all options under consideration. It also underlined the need for a UN-AU study of lessons learnt from AMIS and AMISOM as well as collaboration under UNAMID and the UN Support Office for AMISOM. The Secretary-General was requested to update the Council by 26 April 2010 and submit a progress report by 26 October 2010.

- **Peace Consolidation in West Africa (Guinea):** On 28 October the Council adopted a presidential statement (S/PRST/

2009/27) expressing concern about the situation in Guinea. It welcomed the Economic Community of West African States' statement supporting the Secretary-General's decision to establish an international commission of inquiry to investigate the events of 28 September in that country and requested the Secretary-General to update it as appropriate on related developments.

- **International Court of Justice:** On 29 October the president of ICJ, Hisashi Owada of Japan, briefed the Council in a closed meeting. It was his first appearance before the Council since succeeding Rosalyn Higgins of the UK as president on 6 February. Owada's briefing coincided with his presentation to the General Assembly of the Court's annual report (A/64/4).

Protection of Civilians

Expected Council Action

In November the Council is expected to hold an open debate on protection of civilians in armed conflict. (It normally takes up this issue twice a year; the last debate was on 26 June.) The foreign minister of Austria, which holds the Council presidency for the month, is expected to chair the meeting.

The debate will mark the 10th anniversary of the Council's first thematic decision on protection of civilians. A number of other Council members are likely to be represented at ministerial level. The Secretary-General and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, John Holmes, are expected to speak.

The debate is likely to be preceded by an Arria formula meeting hosted by the UK.

Adoption of a new thematic resolution on protection of civilians is a possibility. At press time a draft was still under negotiation.

For a more detailed analysis of the Council's recent involvement and action on protection of civilians both thematically and in country-specific situations, please see our *Second Cross-Cutting Report on Protection of Civilians in Armed Conflict*, which was published on 30 October.

Key Recent Developments

The Council's last open debate focused on the May report of the Secretary-General. It concluded that despite significant achievements in the normative protection framework resulting from ten years of Council involvement, the situation for civilians had not improved. It identified five key challenges:

- Enhancing compliance with international humanitarian law, in particular in the conduct of hostilities.
- Enhancing compliance by non-state armed groups.
- Making more effective use of UN peacekeeping and other relevant missions in protection of civilians.
- Improving humanitarian access.
- Enhancing accountability for violators of international humanitarian law.

In his briefing, Holmes stressed in particular that much greater efforts were needed to ensure compliance with international humanitarian law and accountability for violations of the law, and he called on the Council to act. He said OCHA would consult with member states on how to take the report's recommendations forward, as well as any additional proposals that members might make, and present the results of these consultations at the forthcoming open debate.

Following the June meeting, there has been a particular focus on issues relating to implementation of protection mandates in UN missions. This is part of a wider debate within the UN system on new peacekeeping challenges resulting from the scale and complexity of current UN operations.

In July conclusions and recommendations of an internal review conducted by the UN department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS) entitled "New Horizon" were presented in a non-paper. This provided an assessment of key challenges confronting UN peacekeeping. Protection of civilians was identified as one of three cross-cutting peacekeeping tasks presenting particular challenges. (The other two were robust operations and peacebuilding.)

The non-paper concluded that the UN should take the lead in developing a clear and comprehensive concept, as well as appropriate guidance for the implementation of civilian protection mandates by identifying the required capacities, equipment and training. This work is likely to draw on findings of the independent study on implementation of protection mandates jointly commissioned by DPKO and OCHA which are anticipated at the beginning of November. Expectations are that these findings will provide new insights on how to improve protection.

Following a 5 August open debate on UN peacekeeping, the Council adopted a presidential statement which identified areas where further discussion was needed to improve the effectiveness of peacekeeping operations. It recognised that further work on civilian protection mandates was necessary, including in the General Assembly's Special Committee on Peacekeeping Operations (C34). Implementation of protection mandates has also been discussed in the Council's Working Group on Peacekeeping Operations under the chairmanship of Japan. Discussions have focused on the gap between mission mandates and implementation.

There have also been important developments relevant to protection of civilians under the topics of children and armed conflict and women, peace and security. On 4 August the Council adopted its first thematic resolution since 2005 on children and armed conflict. It expanded the criteria for inclusion on the Secretary-General's list of violators in his reports on children and armed conflict to include killing and maiming and/or rape and other sexual violence against children. It also included a request for enhanced communication between the Working Group and relevant Council sanctions committees and reaffirmed the Council's intention to take action against persistent violators.

On 30 September the Council adopted a new resolution on sexual violence as a follow-up to resolution 1820. It requested the Secretary-General to appoint a Special Representative to provide leadership and strengthen UN coordination of action on sexual violence in armed conflict and to ensure more systematic reporting on sexual violence to the Council. It also affirmed that it would include specific provisions on sexual violence in UN peacekeeping mandates, and requested annual reports on implementation of resolution 1820.

On 5 October the Council adopted a resolution on women, peace and security which strongly condemned violations of international law committed against women and girls both in situations of conflict and post-conflict and reaffirmed resolution 1325 of 2000 (the first resolution to specifically

address the impact of conflict on women). It also requested the Secretary-General to ensure that all country reports to the Council provide information on the impact of situations of armed conflict on women and girls.

The informal Council expert group on protection of civilians, which first convened last January, has continued to meet in connection with renewal of UN mandates with a protection dimension. Since June the group has discussed the UN Operation in Côte d'Ivoire (UNOCI), the UN Mission in Sudan (UNMIS), the AU/UN Hybrid Operation in Darfur (UNAMID) and the UN Assistance Mission for Iraq (UNAMI). China has not participated in any of the meetings.

Key Issues

While it seems generally agreed that ten years of Council involvement in protection of civilians as a thematic issue have yielded substantial results in establishing a normative framework, a key issue is ensuring that Council decisions translate into results on the ground in specific cases. This includes in particular issues related to early preventive action, Council action during conflict, compliance and subsequent accountability, including in relation to humanitarian access.

A related issue is the question of whether and how to engage with non-state armed groups to enhance compliance, as suggested by the Secretary-General.

Another key issue is the implementation of peacekeeping protection mandates and the need for clear guidance and adequate resources. Recent developments, in particular the joint OCHA/DPKO independent study on implementation of protection mandates, seem to have created expectations that some progress may be possible. A related issue is what role the Council should play, bearing in mind the interests and responsibilities of other key stakeholders, including the C34, troop-contributing countries and the Secretariat.

A further important issue is whether the Council can improve working methods to address protection issues more effectively and monitor compliance. Possible means include using the informal expert group on protection of civilians more ambitiously, addressing urgent new issues as they

develop without the need for a formal agenda item, requesting more detailed and systematic reporting from the Secretary-General on protection issues in all country reports, and further developing reporting on access constraints. (His latest protection report included, for the first time, an annex on humanitarian access constraints.)

Options

The main option for the Council in November is to adopt a new thematic resolution on protection of civilians. In addition to reaffirming previous decisions on civilian protection, it could include some of the following elements:

- signalling a stronger focus on compliance with international law by stressing the Council's determination to take action against violations, including those related to humanitarian access, through the use of targeted sanctions, establishment of commissions of inquiry, referral of situations to the ICC and other measures;
- bearing in mind that it has already adopted binding resolutions requiring all states to adopt national legislation for the prosecution of terrorist acts, to apply the same policy in respect of protection of civilians, requiring all states to adopt national legislation for the prosecution of individuals responsible for genocide, crimes against humanity and war crimes and considering the establishment of an associated Council body to assist states with capacity-building; and
- encouraging engagement with non-state armed groups as a means to enhance their compliance with international humanitarian law.

In terms of peacekeeping missions, options could include:

- expressing support for current initiatives to establish guidance for protection mandates in peacekeeping missions and stressing the importance of dialogue with key stakeholders;
- reaffirming the importance of clear, credible and achievable peacekeeping mandates that are matched with necessary resources and capacities; and
- requesting UN peacekeeping operations to systematically establish mission-wide protection strategies when relevant.

In terms of the Secretariat, options could include:

- reaffirming the importance of the aide-mémoire on protection of civilians and requesting the Secretariat to keep it regularly updated;
- requesting more systematic, consistent and detailed reporting on protection issues in the Secretary-General's country reports, including on humanitarian access and on protection strategies and implementation of protection mandates in peacekeeping missions; and
- requesting the Secretary-General, when it becomes clear that a conflict anywhere is likely to present grave risks to civilians, to present to the Council immediately an assessment of the risks in terms of application of the norms that the Council has approved relating to protection of civilians.

Finally, on other aspects options also include:

- welcoming the establishment of the informal expert group on protection of civilians;
- inviting the High Commissioner for Human Rights to brief the Council on protection issues on a regular basis;
- welcoming efforts towards an international Arms Trade Treaty as a measure to stop the flow of illicit arms fuelling conflict; and
- requesting the next thematic report of the Secretary-General to more systematically review implementation of Council decisions.

Council and Wider Dynamics

Austria has highlighted the thematic debate as a key element of its presidency. Preparations started early with an informal retreat at the Austrian resort of Alpbach in August. This ambassadorial-level gathering included Council members and other key countries, as well as high-level UN officials to discuss ways to improve effectiveness and accountability in relation to protection of civilians. Austria has also consulted widely on a possible outcome. Some had suggested that aiming for a new resolution would be risky considering the Council's difficulty in reaching agreement on resolution 1674, but there now seems to be wide support for this option. The 10th anniversary

appears to have created momentum for new action.

Current negotiations on the draft resolution have, however, revealed some long-existing divisions among Council members including about issues related to compliance and accountability, humanitarian access, protection mandates in UN peacekeeping operations, and reporting requirements. China and Russia seem cautious about proposed new language while European and Latin American members favour a more ambitious outcome. References to the ICC are also leading to complex discussions.

UN Documents

Selected Security Council Resolutions

- S/RES/1889 (5 October 2009) reaffirmed previous decisions on women, peace and security and requested the Secretary-General *inter alia* to ensure that all country reports to the Council provide information on the impact of situations of armed conflict on women and girls.
- S/RES/1888 (30 September 2009) requested the Secretary-General to appoint a Special Representative to provide leadership and strengthen UN coordination of action on sexual violence in armed conflict and to ensure more systematic reporting on sexual violence to the Council, and decided to include specific provisions on sexual violence in UN peacekeeping mandates.
- S/RES/1882 (4 August 2009) expanded the criteria for inclusion on the Secretary-General's list of violators in his reports on children and armed conflict beyond the recruitment of children to include the killing and maiming of children and/or rape and other sexual violence against children.
- S/RES/1820 (19 June 2008) called for enhanced action on sexual violence.
- S/RES/1674 (28 April 2006) reaffirmed *inter alia* 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/1325 (31 October 2000) was the resolution on women, peace and security, in particular expressing the Council's willingness to incorporate a gender perspective into peacekeeping missions, calling on all parties to protect women and girls from gender-based violence and to put an end to impunity for such crimes.
- 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/2009/24 (5 August 2009) identified areas where further discussion was needed to improve the effectiveness of peacekeeping operations and recognised *inter alia* that further debate on protection of civilians mandates was necessary, including in the Special Committee on Peacekeeping Operations.
- S/PRST/2009/1 (14 January 2009) reaffirmed previous decisions on protection of civilians and contained an updated aide-mémoire.

Selected Reports of the Secretary-General

- S/2009/277 (29 May 2009) was the seventh (and latest) report.
- S/1999/957 (8 September 1999) was the landmark first report on the issue.

Latest Council Meeting Record

- S/PV.6151 and Resumption 1 (26 June 2009)

Other

- 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.

Additional Useful Resources

- *A New Partnership Agenda – Charting a New Horizon for UN Peacekeeping*, DPKO non-paper, July 2009

Somalia

Expected Council Action

In November the Council is expecting a report on implementation of resolution 1846 of 2 December 2008 which authorised states and regional organisations to enter Somalia's territorial waters to combat piracy. A Council debate with a briefing by the International Maritime Organization is a possibility.

The anti-piracy provision of resolution 1846 and that of resolution 1851 (which expanded the authorisation to allow action on land) expire on 2 December and Council action to renew these authorisations is likely in November.

In addition, the Council is expected to hold consultations on Somalia sanctions and receive a briefing from the chairman of the Somalia Sanctions Committee, Mexican Ambassador Claude Heller. The Council decided in resolution 1844 of 20 November 2008 to review the targeted measures of the sanctions regime within 12 months of its adoption.

Key Recent Developments

In his report to the Council of 2 October, the Secretary-General concluded that there had been some progress on political and security objectives in Somalia. But he also noted that insecurity remained a critical challenge, and that the humanitarian situation had worsened dramatically. He indicated that the second phase of the incremental approach endorsed by the Council (which calls for a UN "light footprint" in Mogadishu) would be implemented through deployment of international staff on short-term missions due to security concerns. He urged the international community to fulfil pledges already made and increase its support.

On 8 October the Council was briefed by the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, and by the Director

of the UN Support Office for the AU Mission in Somalia (AMISOM), Craig Boyd. Pascoe focused on the need to support the Somali government in the key areas of security, political dialogue, piracy, development and humanitarian assistance. Boyd reported on progress in implementing the support package for AMISOM approved by the General Assembly in June 2009 (\$138 million) but noted that the security situation might slow its delivery. He also confirmed that Burundi and Uganda have offered one additional battalion each to AMISOM, while Djibouti has offered a special forces unit.

On 1 October fighting broke out in Kismayo for the first time between the two rebel groups Al-Shabaab and Hizbul Islam (which has been allies in the insurgency against the Transitional Federal Government (TFG)). Al-Shabaab claimed victory, but there were reports of continued clashes in other parts of the south. While the groups themselves seemed to play down the conflict and agreed on a truce, new fighting reportedly erupted on 21 October when Hizbul Islam attacked Al-Shabaab near Kismayo.

Civilians continued to be caught in the violence. According to the Office for the Coordination of Humanitarian Affairs, 145 people were killed in September in Mogadishu, Kismayo and Belet Weyne, and twenty were killed just in the first week of October in the fighting between Al-Shabaab and Hizbul Islam. An attack by Al-Shabaab against the Mogadishu airport on 22 October, just as Somali President Sheikh Sharif Sheikh Ahmed was preparing to board an aircraft for Uganda, reportedly killed over thirty people but left the president unharmed.

At the end of a week-long visit to Somalia, Walter Kälin, the Secretary-General's Special Representative on the human rights of internally displaced persons, on 21 October expressed shock at the level of violence against civilians. He said that serious violations against international humanitarian law and human rights law were being committed with total impunity in Somalia. He urged humanitarian agencies to shift their operations from Nairobi to relatively safe areas in Somalia like Puntland and Somaliland.

The International Maritime Bureau, in its latest quarterly report on piracy released on 21 October, concluded that there had been a significant increase in the number of global piracy attacks in 2009 compared with 2008, mostly due to piracy activity off the coast of Somalia. Worldwide, the 306 attacks so far this year have already surpassed last year's number of 293. However, there has been a decrease in the number of successful piracy attacks. Approximately one in six ships was successfully hijacked in 2008, but this was reduced to one in nine this year. A more ominous development, however, is the fact that Somali pirates have extended their reach beyond the Gulf of Aden and the eastern Somali coast to areas further out into the Indian Ocean, as well as the southern part of the Red Sea.

Human Rights-Related Developments

On 1 October the Human Rights Council (HRC) held an interactive dialogue with the Independent Expert on the human rights situation in Somalia, Shamsul Bari, to discuss his most recent report covering the period from March to August 2009. This recommended that ending impunity must be a key priority for the government and urged establishment of an independent national human rights commission. Bari emphasised that timely and tangible implementation of technical cooperation was the only viable way to solve Somalia's human rights crisis. He reiterated his characterisation of Somalia as one of the worst humanitarian crisis in the world and said that the situation had deteriorated since his last report in March. Subsequently, in a resolution, the HRC stressed the need to implement technical assistance and institutional capacity-building programmes in Somalia, urged all parties to refrain from violence against the civilian population and to actively prevent abuses of human rights. The HRC also decided to renew the mandate of the Independent Expert for one year.

Developments in the Sanctions Committee

The Somalia Sanctions Committee met on 21 October and heard the midterm briefing of the Somalia Monitoring Group. The briefing focused on overall security threats, violations of the arms embargo and obstruction of humanitarian assistance. The Committee was also briefed on political developments by the deputy Special Representative of the Secretary-General, Charles Petrie. It seems agreed that the Monitoring Group's final report is due in February 2010. (The mandate of the Monitoring Group was renewed by the Council last December, but its members were not appointed by the Secretary-General until March.) A trip to the region by the Chairman of the Committee to support the work of the Monitoring Group planned for November has apparently been postponed until early 2010 because of security and political concerns.

Key Issues

The security situation remains the key issue, along with the need for increased international support for the Somali government to build up its security forces as well as support in other key areas including political dialogue, anti-piracy measures, development and humanitarian assistance which suffers from underfunding. Ensuring support for AMISOM to reach its authorised troop level of 8,000 is also important.

Another key issue is the increase in piracy. While international anti-piracy operations clearly have had some effect, there seems to be agreement that further efforts are needed, in particular in the areas of capacity-building both on land in Somalia and to help countries in the region prosecute suspected pirates.

A related question is whether the Council should simply renew the anti-piracy measures which expire on 2 December or whether any new measures could add value. Any Council action to support new initiatives is likely to come from the International Contact Group on Piracy off the Coast of Somalia which has become the main forum for counter-piracy discussions. (Forty-five countries participated in its last meeting in September.)

A major ongoing issue is the regional context involving Djibouti, Eritrea and Ethiopia. It remains to be seen whether the Council is willing to attempt to formulate a comprehensive response to both the crisis in Somalia and its regional aspects. An initial test is its approach to outstanding sanctions issues.

In addition, new regional security concerns have emerged. Al-Shabaab recently threatened to attack the capitals of Uganda and Burundi in retaliation for the alleged shelling by AMISOM in Mogadishu on 22 October which reportedly killed over twenty civilians. While AMISOM denied the accusations Burundi and Uganda announced new security measures, including monitoring of Somalis living in their countries.

A major underlying issue is the suffering of the civilian population and the continuing deterioration in the humanitarian situation.

Options

Main options for the Council in November include:

- reinforcing the current sanctions regime for Somalia by establishing the first list of individuals and entities subject to targeted sanctions;
- expanding the sanctions regime to target violations against international humanitarian law or directed specifically against women and children (as is the case in a number of other Council sanctions regimes);
- addressing the issues relating to Eritrea, including both its role in Somalia and its non-compliance with the Council's demands in resolution 1862 on the Eritrea-Djibouti border dispute; and
- renewing the anti-piracy provisions of resolutions 1846 and 1851 and reaffirming its support for the International Contact Group on Piracy off the Coast of Somalia .

Council Dynamics

The open debate in October demonstrated that there is strong support among Council members for the current UN strategy on Somalia and much agreement on key issues. A few countries, however, most notably Uganda and China, still seem to favour a quicker transition to a UN peace-keeping force than others.

Discussions continue among Council members on Eritrea's role in the region. Some Council members, including the US and the UK, appear ready to act. It seems, however, that divisions among African countries are making it difficult for African Council members to take a position. Views also differ on whether to pursue the issue through the Somalia Sanctions Committee, which could be seen as a less confrontational approach, or establish separate measures for Eritrea.

On piracy issues, discussions among Council members have not yet started as members are awaiting the Secretary-General's report, but renewal of the anti-piracy measures is not expected to be controversial.

The UK is the lead country on Somalia in the Council.

Selected UN Documents

Selected 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/1862 (14 January 2009) demanded that Eritrea withdraw its forces within five weeks to the positions of the status quo ante in its border dispute with Djibouti.
- S/RES/1853 (19 December 2008) extended the mandate of the Monitoring Group tasked with monitoring the sanctions regime for Somalia and requested the Secretary-General to reestablish the group for a period of 12 months.
- S/RES/1851 (16 December 2008) expanded the antipiracy authorisation to include action on land in Somalia and called for enhanced coordination.
- S/RES/1846 (2 December 2008) authorised states and regional organisations to enter Somalia's territorial

waters to combat piracy for a further period of 12 months.

- S/RES/1844 (20 November 2008) imposed targeted sanctions.

Latest Secretary-General's Report

- S/2009/503 (2 October 2009)

Selected Meeting Records

- S/PV.6197 (8 October 2009) was the briefing by Under-Secretary-General for Political Affairs (B. Lynn Pascoe) and the Director of the UN Support Office for AMISOM (Craig Boyd).

Selected Presidential Statement

- S/PRST/2009/19 (9 July 2009) reiterated the Council's support for the Djibouti Peace Process and the TFG and expressed concern at foreign support of insurgents.

Other

- A/HRC/12/44 (17 September 2009) was the report of the independent expert on the situation of human rights in Somalia.
- S/2009/461 (15 September 2009) was a letter from the AU transmitting to the Council a declaration adopted at the AU Special Session on the Consideration and resolution of Conflicts in Africa held in Tripoli on 30 and 31 August.
- S/2008/769 (10 December 2008) was the latest report of the Monitoring Group for the Somalia sanctions regime.

Other Relevant Facts

Special Representative of the Secretary-General

Ahmedou Ould-Abdallah (Mauritania)

Chairman of the Somalia Sanctions Committee

Claude Heller (Mexico)

AMISOM

- *Maximum authorised strength:* 8,000 troops plus maritime and air components
- *Strength as of October 2009:* about 5,200 Ugandan and Burundian troops.
- *Duration:* February 2007 to present: AU mandate expires on 17 January 2010 and Council authorisation expires on 31 January 2010.

Lebanon

Expected Council Action

The Secretary-General's next report on resolution 1701, adopted in 2006 at the end of the conflict between Hezbollah and Israel, is due on 31 October. Council members are expected to consider the report in early November and be briefed by the UN Special Coordinator for Lebanon, Michael Williams, and the Department of Peace-keeping Operations (DPKO).

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

Key Recent Developments

On 27 October the Council was briefed on the implementation of resolution 1559 in Lebanon by the Special Envoy for that issue, Terje Roed-Larsen. (Adopted in 2004, resolution 1559 called for the withdrawal of all foreign forces from Lebanon, disarmament of all militias, and extension of the government's control over all its territory.)

On 27 August the Council adopted resolution 1884 which renewed the mandate of the UN Interim Force in Lebanon (UNIFIL) until 31 August 2010. In addition, this resolution welcomed the Secretary-General's plans to conduct a review of UNIFIL's operational capacity. At time of writing it seemed that DPKO would send a technical assessment mission in late 2009 with results of the review expected in early 2010.

The upcoming Secretary-General's report is not expected to diverge substantially from the conclusions in other recent reports. The 29 June report noted that cessation of hostilities continued to hold. It also reported the positive development in May of Israel's handover to UNIFIL of cluster munitions maps. However, Israeli overflights of Lebanese air space continued and the Israeli Defense Forces continued to patrol Ghajar, a village north of the Blue Line. Both are violations of resolution 1701. Hezbollah maintained significant military capacity in violation of resolutions 1559 and 1701.

The upcoming report is likely to describe several recent incidents in southern Lebanon which may constitute further violations of resolution 1701 by both Hezbollah and Israel, but which do not materially change the underlying situation. Williams met the head of the Arab League on 21 October to

discuss these incidents and on 28 October the Secretary-General urged all parties to exercise maximum restraint.

On 14 July a weapons cache, apparently belonging to Hezbollah, exploded in Khirbat Silim in southern Lebanon. UNIFIL conducted an investigation into the incident but found no evidence that the weapons and ammunition had been smuggled into its area of operations since 2006 (when resolution 1701 was adopted). UNIFIL shared the report on its investigation with the parties on 11 September.

On 18 July several UNIFIL soldiers were injured by stone-throwing protesters trying to stop the investigation into the 14 July explosion. On 6 August the Secretary-General signalled his concern about this obstruction to UNIFIL's freedom of movement within its areas of operations in a letter to the Council.

On 11 September two rockets were fired into Israel from Lebanese territory, reportedly by Palestinian militias. Israel retaliated by firing 12 artillery shells. A similar incident occurred on 27 October. The next day Lebanese forces found and deactivated four rockets. The incidents are under investigation by UNIFIL and Williams met with a Hezbollah official regarding the 27 October exchange of fire.

On 12 October there was an explosion in a residential building in Tayr Filsi in southern Lebanon. Media reports indicate that the building belonged to a Hezbollah member and have suggested two possible explanations: the explosion was caused by dismantling an Israeli shell left over from 2006 or a Hezbollah rocket exploded by accident. UNIFIL, in cooperation with the Lebanese Armed Forces, is investigating.

There were further explosions on 17 and 18 October. UNIFIL has said that preliminary indications are that the explosions were caused by the detonation of underground sensors, apparently placed in Lebanese territory by the Israeli Defense Forces during the 2006 war. UNIFIL is investigating. According to 19 October comments by the UN spokesperson, Israeli aircraft were hovering for prolonged periods of time over the area of the investigation. Media reports have characterised these sensors as "listening devices" and quote a Lebanese

security official alleging that two sensors were blown up by Israel via remote control after their discovery and that one sensor was destroyed by the Lebanese army.

Subsequently in comments to the media, Lebanese President Michel Sleiman on 20 October accused Israel of spying in violation of resolution 1701. Previously, in May and June Lebanese authorities had arrested several individuals suspected of spying for Israel. Lebanon sent letters to the Council detailing these arrests and considered the presence of Israeli spy networks in Lebanon a violation of resolution 1701.

Human Rights-Related Developments

Since the Commission of Inquiry on Lebanon presented its report to the Human Rights Council (HRC) on 1 December 2006, various implementation activities have been taking place involving the Office of the High Commissioner for Human Rights (OHCHR) in Geneva and its regional office in Beirut. A working group on protection, co-chaired by the OHCHR and 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. The extent of progress in these implementation activities will be apparent when Lebanon undergoes its Universal Periodic Review by the HRC on 1 December 2010.

Key Issues

The numerous incidents in southern Lebanon in recent months indicate continued violations of resolution 1701 and as such are an issue for the Council.

Related issues include the regular Israeli overflights, its occupation of Ghajar and the recent allegations of spying and the fact that Hezbollah remains armed and rockets continue to be fired into Israel.

Questions regarding possible violations of the arms embargo also continue.

The issue of Sheb'a Farms remains frozen.

An underlying issue is the absence of a Lebanese government due to the inability to agree on a cabinet, which has yet to be formed after the 7 June elections.

Options

One option is to take no action, as has been the practice since April 2008, which was the last time the Council issued a presidential statement on resolution 1701.

Others options include issuing a press or presidential statement:

- welcoming the Secretary-General's report and progress made on implementation of resolution 1701;
- urging the parties to fully meet their obligations on outstanding elements of resolution 1701; and
- encouraging the parties in Lebanon to reconcile their differences and facilitate the formation of a government (especially in light of Lebanon's upcoming membership in the Security Council in January).

Council Dynamics

Council members seem to accept that full implementation of resolution 1701 is likely only as part of a larger solution to regional issues.

Some believe that any advances in resolving the continued 1701 violations will most probably be linked to progress in US relations with Syria and Iran and with a renewal of Israeli-Syrian talks. While there have been initial attempts by the US to reengage with Iran and Syria, it is too early to determine what the effects may be in the context of Lebanon.

Regarding the UNIFIL review, it is related to the larger UK-French initiative to review all UN peacekeeping operations and is not specific to Lebanon.

Council members are increasingly concerned that a Lebanese government should be formed sooner rather than later and no doubt hope for progress on this before Lebanon joins the Council in January.

France is the lead country on Lebanon in the Council.

UN Documents

Selected Council Resolutions

- S/RES/1884 (27 August 2009) renewed the UNIFIL mandate until 31 August 2010.
- 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/2009/542 (21 October 2009) was the latest report on resolution 1559.
- S/2009/330 (29 June 2009) was the latest report on resolution 1701.

Selected Letters

- S/2009/532 (13 October 2009) was a letter from Israel regarding the 12 October explosions in Tayr Filsi.
- S/2009/458 (14 September 2009) was a letter from Lebanon regarding Israeli shelling in southern Lebanon.
- S/2009/454 (11 September 2009) was a letter from Israel regarding the 11 September launch of three rockets from Lebanese territory toward Israel.
- S/2009/407 (6 August 2009) was a letter from the Secretary-General to the Council on the UNIFIL mandate renewal including the plan for a comprehensive review of UNIFIL and the developments in the investigation of the 14 July Khirbat Silim explosions.
- S/2009/379 (23 July 2009) was a letter from Lebanon on the 14 July Khirbat Silim explosions.
- S/2009/287 (2 June 2009) and S/2009/264 (20 May 2009) were letters from Lebanon regarding the arrest of individuals suspected to be part of an Israeli spy network.

Selected Meeting Records

- S/PV.6201 (14 October 2009) and S/PV.6190 (17 September 2009) were the regular monthly Middle East

briefings including developments in Lebanon.

- S/PV.6183 (27 August 2009) was the meeting record of the Council's adoption of resolution 1884 which renewed the UNIFIL mandate to 31 August 2010.

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 Roed-Larsen (Norway)

UNIFIL Force Commander

Major-General Claudio Graziano (Italy)

Size and Composition of UNIFIL as of 31 August 2009

- *Authorised:* 15,000 troops
- *Current:* 12,235 military personnel
- *Troop Contributors:* Belgium, Brunei, China, Croatia, Cyprus, El Salvador, France, FYR of Macedonia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Luxembourg, Malaysia, Nepal, New Zealand, Norway, Poland (due to withdraw in October 2009), Portugal, Qatar, Republic of Korea, Sierra Leone, Slovenia, Spain, Tanzania and Turkey

Duration

March 1978 to present; mandate expires 31 August 2010

Cost

1 July 2009 - 30 June 2010: \$589.80 million (A/C.5/63/25)

Bosnia and Herzegovina

Expected Council Action

In November the Council expects a report from the High Representative for Bosnia and Herzegovina, Valentin Inzko of Austria. These semi-annual reports are in accordance with annex 10 of the 1995 Dayton Peace Agreement and the conclusions of the London Peace Implementation Conference of 1995.

The Council is expected to hold an open debate with a briefing by Inzko and to

reauthorise the EU Force in Bosnia and Herzegovina (EUFOR) before the expiry of its mandate on 20 November.

The debate is likely to take place after the next meeting of the Steering Board of the Peace Implementation Council (PIC) which is scheduled for 18-19 November.

Key Recent Developments

The last Council meeting on Bosnia and Herzegovina was held on 28 May. In his briefing Inzko said that of the five objectives and two conditions set by the PIC for the transition of the Office of the High Representative (OHR) to an office of the EU Special Representative, three objectives had been met (completion of the Brcko Final Award, fiscal sustainability and entrenchment of the rule of law). The remaining two objectives relate to acceptable and sustainable resolution of the apportionment of state property between state and other levels of government, and of defence property. The one outstanding condition to be met is positive assessment of the situation in Bosnia and Herzegovina by the PIC Steering Board based on full compliance with the Dayton Peace Agreement. (The other was the signing of the EU Stabilisation and Association Agreement.)

The political situation remains very difficult. Republika Srpska continues to challenge the territorial integrity of Bosnia and Herzegovina and the authority of the High Representative. On 14 May the Republika Srpska National Assembly adopted conclusions calling for the return of 68 competencies, including control of the judiciary, foreign trade and deployment of police. On 20 June the High Representative annulled these conclusions, which had taken legal effect on 19 June, invoking his so-called Bonn powers (conferred on the OHR at a PIC-meeting in Bonn in 1997, giving the High Representative powers to sack officials and annul laws), stating that they were not in line with the Peace Agreement and would undermine the division of competencies between the state and the two entities. Republika Srpska contested Inzko's decision.

On 29 and 30 June the political directors of the PIC Steering Board met in Sarajevo and issued a communiqué. It welcomed the

establishment of an inventory working group for state property, but noted that there had been no concrete progress towards reaching the PIC's remaining two objectives and expressed concern and disappointment at the level of progress since its last meeting in March.

On 18 September the Steering Board expressed concern that the operations of Elektroprivreda BiH, the state electrical company, had continued to deteriorate as a result of Republika Srpska's actions. (Its boycott of the company's management board for over a year has paralysed operations.) On the same day, the High Representative issued a decision ordering the members of the management board to appoint a new general director without delay in order for the network to resume normal functioning.

Following Republika Srpska's refusal to implement the High Representative's decision, the PIC Steering Board issued another statement on 25 September concluding that this seriously challenged the Peace Agreement. It warned that such action threatened to delay fulfilment of the conditions necessary for the OHR's closure. On 26 September, however, Republika Srpska's Prime Minister Milorad Dodik reiterated that he would not accept any decisions imposed by the High Representative and threatened that Serb representatives would leave all joint state institutions if Inzko continued to impose solutions.

On October 9 the EU and the US launched a joint diplomatic initiative aimed at breaking the political deadlock. In a meeting with key Bosnian political leaders at Butmir military camp, the EUFOR headquarters outside Sarajevo, US Deputy Secretary of State James Steinberg and Swedish Foreign Minister Carl Bildt (who was the High Representative in 1995-1997) presented a package of requirements (focusing in particular on institutional reform) and incentives offering Bosnia a path to integration into EU and NATO structures. Another high-level meeting was held on 20 - 21 October.

The package proposal was rejected by both Bosnian-Serb and most Bosnian-Croat and Bosniak leaders, and the

meetings ended without any results. Three former high representatives Wolfgang Petritsch, Paddy Ashdown and Christian Schwarz-Schilling also criticised the proposal in a joint statement, particularly for excluding the High Representative from the process. However, Steinberg and Bildt said negotiations would continue at a technical level until the November meeting of the PIC. Meanwhile, Republika Srpska's prime minister reportedly invited all Bosnian political leaders to a meeting in Banja Luka on 30 October to discuss constitutional reform without interference of international mediators. Most of the leaders reportedly rejected the invitation.

On 15 October, Bosnia and Herzegovina was elected member of the Council for a two-year term beginning in 2010. It had been endorsed by the Eastern European group and ran unopposed.

Human Rights-Related Developments

Bosnia and Herzegovina's human rights record will come under scrutiny in the Human Rights Council on 17 February 2010 under the Universal Periodic Review process. In the lead-up, human rights defenders are pressing the government on several fronts. These include improving the justice system to increase the rate of prosecutions for war crimes, increasing support for internally displaced people, making eligibility for election to the House of Peoples and the Presidency open to all communities, and ensuring the freedom of association for gay people.

Key Issues

A key issue for the Council is that the authorities in Bosnia and Herzegovina are yet to fulfil the two unmet PIC objectives and meet the requirements for the PIC Steering Board to be able to give a positive assessment of the situation. A related key concern is that this impacts on the projected closure of the OHR.

A second issue is the failure of all recent initiatives for constitutional reform that could lead to better functioning of Bosnian state structures. The new US/EU initiative seems to have met a similar fate and appears

unlikely to produce any results before the PIC November meeting.

The divisive political climate is also an issue. There seems to be increasing concern that the situation is deteriorating and that Republika Srpska might attempt to secede, a possibility which its prime minister has raised with increasing frequency.

Options

Council options include the adoption of a resolution reauthorising EUFOR for another 12 months. (This reauthorisation resolution has not been fundamentally changed since EUFOR was established in 2004.)

However, the timing of the PIC meeting (18-19 November) presents a problem in that the Council cannot wait until after that meeting to reauthorise EUFOR since its mandate expires on 20 November. In light of this situation, another possible option is a short technical rollover of EUFOR's mandate for say 3 months.

A third option is for the Council to take a more substantive and proactive interest in the issues and seek to adopt a substantive statement or resolution.

Council Dynamics

Council members seem increasingly concerned about recent developments in Bosnia and Herzegovina, but see the PIC as the main decision-making venue. Key Council members are hesitant about more Council involvement at this stage. They want to wait to see whether the joint EU/US initiative will produce any results and what will be the conclusions of the November PIC meeting.

The main differences among Council members relate to closure of OHR. While all agree that the five objectives and two conditions established by the PIC must be met, Russia has consistently called for the OHR to be shut down as soon as possible whereas other members, most notably the US and many European members, are more supportive of the OHR and do not want to see the office close prematurely. However, there appears to be a growing recognition among key Council members that a PIC decision in November to close the OHR, which seemed a possibility at the May Council debate on Bosnia, is now not likely.



UN Documents

Selected Security Council Resolutions

- S/RES/1869 (25 March 2009) welcomed and agreed to the designation of Valentin Inzko as High Representative of Bosnia and Herzegovina by the PIC Steering Board.
- S/RES/1845 (20 November 2008) reauthorised EUFOR until 20 November 2009.
- S/RES/1575 (22 November 2004) established the EU Force in Bosnia and Herzegovina (EUFOR).

Selected Council Meeting Record

- S/PV.6130 (28 May 2008) was the meeting record of the last High Representative's briefing to the Council.

Selected Letters

- S/2009/525 (8 October 2009) was the letter from the Secretary-General conveying the latest report on the activities of EUFOR from 1 June to 31 August 2009.
- S/2009/246 (13 May 2009) was the letter from the Secretary-General transmitting the most recent report of the High Representative on the implementation of the Peace Agreement.

Other

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

Useful Additional Resources

- *The Death of Dayton – How to Stop Bosnia from Falling Apart*, Foreign Affairs, September/October 2009
- *Bosnia: A Test of Political Maturity in Mostar*, International Crisis Group, 27 July 2009
- *Communiqué* of the PIC Steering Board meeting on 29 and 30 June 2009

Democratic Republic of the Congo

Expected Council Action

In November the Council will be briefed by the chairman of the Sanctions Committee on the Democratic Republic of the Congo (DRC). The Council is expected to renew the DRC sanctions and the mandate of the Group of Experts. Both expire on 30 November. The mandate of the UN Mission in the DRC (MONUC) expires on 31 December.

Also in November the Secretary-General's Special Envoy on the Great Lakes region, former Nigerian President Olusegun Obasanjo, may brief the Council on threats to security by armed groups in eastern DRC.

Key Recent Developments

On 16 October Alan Doss, the Secretary-General's Special Representative for the DRC and head of MONUC, presented the latest Secretary-General's report on DRC to the Council. He reported progress on implementation of the 23 March peace agreement between the government and *Congrès national pour la défense du peuple* (CNDP). In addition, *Forces démocratiques de libération du Rwanda* (FDLR) has been largely pushed out of populated areas.

The Congolese government's recent military operation in eastern Congo, Kimia II, supported by MONUC was aimed to reduce the threats from FDLR in North and South Kivu. However, reprisal attacks by FDLR against civilians have led to serious human rights violations and widespread displacement. Following a mission to the DRC in October the UN Special Rapporteur on extrajudicial executions, Philip Alston, reported that FDLR massacres occurred in Southern Walikali and Masisi after lack of FARDC-MONUC coordination in the Kimia II joint operation left these areas without protection. Rudia II, a joint operation by FARDC and MONUC against the Uganda rebel Lord's Resistance Army (LRA) in the north-east, also prompted reprisal attacks against civilians, including killings and abductions. Continued LRA attacks in the north-eastern provinces of Haut-Uélé and Bas-Uélé, have led to the displacement of an estimated 270,000 civilians.

Congolese President Joseph Kabila on 5 July announced a zero-tolerance policy in the military for human rights violations, including sexual and gender-based violence. In Doss's October briefing he noted that the government had taken action against five military officers accused of rape by removing them from command to face prosecution. During their visit to the country in May, Council members had handed over the officers' names to top DRC officials.

The Group of Experts has reported repeated sanctions violations by armed groups in the eastern DRC. The Group has collected information related to FDLR operations. It has also analysed the integration of the CNDP and Mai-Mai militias into the national army, as requested in December 2008 by resolution 1857. In addition, the Group investigated possible arms shipments to the DRC by exporting countries which had not notified the Sanctions Committee.

In May the Group of Experts reported continued operations by armed groups in South Kivu, ongoing militia activities in Ituri, and LRA attacks in north-eastern DRC. The FDLR had expanded its control over mining sites in South Kivu, and continues to exploit cassiterite, gold and other minerals. The Group also reported that cross border recruitment of children by FARDC and Mai Mai as they confirmed children integrated into military units eastern DRC.

The final report of the Group of Experts in November seems likely to include information related to:

- arms shipments to the DRC by exporting countries which have not notified the Committee;
- travel and financial measures imposed against individuals and entities on Committee's list;
- violations of international humanitarian law;
- impediments in the disarmament process;
- recruitment of child soldiers;
- obstruction of humanitarian access in eastern DRC; and
- linkage between the exploitation of natural resources and the financing of illegal armed groups.

Resolution 1857, which in December 2008 renewed the sanctions and extended the Group of Experts' mandate also recognised the relationship between illegal exploitation of natural resources and the proliferation and trafficking of arms as a major factor fuelling conflicts in eastern DRC. The Secretary-General's report in September noted that MONUC had uncovered several arms supplies suspected to have been hidden by FDLR in collaboration with local Mai-Mai militia. In addition, Congolese customs authorities discovered an illicit cassiterite shipment at the border near Bukavu.

In July, Global Witness reported that western mineral firms have helped to fuel violence in the DRC by failing to check where their raw materials come from. In eastern DRC, various rebel groups and government forces draw profits from the trade in minerals, including coltan, cassiterite and gold. Global Witness reported that companies sourcing minerals used in electronics are buying them from traders, thereby helping to finance rebel and government forces responsible for violence in the DRC.

Human Rights-Related Developments

The Human Rights Council will conduct its Universal Periodic Review of the DRC on 3 December. Areas likely to come under scrutiny include those discussed in the HRC earlier this year following reports on eastern DRC by the UN High Commissioner for Human Rights, Navi Pillay, and seven Special Rapporteurs and Secretary-General's Representatives. Pillay cited serious violations of human rights in eastern DRC, including arbitrary executions and sexual violence. In their report, the seven Special Rapporteurs identified eight priority objectives and technical assistance needs. These include fighting impunity, strengthening justice, reinforcing the law enforcement and security sectors, preventing the recruitment of children by armed groups, protecting women's rights, promoting gender equality and building up state and civil society structures to protect human rights.

Key Issues

The key issue for the Council continues to be the fragile situation in the eastern provinces of North and South Kivu. A related issue is ongoing difficulties in the integration of demobilised armed groups into the national army, a process which has lacked appropriate vetting of those responsible for the most serious crimes.

Another issue is the ongoing lack of civilian protection as serious human rights violations and widespread internal displacement continues, often linked to military operations.

A related issue is how to develop more effective actions that can be taken against the FDLR, the LRA and other rebels that continue to target civilians in the eastern part of the country. As the latest Group of Experts report noted, it has been difficult to hold perpetrators accountable through the use of targeted sanctions given that their identities are rarely reported.

An underlying issue is the need for the Congolese government to reform its security sector and in this process to prioritise protection of civilians, and implement a long-term plan for the return of IDPs, who continue to be displaced by conflict.

Options

Options for the Council include:

- renewing the mandates of Sanctions Committee and Group of Experts for additional year;
- initiating early consultations on the humanitarian situation and protection of civilians in DRC in preparation for the expected renewal of MONUC's mandate in December including convening an Arria formula meeting to get NGO input; and
- adding individuals and entities to the sanctions list to send a strong signal of following up recent Council action on sexual violence.

Council Dynamics

It appears that most Council members are concerned about continuing violations of the arms embargo, exploitation of natural resources, the recruitment and use of children by armed groups and sexual violence.

In light of the resolution 1888 on sexual violence, adopted 30 September, and the

upcoming 10th anniversary of resolution 1325 on women, peace and security, some Council members seem likely to push for more focus on sexual violence in the work of the Sanctions Committee and Group of Experts.

Some Council members seem to be thinking again about when to begin drawing down the UN presence in the DRC. There is pressure from some major contributors to cut peacekeeping costs. But members are also aware of the fragility of the situation. Some feel that the first priority should be a focused strategy to deal with insecurity in eastern DRC and threats posed to civilians by the FDLR and the LRA.

UN Documents

Selected Security Council Resolutions

- S/RES/1857 (22 December 2008) renewed sanctions regime and extended the Group of Experts' mandate to 30 November.
- S/RES/1856 (22 December 2008) renewed MONUC's mandate.
- S/RES/1843 (20 November 2008) authorised the temporary deployment of an additional 3,085 troops to reinforce MONUC's capacity.
- S/RES/1807 (31 March 2008) lifted the arms embargo for government forces, strengthened measures related to aviation and customs.

Latest Presidential Statements

- S/PRST/2008/48 (22 December 2008) welcomed regional efforts to address the security threat posed by the LRA.
- S/PRST/2008/40 (29 October 2008) condemned the offensive by the CNDP in eastern DRC and noted the request for reinforcement of MONUC.
- S/PRST/2008/38 (21 October 2008) expressed concern about the resurgence of violence in eastern DRC and requested a comprehensive analysis of the situation.

Secretary-General's Report

- S/2009/472 (18 September 2009)
- S/2009/335 (30 June 2009)

Other

- S/PV. 6203 (16 October 2009) was the verbatim record briefing by the Secretary-General's Representative, Alan Doss.



- SC/9703 (10 July 2009) was the latest Council press release on the DRC.
- S/PV.6159 (10 July 2009) was the verbatim record of the briefing by the Secretary-General's Representative, Alan Doss.
- S/2009/253 (4 May 2009) was the latest report of the Group of Experts on the DRC.
- SC/9608 (3 March 2009) was the press release on the addition of four individuals to the assets freeze and travel ban list by the DRC Sanctions Committee.
- S/2009/105 (19 February 2009) was the letter from the Secretary-General on the revised concept of operations and rules of engagement for MONUC.
- S/2009/52 (27 January 2009) was a letter from the Secretary-General about difficulties being encountered in attempts to secure additional troops and capacities for MONUC.
- SC/9576 (16 January 2009) expressed concern about LRA activities.
- S/2008/791 (15 December 2008) was the response from Rwanda to the accusations of the DRC Group of Experts
- S-8/1 (1 December 2008) was a resolution on DRC adopted by the Special Session of the Human Rights Council.

Other Relevant Facts

Chairman of the DRC Sanctions Committee

Ambassador Ertuğrul Apakan (Turkey)

Group of Experts

- Christian B. Dietrich, USA (aviation)
- Claudio Gramizzi, Italy (arms)
- Dinesh Mahtani, UK (finance expert and coordinator)
- Mouctar Kokouma Diallo, Guinea (customs expert)
- Raymond Debelle, Belgium (regional expert)

Special Representative of the Secretary-General and Head of Mission
Alan Doss (UK)
MONUC Interim Force Commander
Lieutenant General Babacar Gaye (Senegal)
Size, Composition and Cost of Mission
<ul style="list-style-type: none"> <i>Strength:</i> 18,638 troops, 705 military observers, 1,089 police, 1,006 international civilian personnel (from 31 August 2009) and 2,539 local civilian staff, 615 UN volunteers (from 30 June 2009) <i>Approved budget</i> (1 July 2009-30 June 2010): \$1,350.00 million
Duration
30 November 1999 to present; mandate expires on 31 December 2009

Nepal

Expected Council Action

In early November the Council is expected to discuss the Secretary-General's latest report on the implementation of resolution 1879 and the progress in creating the conditions to complete the mandate of the UN Mission in Nepal (UNMIN). Resolution 1879 also extended UNMIN's mandate till 23 January 2010.

Karin Landgren, the Secretary-General's Representative in Nepal and head of UNMIN is expected to present the report. No action is required following the briefing but given the proximity of the end of the mandate the Council may discuss possible action needed before 23 January.

Key Recent Developments

There have been regular Maoist protests since May when Pushpa Kamal Dahal (formerly known as Prachanda) resigned as prime minister. The biggest demonstration so far, involving 15,000 protestors, took place on 11 September. On 23 October the Maoists gave the government till 1 November to meet their demands for a parliamentary debate on civilian supremacy and the role of president Ram Baran Yadav in reinstating former army chief Rookman-gud Katawal after Dahal's Maoist-led government sacked him. They have

announced disruptive street protests from 2 November if their demands are not met.

The Maoists have also been blocking the parliament since Katawal was reinstated. As a result the annual budget has not been passed and reports suggest that the government could run out of money by mid-November.

On 23 October, Kathmandu-based representatives of the permanent member states of the Council and Japan visited a weapons store and a cantonment with Landgren. This was the first collective visit by the ambassadors to a cantonment and weapons storage site in Nepal.

On 11 October the discharge and rehabilitation of former Maoist fighters, including 3,000 child soldiers, was relaunched and is expected to be complete on 19 November. The process had stalled for several months due to a widening rift between the Communist Party of Nepal-Unified Marxist-Leninist (UML) and the Unified Communist Party of Nepal-Maoist (UCPN-M), which is now the main opposition party. A high-level Steering Committee and a technical committee have been formed to oversee the process.

On 1 September the Army Integration Special Committee for supervision, rehabilitation and integration of Maoist combatants met for the first time since Dahal's resignation as prime minister. On the same day, the Constitutional Committee tasked with preparing the final constitution draft from the submissions of 11 thematic committees met for the first time since the new government was formed.

On 7 October Defence Minister Bidhya Bhandari, in a parliamentary briefing, said that the Comprehensive Peace Agreement (CPA) needed to be revised as some provisions prevented strengthening the Nepal Army. She also sought support for new recruitment to fill vacant posts. Landgren in a meeting with Prime Minister Madhav Kumar on 22 October expressed concern over these remarks.

On 24 August 19 armed ex-Maoist soldiers verified as combatants were arrested outside of cantonments in Kapilvastu district with weapons registered by UNMIN. In a 25 August press statement the UN expressed

"serious concern" at the incident which violated the 2006 Agreement on the Monitoring of the Management of Arms and Armies.

Human Rights-Related Developments

The establishment of justice institutions has been delayed, and the deadline has lapsed for approval of a framework for a commission of inquiry into enforced disappearances. Other areas of concern are ongoing political violence and the use of children by political parties during strikes and demonstrations. The representative of the UN High Commissioner for Human Rights in Nepal has written to the chair of the Maoist party calling for immediate action to ensure the party's full cooperation with police investigations into human rights violations allegedly committed by Maoist cadres.

A report, including a section on Nepal, by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, was issued at the last session of the Human Rights Council. It recommended that proposals for the design of a new federal structure in Nepal should advance the self-determination of indigenous people embodying the right to autonomy or self-government in relation to their own affairs.

Key Issues

The key issue for the Council is the atmosphere of uncertainty which is impacting on whether UNMIN will be able to complete its arms monitoring task.

A related practical issue is whether UNMIN has now downsized to a point where it might not be able to effectively carry out its monitoring role if the situation becomes more complex.

Another connected issue is the slow progress in the work of the Army Integration Special Committee and how the Council can encourage it to move more rapidly towards the reintegration of the two armies.

Also an issue is the uncertainty about the Nepal government's position on UNMIN's role in the lead up to the end of its current mandate on 23 January.

An underlying issue is the stability of the new government led by UML and made up of 22 political parties. At press time the government was still not fully formed.

Related is the stalemate between the parties in parliament which could result in the budget not being passed by mid-November. The civil service could be paralysed due to lack of funds.

Several other issues are significant, including the effect of the divisions between government coalition partners on the peace process and upholding the CPA in an increasingly fraught political climate.

Security issues of concern include whether the regular protests by Maoists could lead to a renewed insurrection by Maoist factions who have not given up the idea of a revolution and whether the army may begin recruiting again and how UNMIN should react to this in the context of the CPA.

It is unclear whether the release of former child combatants will be carried out in a way that conforms to the UN's guidelines for demobilisation, disarmament and reintegration of child soldiers.

A major question is what the Council can do to keep the constitutional process on track for the deadline of the end of May 2010.

A future issue is how to restructure UNMIN for the needs of a post-conflict society and when to begin discussing how to move into the peacebuilding phase.

Options

The most likely option is for the Council members to have a general debate on progress and prospects for creating conditions conducive to UNMIN completing its activities by the end of its mandate.

Other options include:

- welcoming progress made in preparing for the discharge of disqualified combatants and the resumption of work of the Special and Technical Committee and the Constitution Committee but emphasising the need for a clear time-frame for the completion of these committees' activities;
- conveying concern that recent statements about reviewing the CPA could

jeopardise the peace process;

- requesting the Secretary-General to obtain an early indication from the Nepal government on whether it will request an extension of UNMIN's mandate in January 2010;
- requesting the Secretary-General to provide a special report by mid-November on scenarios for UNMIN's future, assessing it against possible political developments and agreeing to discuss options for UNMIN's future based on this report;
- suggesting an informal interactive dialogue session (similar to that used for Sri Lanka) among the Council, UNMIN officials and representatives of the Nepal government. (This might provide a more informal format for Council to collectively convey the need for the Nepal government to move swiftly in creating the necessary conditions for UNMIN's departure.);
- considering the involvement of the Mediation Support Unit in helping to improve interparty dialogue;
- suggesting formation of an informal group led by the Secretary-General comprising parties with an interest in the peace process, including Nepal's neighbours and key donors to discuss scenarios following UNMIN's exit; and
- discussing the possibility of a Council visit before the end of UNMIN's mandate to obtain a better understanding of the situation.

Council Dynamics

There is a rising level of frustration with the slow progress in areas that are crucial for UNMIN to complete its mandate. Given the political fragility, most Council members feel that there is little room to manoeuvre but are searching for alternatives to another six-month extension in January 2010. Most members are not keen to see UNMIN's mandate dragging on in a limited arms monitoring role, particularly at a time when peacekeeping costs are being closely scrutinised.

Members are beginning to think about the options for UNMIN leading up to the end of its current mandate. Some like France are



leaning towards further consolidation and a lighter footprint as a way of sending a message to the authorities. Others wonder if a different mandate with a political role may be needed instead.

An expansion of UNMIN as it is presently appears difficult. Members like China and Russia have not changed their position that the mandate should be limited. China also feels that Nepal needs to sort out its political differences in its own way.

Some members are aware of a need to involve countries with a keen interest in this issue but are grappling with the best way of doing this.

UN Documents

Security Council Resolutions

- S/RES/1879 (23 July 2009) extended UNMIN until 23 July 2009.
- S/RES/1740 (23 January 2007) established UNMIN for 12 months.

Selected Reports of the Secretary-General

- S/2009/351 (13 July 2009) was the July Secretary-General's report reviewing progress in the peace process and implementation of UNMIN's mandate.
- S/2009/1 (2 January 2009) was the report of the Secretary-General on the request of Nepal for UN assistance in support of its peace process.

Selected Meeting Records

- S/PV.6119 (5 May 2009) was the meeting record of the 24 April Secretary-General's report.

Other

- S/2009/360 (14 July 2009) contained Nepal's request for an extension of UNMIN.
- S/PRST/2009/12 (5 May 2009) expressed concern about the political crisis in Nepal.

Other Relevant Facts

Representative of the Secretary-General and Head of Mission

Karin Landgren (Sweden)

Size and Composition

About 275 including about 73 arms monitors

Duration

23 January 2007 to 23 January 2010

Useful Additional Resources

- *Still Waiting For Justice: No End to Impunity in Nepal*, Human Rights Watch, October 2009
- *Nepal's Political Future: In Whose Hands?* Asia Report No. 173, 13 August 2009
- *UN Support for Peacebuilding: Nepal as the Exceptional Case*, CMI Working Paper, May 2009

Sudan/Darfur

Expected Council Action

In November the Council is due to discuss the Secretary-General's report on the AU-UN Hybrid Operation in Darfur (UNAMID). It is expected to provide an update on the political process, security and humanitarian situation in Darfur. The mandate of UNAMID expires on 31 July.

Key Recent Developments

On 24 July the Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, briefed the Council on developments in Darfur. He stated that failing to implement the Comprehensive Peace Agreement (CPA) in Sudan would lead to crisis throughout the country causing further suffering for vulnerable populations. In addition, he noted that insecurity near the border with Chad is hindering the Darfur peace process. The Secretary-General's report in October on the UN Mission in the Central African Republic and Chad (MINURCAT) also referred to the impact of insecurity and Sudan-Chad tensions on populations on either side of the border.

On 21 October the Under-Secretary-General for Field Support, Susana Malcorra, visited UNAMID headquarters in El-Geneina, West Darfur. She encouraged UNAMID forces to defend the mission's

staff and civilians in Darfur according to the mission's mandate, while recognising the changing environment and threats. The Secretary-General's report in July highlighted challenges facing UNAMID in implementing its mandate. While noting the decrease in large-scale conflict, it underscored the unpredictable and continued instability.

Peacekeepers and humanitarian personnel continue to face security challenges. On 28 September, a convoy carrying UNAMID civilian and military personnel was attacked in El Geneina, West Darfur, which killed a Nigerian peacekeeper and left two others seriously injured. On 27 October ten people were killed during clashes between Zaghawa and Birgid tribes in Shangil Tobaiya in south of the North Darfur capital of El-Fasher. On 22 October, a staff member from International Committee for the Red Cross was kidnapped. On 17 September, gunmen carjacked two trucks carrying food from El Obeid to El Daein, South Darfur, for the World Food Programme. They abducted the two drivers, who were later released.

Two staff members of the international humanitarian organization GOAL, who had been abducted from their compound in Kutum, North Darfur by armed men on 3 July, were released on 18 October. Two civilian staff members working for UNAMID, taken in late August from West Darfur, remain missing.

On 19 October UNAMID reported a military build-up in North Darfur, with increased military activities by the Sudanese government and Sudan Liberation Army/Abdul Wahid Faction (SLA/AW) forces in Sortony and Kabkabiya. On 18 September, clashes between the Sudanese army and anti-government militias in Korma, North Darfur led to civilian casualties, with civilians in the area fleeing their villages.

Peace-Process

In recent months, the international community has increased efforts to reactivate the Sudan peace process. On 6 October, a meeting was held in Moscow focusing on resumption of Doha talks and implementation of the CPA. On 19 October, the US announced a revised policy framework,

which simultaneously focuses on ending the conflict in Darfur and supporting implementation of the CPA.

Sudan and Chad have also initiated direct dialogue. On 10 October, a Sudanese presidential adviser met Chadian President Idriss Déby and expressed Khartoum's willingness to improve ties with N'djamena. The Sudanese government agreed to remove Chadian rebels from the joint border, and Déby agreed to allow Sudan to verify the presence of Darfur rebels in Chad.

Discussions continue on Sudan's 2010 elections, the 2011 referendum on independence for South Sudan and Darfur's participation in these processes. Meanwhile, Sudan is strengthening its borders with neighbouring countries. On 20 October, the issue of the disputed border region with Egypt arose as Sudan's electoral commission announced that the residents of the Red Sea border area of Halayeb will be allowed to register and vote during the election. Last year, Egyptian authorities blocked Sudanese census agents wanting to conduct registration in the area, and stated that it was an integral part of Egypt. While there have been no direct talks on the issue, it is likely to come up in the months ahead as elections approach.

On 8 October, the AU Panel on Darfur (AUPD) headed by former South African President Thabo Mbeki submitted its report to the Chair of the AU Commission. During their mission the panel met Sudanese President Omar al-Bashir, senior government officials, representatives of armed movements, members of civil society, tribal leaders, internally displaced persons and leaders of neighbouring states. The Panel's report highlighted the need to address justice and reconciliation, promoting dialogue among Darfurians, support for humanitarian assistance, reengaging political processes to solve the conflict and mobilising subregion countries to address Sudan-Chad tensions.

On 25 October, President al-Bashir formed a committee headed by Second Vice President Ali Osman Taha to review the findings of the AUPD while finalising the government's response, to be shared at the

AU Peace and Security Council meeting which began on 29 October.

On 19 October the International Criminal Court (ICC) opened its confirmation hearing against Bahr Idriss Abu Garda, the first Darfur rebel suspect to appear before the ICC. He is accused of three war crimes allegedly committed against the AU peace-keeping mission in Sudan in 2007. At the confirmation hearing, the ICC Prosecutor is required to support each charge with sufficient evidence to establish substantial grounds to believe that the suspect committed the crime charged. If the charges are confirmed, the case will then be transferred to a Trial Chamber of the ICC.

On 13 October, the Council extended the mandate of the Darfur Sanctions Panel of Experts for another year through resolution 1891.

Human Rights-Related Developments

On 2 October, following a narrow decision at the June session, the Human Rights Council (HRC) appointed Mohamed Chande Othman as Independent Expert on the situation of human rights in Sudan. In response, Sudan said it regretted a lack of recognition in the HRC of positive developments in Sudan such as the establishment of a national committee on human rights, the carrying out of a census and ratification of the Convention on the Rights of the Child.

Key Issues

An ongoing issue for Council members is the difficulty faced by UNAMID as it develops a comprehensive strategy to protect civilians within its mandate in a politically changing environment marked recently by attacks against peacekeepers and aid workers.

Another key issue is the peace process, including the role of regional countries and Council members in pushing the parties to move forward and commit to the Doha peace process and addressing Sudan and Chad tensions. A related issue is the role the Council can play in accelerating these processes.

Options

Options include:

- going beyond a simple briefing and taking an active approach supporting UNAMID as it fully engages all stakeholders to resolve the crisis and support the peace process;
- taking action supporting the activities of the Joint Chief Mediator in his efforts working with all parties especially on key issues related to the May 2009 Doha agreement between Chad and Sudan;
- adopting a statement supporting a more inclusive peace process, through enhancing the role of civil society groups including women-led organisations, community groups and tribal leaders, as a way to reach the whole population in Darfur; and
- requesting UNAMID to develop benchmarks and timelines to measure progress in implementing its mandate.

Council Dynamics

Council members seem largely agreed on the linkage between the Darfur crisis, the Darfur peace process implementation of the CPA, and the need to resolve the conflict between Sudan and Chad. They also recognise the critical role that neighbours play in moving the various parties to the negotiation table.

However, there are differences about what to do next. While most members see that overall insecurity persists and are inclined to be more active, others believe that large-scale conflict is decreasing and that a hands off approach is preferable. Some are arguing that a balance between these viewpoints might be achieved in the Council by focusing on protection of civilians and facilitation of humanitarian assistance.

Some Council members support urging the Sudanese government to address the issue of peace and justice in a manner consistent with resolution 1593 (which in 2005 referred the situation in Darfur to the ICC). But there are also some members that stress the importance of the recommendations of the AU High-level Panel and suggest these might be a step in addressing peace and justice in Sudan while facilitating mediation efforts.

The UK is the lead country on Sudan in the Council.



UN Documents

Selected Security Council Resolutions

- S/RES/1881 (30 July 2009) renewed UNAMID for a further year.
- 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 Statement

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

Selected Secretary-General's Reports

- S/2009/391 (28 July 2009) was the report on possible UN support for the upcoming elections in Sudan.
- S/2009/357 (14 July 2009) was a report on UNMIS.
- S/2009/352 (13 July 2009) was a report on UNAMID.
- S/2009/297 (9 June 2009) was a report on UNAMID.
- S/2009/211 (17 April 2009) was a report on UNMIS.

Selected Security Council Meeting Records

- S/PV.6170 (24 July 2009) was the briefing by Under-Secretary-General for Peacekeeping Operations Alain Le Roy to the Council regarding the Secretary-General's reports in July on UNMIS and UNAMID.
- S/PV.6139 (11 June 2009) was the briefing of Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator John Holmes to the Council.
- S/PV.6135 (5 June 2009) was the briefing of ICC Prosecutor Luis Moreno-Ocampo to the Council.

DPRK (North Korea)

Expected Council Action

The chairman of the 1718 Sanctions Committee on the Democratic People's Republic of Korea (DPRK) is expected to brief the Council in November.

The interim report of the Committee's Panel of Experts is scheduled to be submitted by 11 November. The Council extended the deadline for the report by sixty days in September, when it was originally due.

At time of writing no Council action was expected.

Key Recent Developments

According to media reports on 16 October, the US decided to issue a visa to allow a senior DPRK official to visit New York. (The US has generally limited the issuance of visas to DPRK nationals.) The official is involved with negotiations on the country's nuclear programme. The visit may be an initial step toward bilateral talks between the two nations.

The DPRK expressed to Chinese Premier Wen Jiabao on 5 October a willingness to return to the multilateral six-party talks on its nuclear programme if the US were willing to engage with the country bilaterally as well. The six-party talks include the DPRK, China, Japan, the Republic of Korea (South Korea), Russia and the US. The US has in the past declined to participate in direct bilateral talks.

On 15 October the DPRK claimed that South Korean warships had crossed into its waters, and warned that this might trigger a military clash between the two countries. South Korea denied that any of its ships had entered DPRK waters.

On 14 October the DPRK expressed regret for the deaths of six South Koreans killed on 6 September in floodwaters released upstream by the DPRK. The DPRK claimed that the release of water had been a necessary emergency measure, but it also assured South Korea that it would be notified of similar releases of water in the future.

On 12 October, the DPRK tested a number of short-range missiles off its eastern coast.

- S/PV.6131 (28 May 2009) was the briefing on the Council Mission to Africa, 14 to 21 May 2009.
- 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/2009/369 (16 July 2009) was a letter from Sudan informing the Council of Chadian bombing incidents in Darfur.
- 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 Peace and Security Council communiqué on the ICC arrest warrant for President Bashir.
- S/2009/100 (18 February 2009) was the Agreement of Goodwill and Confidence-Building for the Settlement of the Problem in Darfur.

Other

- AU/Dec.245(XIII) (3 July 2009) was the decision of the AU Assembly about non-cooperation with the ICC.
- A/HRC/11/L.17 (18 June 2009) was a resolution from the Human Rights Council establishing the mandate for the Independent Expert on human rights in the Sudan.
- A/HRC/11/14 (June 2009) was the report of the Special Rapporteur for Sudan to the Human Rights Council.
- 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 Organisation of the Islamic Conference.
- 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.
- A/HRC/RES/9/17 (9 October 2008) extended the mandate of the Special Rapporteur for Sudan to June 2009
- A/HRC/RES/7/16 (27 March 2008) was a resolution on the situation of human rights in Sudan.

- A/HRC/RES/6/35 (14 December 2007) established the Group of Experts on the situation of human rights in Darfur.
- A/HRC/RES/6/34 (14 December 2007) established the mandate of the Special Rapporteur for Sudan.

Other Relevant Facts

UNAMID: Joint AU-UN Special Representative for Darfur

Henry Anyidoho (Ghana, Acting)

Joint AU-UN Chief Mediator

Djibril Yipènè Bassolé (Burkina Faso)

UNAMID: Force Commander

Lieutenant General Patrick Nyamvumba (Rwanda) (as of 1 September)

UNAMID: Size, Composition and Cost

- *Maximum authorised strength:* up to 19,555 military personnel, 3,772 police and 19 formed police units (total police 6,432)
- *Main troop contributors:* Nigeria, Rwanda, Egypt and Ethiopia
- *Military Strength as of 31 August 2009:* 14,659 military personnel
- *Police Strength as of 30 June 2009:* 3,941 police personnel
- *Cost:* 1 July 2009 - 30 June 2010: \$1,598.94 million

UNAMID: Duration

31 July 2007 to present; mandate expires 31 July 2010

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

Ashraf Jehangir Qazi (Pakistan)

UNMIS: Size, Composition and Cost

- *Maximum authorised strength:* up to 10,000 military and 715 police personnel
- *Strength as of 31 August 2009:* 9,723 troops, 485 observers; and as of 28 June 2009: 192 staff officers and 693 police advisers (as of 31 August)
- *Main troop contributors:* India, Pakistan and Bangladesh
- *Cost:* 1 July 2009 - 30 June 2010: \$958.35 million

UNMIS: Duration

24 March 2005 to present; mandate expires 30 April 2010

Sanctions Committee Chairman

Thomas Mayr-Harting (Austria)

On 9 October, President Lee Myung-Bak of South Korea and newly elected Prime Minister Yukio Hatoyama of Japan held a joint news conference in which they expressed unity in confronting the DPRK over the nuclear and ballistic-missile issues. The two leaders said they remained resolute about enforcing existing Council resolutions, while pursuing increased dialogue and a diplomatic solution based on the six-party talks. They warned that unless a significant change in behaviour becomes apparent, economic cooperation with the DPRK would be counterproductive. Their joint stance was consistent with the statement made by Hatoyama to the UN General Assembly on 24 September.

On 28 September the DPRK vice foreign minister, Pak Kil Yon, addressed the General Assembly. He asserted that the DPRK's nuclear arsenal was for defensive purposes and that the country would act to prevent any nuclear proliferation. His address followed the Council meeting on nuclear issues chaired by US President Barack Obama on 24 September, where the Council unanimously approved resolution 1887. This resolution reaffirmed that the proliferation of nuclear weapons and their means of delivery are threats to international peace and security, and supported a renewed commitment to nuclear arms reductions and disarmament. While not specifically naming the DPRK, the resolution reaffirmed resolutions related to the DPRK's nuclear weapons and missile programmes and to its non-proliferation obligations, including 825 (1993), 1695 (2006), 1718 (2006) and 1874 (2009).

On 14 September the Council held consultations on DPRK sanctions. The Council extended the deadline for the interim report of the 1718 Committee's Panel of Experts, and heard that the Committee continues to investigate an alleged shipment of arms from the DPRK to Iran. That shipment was seized by the United Arab Emirates (UAE) on 14 August. The ship, the *ANL-Australia*, was flying the Bahamas flag though it is Australian-owned. The UAE reported the incident to the 1718 Committee, which subsequently sent let-

ters to the DPRK and Iran on 25 August informing them of the seizure and requiring a response within 15 days. Such an arms shipment would mean that both the DPRK and Iran were in violation of resolution 1874, which on 12 June reinforced and expanded the ban on all arms exports from the DPRK and authorised states to search ships and seize prohibited items.

On 8 September the US froze the assets of the DPRK's General Bureau of Atomic Energy and a corporation believed to facilitate the country's missile programme.

On 3 September the DPRK's Permanent Representative to the UN wrote to the Council rejecting the validity of sanctions imposed against it and stating that it would not respond to requests for information made by the 1718 Committee. The letter said the DPRK was continuing to weaponise plutonium, and that "[e]xperimental uranium enrichment has been successfully conducted to enter into the completion phase".

Human Rights-Related Developments

On 22 October Vitit Muntarbhorn, UN Special Rapporteur on the situation of human rights in the DPRK, presented his latest report to the Social, Humanitarian and Cultural Affairs Committee (Third Committee) of the General Assembly. He reported significant shortfalls in fundamental freedoms from the angles of freedom from want, freedom from fear, freedom from persecution and freedom from exploitation. As much as one-third of the population suffers from chronic hunger, and the entrenchment of a non-democratic system has facilitated an ongoing pattern of torture, executions and abductions.

On 7 December, the DPRK's human rights record will come under scrutiny in the Human Rights Council (HRC) under the Universal Periodic Review process. Earlier this year, the HRC expressed serious concern at human rights violations in the DPRK and urged it to engage fully and positively with the HRC during the periodic review process.



Key Issues

A key issue for the Council is whether the DPRK will return substantive negotiations on its nuclear programme and the ongoing role if any for the Council.

Another key issue is the Sanctions Committee's Panel of Experts, authorised in resolution 1874. At press time the Chinese member of the Panel had not yet arrived in New York. While this is not expected to prevent the production of the interim report, it may affect work to some degree. While this is not expected to prevent the production of the interim report, the Panel's lack of members may affect its work to some degree.

Moreover, the Committee and the Panel will need to establish how work will proceed. (Resolution 1874 requests the Panel *inter alia* to "gather, examine and analyze information" regarding incidents of non-compliance.) A related issue for the Committee will be whether to designate additional entities or individuals as subject to the sanctions regime.

Council and Wider Dynamics

It is expected that the 1718 Committee briefing will address the alleged arms shipment on the *ANL-Australia*, which is under investigation by the Committee and its Panel of Experts, and will outline plans for outreach to member states.

While the 1718 Committee was somewhat limited in its activities until earlier this year, most Council members seem to agree that a more active Committee is desirable. However, there also appears to be a shared recognition by Council members that developments on the diplomatic front, in terms of the six-party talks and bilateral engagement with the US, could be a determining factor when considering whether further Council action is desirable.

UN Documents

Selected Council Resolutions

- S/RES/1887 (24 September 2009) was the resolution on nuclear non-proliferation and disarmament adopted at the meeting chaired by US President Obama.
- S/RES/1874 (12 June 2009) condemned the DPRK's 25 May underground 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.
- S/RES/1695 (15 July 2006) condemned the DPRK's launch of ballistic missiles.
- S/RES/825 (11 May 1993) called on the DPRK to reconsider withdrawing from the Nuclear Non-Proliferation Treaty (NPT) and to honour its non-proliferation obligations under the NPT.

Selected 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/2009/443 (3 September 2009) was the letter from the DPRK to the Council stating it had entered the final stage of enriching uranium.
- S/2009/416 (12 August 2009) was the letter from the Secretary-General informing the president of the Council about his appointment of a Panel of Experts for the 1718 Sanctions Committee.
- 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.

Other Relevant Facts

Acting Chairman of the 1718 Sanctions Committee

Fazli Corman (Turkey)

Useful Additional Sources

- Joel S. Wit, *US Strategy Towards North Korea: Rebuilding Dialogue and Engagement*, US-Korea Institute at Johns Hopkins School of Advanced International Studies (SAIS) and the Weatherhead East Asian Institute at Columbia University, October 2009.

Guinea-Bissau

Expected Council Action

In November the Council is expected to consider the next report of the Secretary-General on the UN Peacebuilding Support Office in Guinea-Bissau (UNOGBIS). (The mandate of UNOGBIS expires on 31 December. It will be succeeded by the UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) with an initial mandate period of 12 months, as authorised in June by resolution 1876.)

Key Recent Developments

Political violence against high-profile personalities in Guinea-Bissau resurged on 5 June when armed men killed presidential candidate Baciro Dabó and Helder Proença, a former government minister and member of parliament, as well as his driver and a bodyguard. The local authorities later said that both politicians had been resisting arrest over involvement in an alleged coup attempt. (These killings followed the assassination of the president and head of the army in March.)

On 9 June the Council issued a press statement:

- expressing concern over the resurgence of political violence and condemning the killings;
- calling on the government of Guinea-Bissau to bring to justice those responsible for those violent acts and emphasising the importance of the fight against impunity in Guinea-Bissau; and
- calling on the international community to work closely with the government to support the investigations into the pattern of killings of high-profile personalities in the country, and to ensure the holding of free, fair and transparent presidential elections.

(Similar condemnations of the assassinations came from the Secretary-General, the Economic Community of West African States (ECOWAS), the AU, the Community of Portuguese-Speaking Countries (CPLP) and the EU.)

On 23 June the Council was briefed by the head of UNOGBIS, Joseph Mutaboba, on the Secretary-General's report on the mission and the political and military tensions in the wake of the March and June assassinations. Mutaboba indicated that there was widespread scepticism in the country over reports that Dabó and Proença were killed because they resisted arrest during an alleged coup attempt on 5 June. He indicated that six individuals were detained at different military facilities in Bissau in relation to the alleged June coup attempt, and that they included the director of the intelligence services "because he refused to sign the intelligence communiqué of 5 June on the existence of a coup attempt."

Mutaboba urged the Council to support the Secretary-General's recommendations for the establishment of an integrated UN peacebuilding office to succeed UNOGBIS. He said that this would ensure effective coordination, through the facility of the office, of the hitherto various and separate strategies and programmes between the UN agencies, funds and programmes, between the UN and international donors and between the integrated office, ECOWAS, and other UN missions in the subregion.

The chair of the PBC's Guinea-Bissau configuration, Ambassador Maria Luiza Ribeiro Viotti of Brazil, briefed the Council. She also advised on the need for continued peacebuilding engagement before and after the presidential elections, which were held in June.

On 26 June the Council adopted resolution 1876 extending the mandate of UNOGBIS until 31 December. The Council requested the Secretary-General to establish UNIOGBIS for an initial period of 12 months after that. The mandate of UNIOGBIS will include:

- assisting the PBC "in its work in addressing critical peacebuilding needs in Guinea-Bissau";
- strengthening the capacities of national institutions in order to maintain constitutional order, public security and the full respect for the rule of law;
- assisting national authorities to combat drug trafficking and organised crime, human trafficking, as well as efforts to curb the proliferation of small arms and light weapons; and
- enhancing cooperation with the AU, ECOWAS, the CPLP, the EU and other partners in their efforts to contribute to the stabilisation of Guinea-Bissau.

The Council also requested the Secretary-General to develop a strategic work plan with appropriate benchmarks to measure and track progress on the implementation of the mandate of UNIOGBIS in his next report, and to inform it every four months on progress with establishing the UNIOGBIS, with the first report due by 31 October.

On 28 June presidential elections were held in Guinea-Bissau. Malam Bacai Sanhá of the governing African Party for the Independence of Guinea and Cape Verde (PAIGC) and Kumba Yalá of the opposition Social Renewal Party (PRS) won the highest number of votes during the first round of votes, but neither achieved an outright majority.

After a run-off on 26 July, Sanhá was declared the winner with 63 percent of the votes. He was inaugurated as president of Guinea-Bissau on 8 September.

Developments in the Peacebuilding Commission

On 16 June the Guinea-Bissau configuration issued a statement (PBC/3/GNB/6) condemning the assassinations of Dabó and Proença.

The chair of the Guinea-Bissau configuration visited the country to attend the inauguration of Sanhá on 8 September and subsequently reported to the Commission on the outcome of her visit, saying a window of opportunity arising from the peaceful elections existed in Guinea-Bissau and that it merited increased international assistance.

The PBC's work to assess progress with the country's integrated peacebuilding framework was put on hold until its biannual assessment of the situation in the country originally scheduled for June, in order to focus on other immediate priorities like the successful holding of new presidential elections. However, at press time, the biannual assessment had not yet been held but a review process had been started in the country by national authorities and UNOGBIS regarding the country's peacebuilding priorities. There was also an ongoing information gathering exercise by the country-specific configuration from its members in New York to review the implementation of PBC commitments regarding the country. (This process is expected to end in mid-December, following the configuration's upcoming annual field trip to Guinea-Bissau.)

Key Issues

The key issues for the Council include:

- the transition from UNOGBIS to UNIOGBIS;
- the fragile security and political situation in the country;
- the progress which the newly elected government is making in establishing a stable environment; and
- the issues of impunity addressed in its June statement.

Options

Options for Council action in November include:

- a statement giving encouragement to the new government and urging action on



the issues raised in its June statement; and

- waiting to see how the situation consolidates with perhaps a statement in December or January to mark the termination of the UNOGBIS mandate.

Council Dynamics

The unanimous decision to transform UNOGBIS into an integrated UN mission has displayed Council members' support for the concept. This past year's dramatic political violence and major challenges in Guinea-Bissau, as well the additional functions that the new mission is expected to assume, galvanised the Council into adopting the resolution without dissent.

Looking ahead, Brazil, an incoming member of the Council for 2010-2011, is expected to again take the lead on this issue in the Council given its leading role as a member of the CPLP and the chair of the PBC country-specific configuration for Guinea-Bissau. Burkina Faso is the current lead country but is leaving the Council at the end of this year.

UN Documents

Selected Security Council Resolution

- S/RES/1876 (26 June 2009) renewed the mandate of UNOGBIS until 31 December 2009 and requested the Secretary-General to establish UNIOGBIS beginning on 1 January 2010 for an initial period of 12 months.
- 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/1999/23 (3 March 1999) welcomed the Secretary-General's proposal to establish UNOGBIS.

Selected Report on UNOGBIS

- S/2009/302 (10 June 2009)

PBC Documents

- PBC/3/GNB/6 (16 June 2009) condemned the assassinations of Dabó and Proença.
- PBC/3/GNB/5 (4 March 2009) was the statement by the chair of the PBC's configuration on Guinea-Bissau concerning the assassination of President João Bernardo Vieira and army chief Tagme Na Waie.
- PBC/3/GNB/4 (2 December 2008) was the PBC's latest conclusions and recommendations on the situation in Guinea-Bissau adopted on 26 November 2008.

Other

- S/PV.6149 (23 June 2009) was the verbatim record of 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.
- SC/9677 (9 June 2009) was the Council press statement condemning the political killings in Guinea-Bissau on 5 June.
- S/2009/120 (3 March 2009) was the letter from the presidency of the CPLP 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 and local civilians, military advisers and a police adviser

Duration

3 March 1999 to present; mandate expires on 31 December 2009.

Iraq

Expected Council Action

By 6 November the Secretary-General is expected to submit his regular report on the UN Assistance Mission for Iraq (UNAMI). The Council is likely to be briefed by the Secretary-General's Special Representative for Iraq, Ad Melkert, and to hold consultations following the briefing. No formal Council action is expected.

Council members continue to discuss the need to review the historical Iraq-related resolutions dating to the Saddam Hussein era, but at time of writing no action appeared likely to be taken in November.

Key Recent Developments

On 28 October, the Secretary-General announced that he would dispatch Assistant Secretary-General Oscar Fernandez-Taranco to Iraq to consult the government on security issues. The announcement came after Iraq reiterated its call for a UN investigation into foreign involvement in attacks carried out in the country. The Iraqi request was made after coordinated truck bombings in Baghdad on 19 August, and reiterated after coordinated bombings in Baghdad on 25 October killed over 150 people and wounded hundreds more. The Council condemned the attack in the strongest terms the following day.

On 26 October senior Iraqi officials put forward a proposal on a revised legal framework for the national elections to be held in January 2010. Although it was hoped that the proposal might be passed quickly by the Iraqi Council of Representatives, the revised election law remains stalled over the issue of Kirkuk. On 21 October, Melkert had expressed concern over the delay in passing needed amendments to Iraq's election law, warning that if the revisions are not approved soon, there is a danger that the elections might need to be postponed.

On 22 October the mandate of the High-Level Coordinator advising the Security Council on Kuwaiti missing persons and property was extended until June 2010.

On 18 October, UNAMI announced that talks on disputed internal boundaries have made progress in addressing concerns of local residents, with senior representatives of Iraq and the Kurdistan Regional Government meeting recently on the subject. The disputed boundaries are located in the ethnically diverse and oil-rich north of the country.

On 16 October, the Secretary-General submitted to the Council his report on missing Kuwaiti persons and property and missing third-country nationals. The report noted Iraqi authorities informed the Coordinator that photographs of missing Kuwaiti and third-country nationals were published in an Iraqi newspaper on 16 August, along

with a request that anyone with information about their whereabouts contact authorities. While the Kuwaiti national archives looted during Iraq's invasion have not yet been located, the Special Coordinator has continued to urge Iraq to increase efforts to find them.

The Secretary-General's report says Kuwait would welcome the preparation by Iraq of an action plan that outlines specific and concerted efforts it is making to locate the archives. The Secretary-General welcomed initial indications of movement on missing people but noted that progress remains fragile. His report stressed that recovering the remains of Kuwaiti missing persons can be achieved only through increased cooperation between the two countries, and that this would also strengthen mutual trust and assist in resolving other Iraq/Kuwait issues. The Secretary-General urged both countries to redouble their efforts to achieve significant progress in locating missing persons and property.

Recent violence in northern Iraq has increased concern that insurgents continue to try to exploit tensions in this ethnically diverse part of the country. On 16 October a gunman opened fire on worshippers at a mosque in northern Iraq before detonating a bomb, killing himself and 15 people.

On 15 October, Iraqi Prime Minister Nouri al-Maliki warned Turkey to cease cross-border military operations in northern Iraq. Maliki asserted that the operations targeting rebel Turkish Kurds in Iraq constituted an unacceptable violation of Iraqi sovereignty. The Iraqi warning came after Turkey's parliament extended a mandate on 6 October allowing its military to cross into Iraq to attack the rebels.

In central Iraq, an attack in Karbala on 14 October killed at least three people and wounded forty when three explosions rocked the city, which is one of the holiest for Shiite Muslims.

On 13 October the Iraq Human Rights Ministry released its first official report on the number of Iraqis killed from 2004 to 2008. The report estimates that over 85,000 people were killed and over 147,000 were wounded.

On 12 October the US military stated that it will have 120,000 troops in Iraq by the end of October, a decrease of 23,000 since the beginning of the year. (This followed a commitment by US President Barack Obama in the UN General Assembly on 23 September that the US would undertake a responsible withdrawal of its troops from Iraq.) No further troop reductions were planned to occur before the Iraqi national elections expected in January.

On 11 October, a series of bombings targeting a meeting for national reconciliation in Ramadi killed 26 people and wounded 65.

On 2 October, the Secretary-General announced his appointment of Christine McNab (Sweden) to replace David Shearer (New Zealand) as his Deputy Special Representative for Iraq. McNab will head the Development and Humanitarian Support component of UNAMI, and hold the position of Resident Coordinator and Humanitarian Coordinator for Iraq.

Human Rights-Related Developments

Universal Periodic Review (UPR) of Iraq's human rights record is scheduled for 16 February 2010 during the UPR 7th session. In August the Human Rights Office of UNAMI and the UN Office of Project Services held a seminar in the northern city of Erbil to train 25 NGOs to collaborate with government institutions to help meet Iraq's human rights reporting obligations. UNAMI said that it continues to stress Iraqi compliance with international human rights obligations as a fundamental precursor to healthy nationhood.

Key Issues

A key issue forming the backdrop to Council consideration of Iraq issues is the Iraqi request that resolutions adopted during Saddam Hussein's regime be rescinded. The fact that resolutions related to Iraq involve interrelated and sensitive matters, including outstanding Iraq/Kuwait issues, poses a significant challenge.



Options

Options include:

- waiting to take action on Iraq issues until December (the most likely option), which is when financial immunities expire for the Development Fund for Iraq (DFI) and the International Advisory and Monitoring Board (IAMB);
- adopting a statement reaffirming the Council's commitment to finding a solution to the lifting of resolutions concerning Iraq and to resolving outstanding issues between Iraq and Kuwait; and
- reiterating Council support for UNAMI and stressing the contribution of the mission in preparing for Iraqi national elections.

Council and Wider Dynamics

While interested in the forthcoming UNAMI report (the first to be completely overseen by Melkert), most members would prefer to defer significant action on Iraq. However, the report may stimulate a number of Council members individually to express positions on key issues.

Some Council members feel that the elections are complicating discussion on rescinding historical resolutions concerning Iraq and that progress is more likely after the national elections have been held. Many Council members seem to believe that additional action on the part of Iraq is needed to facilitate the lifting of resolutions, for example through increased efforts to negotiate a settlement of outstanding Iraq/Kuwait issues. Aside from DFI/IAMB immunities which will have to be addressed before their expiry in December, there appears to be a growing acceptance among Council members that little may be achieved before 2010.

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/1883 (7 August 2009) extended the UNAMI mandate for another 12 months.
- 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; a letter from Iraq requesting the lifting of Saddam-era resolutions is included as an annex to the resolution.
- 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 Press Statement

- SC/9775 (26 October 2009) condemned the 25 October coordinated bombings in Baghdad.
- SC/9772 (22 October 2009) noted the Council agreed to extend the financing of the mandate of the High-Level Coordinator for eight months.

Selected Meeting Record

- S/PV.6179 (7 August 2009) was a Council open debate on renewing UNAMI.

Selected Secretary-General's Reports

- S/2009/539 (16 October 2009) was the latest report on Iraq/Kuwait missing persons and property.
- S/2009/430 (24 August 2009) was the Secretary-General's latest report on the DFI and the IAMB.
- S/2009/393 (30 July 2009) was the latest UNAMI report.
- S/2009/385 (27 July 2009) was the Secretary-General's report on the review of Iraq resolutions.

Other Relevant Facts

Special Representative of the Secretary-General for Iraq

Ad Melkert (Netherlands)

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

Gennady Tarasov (Russia)

Useful Additional Sources

- *Iraq's New Battlefield: The Struggle Over Ninewa*, International Crisis Group, Middle East Report No. 90, 28 September 2009.

Peacebuilding Commission

Expected Council Action

The Council will hold a debate on 25 November to consider the third annual report of the UN Peacebuilding Commission (PBC).

Background

The PBC's report on its third year of activities and outcomes was formally adopted by the PBC on 4 September and is due to be considered by both the Council and the General Assembly in late November. The report noted, among other things, that the PBC focused on the four countries already under consideration from the previous year—Burundi, Central African Republic (CAR), Guinea-Bissau and Sierra Leone—without new countries being added to its agenda.

The PBC is mandated by Council resolutions 1646 and General Assembly resolution 60/180 to report annually to both bodies. Thus its reports are simultaneously transmitted to both upon their adoption by the PBC Organisational Committee.

In May PBC members postponed from September to November the consideration of the PBC's annual report in those two organs in order to align it with the new timeline for election of members of PBC's Organisational Committee in December. (Following an understanding reached among member states on 18 December 2008, the General Assembly adopted a resolution (A/RES/63/145) indicating that

the term for members of the Organisational Committee elected from the General Assembly shall begin on 1 January. The resolution also invited other UN organs with members on the Organisational Committee to adjust the term of office of their respective members accordingly.)

During considerations of the PBC's reports in 2007 and 2008, the Council and the General Assembly timed their respective discussions to occur close together in order to retain interest and focus, with the General Assembly's open debate preceding the Council meeting. (This year the General Assembly will consider the PBC's third annual report on 20 November, while the Council will take it up on 25 November.)

Key Issues

Key issues for Council members include:

- how the PBC and the Council's work interact and relate to one another;
- the growing recognition that there cannot be neat differentiation between peacekeeping and peacebuilding and the need for serious peacebuilding activities to start much earlier than has been the case in the past; and
- coming up with suggestions by participants regarding the upcoming 2010 PBC mandate review requested by the PBC's founding resolutions.

Council Dynamics

The PBC's complementary role with the Council continued to develop during its third year. Regular interactions between the PBC's chair and the Council president have been recurrent on overall policy development and on enhancing coherence in collaborative and complementary roles.

A further sign of the strengthening relationship between the PBC and the Council has been the continued regular briefings by the chairs of the country-specific configurations, especially when missions in the respective PBC agenda countries come up for review in the Council.

The increasing interface between work of the Council and the PBC has been further illustrated in the recent trend of the Council towards transforming UN missions in CAR, Guinea-Bissau and Sierra Leone, into

integrated peacebuilding missions tasked with coordinating the peace consolidation activities of UN funds, agencies and programmes on the ground. All the integrated peacebuilding offices are also mandated to assist the PBC with the implementation of the PBC's integrated peacebuilding strategic framework for each of the countries.

Council members seem likely to give some general steer, during the upcoming Council debate, on the approach on the upcoming 2010 PBC review.

Some members remain concerned that peacebuilding still lags by contrast with more high-profile conflict and crisis management tools, in terms of engaging the interest and resources of the UN. Others emphasise the need for greater coherence in peacebuilding efforts and note that this has been reflected in recent Council decisions. For instance, the penultimate paragraph of the Council's presidential statement of 5 August on UN peacekeeping operations recognised the importance of introducing peacebuilding elements in peacekeeping operations before transfer to PBC.

UN Documents

Selected Security Council Resolutions

- S/RES/1876 (26 June 2009) requested the Secretary-General to establish a UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) to succeed the current UN Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) beginning on 1 January 2010 for an initial period of 12 months.
- S/RES/1829 (4 August 2008) established the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) to replace the UN Integrated Office in Sierra Leone (UNIOSIL) for a period of one year with effect from 1 October 2008.
- S/RES/1793 (21 December 2007) welcomed the adoption of the Peacebuilding Cooperation Framework for Sierra Leone by the PBC.
- S/RES/1734 (22 December 2006) extended the mandate of the UN Integrated Office in Sierra Leone and encouraged the government of Sierra

Leone to continue its close engagement with the PBC.

- S/RES/1719 (25 October 2006) requested the Secretary-General to establish a UN Integrated Office in Burundi, which was requested to conduct its activities taking the role of the PBC into account.
- S/RES/1646 (20 December 2005) decided that the five permanent members and two elected members of the Council will have seats on the PBC's Organisational Committee.
- S/RES/1645-A/RES/60/180 (20 December 2005) created the PBC and the Peacebuilding Fund.

Selected Security Council Documents Related to the PBC

- A/63/881-S/2009/304 (11 June 2009) was the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict.
- A/63/799-S/2009/168 (6 January 2009) was a letter from the president of the Security Council informing the Secretary-General of the Council's selection of Burkina Faso and Mexico as the two elected members of the Council to participate in the PBC Organisational Committee for a term of one year, until the end of 2009.
- A/62/889-S/2008/419 (17 June 2008) was the letter from the chair of the PBC to the president of the Council informing him of the addition of CAR on the agenda of the Council.
- A/62/864-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.
- A/62/768-S/2008/208 (25 March 2008) was the letter from chair of the PBC to the president of the Council providing advice on the peacebuilding priorities for Guinea-Bissau.
- A/62/686-S/2008/87 (28 December 2007) was the letter from the chair of the PBC informing the president of the Council about the placement of Guinea-Bissau on the PBC's agenda and taking note of the Council's



request for advice on the situation in the country.

- S/2007/744 (11 December 2007) was the letter from the president of the Council to the chair of the PBC requesting advice on the peacebuilding priorities for Guinea-Bissau.
- PBC/OC/1/2 (21 June 2006) was the request by the president of the Council to the PBC, via a letter to the Secretary-General, to advise on the situation in Burundi and Sierra Leone.

Selected Security Council Presidential Statements Referring to the PBC

- S/PRST/2009/24 (5 August 2009) requested the Secretary-General to provide in his reports on specific missions an indication of progress towards achieving a coordinated UN approach in-country, and in particular on critical gaps to achieving peacebuilding objectives alongside the mission.
- PRST/2009/23 (22 July 2009) emphasised the vital role of the UN in post-conflict peacebuilding.
- S/PRST/2009/6 (9 April 2009) welcomed the convening of the presidential election in Guinea-Bissau for 28 June 2009 and urged credible polls.
- S/PRST/2009/5 (7 April 2009) welcomed the recommendation of the Secretary-General to set up a UN integrated peacebuilding office in CAR.
- S/PRST/2007/38 (19 October 2007) was a Council statement which took note of the letter from the prime minister of Guinea-Bissau requesting that his country be placed on the agenda of the PBC.
- S/PRST/2007/3 (21 February 2007) requested the PBC to include consideration of security sector reform programmes in integrated peacebuilding strategies.
- S/PRST/2006/38 (9 August 2006) on Peace Consolidation in West Africa

underscored the importance and role of the PBC in assisting countries emerging from conflict to achieve sustainable peace and security.

PBC Annual Reports

- PBC/3/OC/L.1 (30 July 2009) was the report of the PBC on its third session.
- A/63/92-S/2008/417 (24 June 2008) was the report of the PBC on its second session.
- S/2007/458-A/62/137 (25 July 2007) was the PBC's first annual report.

Other Relevant Facts

PBC Organisational Committee Members (as of October 2008)

- Security Council: the P5 (China, France, Russia, the UK and the US), Burkina Faso and Mexico.
- From the top ten financial contributors: Canada, Germany, Japan, the Netherlands and Sweden.
- From the top ten military and police contributors: Bangladesh, India, Nepal, Nigeria and Pakistan.
- ECOSOC: Algeria, El Salvador, Guinea-Bissau, Indonesia, Luxembourg Morocco, Poland and Republic of Korea.
- General Assembly: Benin, Chile, Georgia, Jamaica, South Africa, Thailand and Uruguay.

Chairman of the PBC Organisational Committee

Heraldo Muñoz (Chile)

Chairs of the PBC Country-Specific Configurations

- Burundi: Peter Maurer (Switzerland)
- CAR: Jan Grauls (Belgium)
- Guinea-Bissau: Maria Luiza Ribeiro Viotti (Brazil)
- Sierra Leone: John McNee (Canada)

PBSO Head

- Judy Cheng Hopkins (Malaysia)

Counter-Terrorism Related Subsidiary Bodies of the Council

Expected Council Action

The chairs of the Council's three counterterrorism committees, the 1267 Committee (Al-Qaida and Taliban Sanctions), the 1373 Committee (Counter-Terrorism Committee, or CTC) and the 1540 Committee (weapons of mass destruction and terrorism) are expected to brief the Council in November. They brief jointly twice each year. No formal outcome is expected but an open debate is expected.

Key Recent Developments

Since the last joint briefing of the Committees in May, the 1267 Committee has focused on reviewing names on its Consolidated List. As part of the review process, batches of names are sent by the Committee to designating states and states of nationality and/or residency to confirm that listings are accurate and remain appropriate. After responses are received, names are put on the Committee's agenda for discussion. So far, four out of five batches of names have been sent out by the Committee and the review of 422 names has been initiated. Of the 68 names put on the Committee's agenda to date, fifty have been confirmed to remain appropriate, eight have been delisted and ten are pending.

The CTC has continued its stocktaking exercise involving Preliminary Implementation Assessments. These are designed to assess progress by member states in implementing the provisions of resolution 1373 (2001). The Committee has also continued to facilitate technical assistance and to conduct visits to member states.

A primary focus of the 1540 Committee has been the comprehensive review which it is undertaking of its mandated activities. From 30 September to 2 October the Committee held a meeting open to UN member states at large. International, regional and sub-regional organisations and other entities were also invited to attend. Pertinent background papers, statements made during the open meeting, and discussions with nongovernmental organisations continue to be incorporated into the review.

Key Issues

Maintaining support for its counterterrorism resolutions 1267, 1373 and 1540 remains a key issue for the Council. In this regard a lack of timely reporting by countries (some being late in reporting or failing to respond to Committee requests) is a continuing problem. The reporting issue is especially problematic for the 1267 Committee and the CTC, as many Committee activities hinge on information supplied by states.

The issue of merging the three committees into a single counter-terrorism entity seems to have receded. However, the need for better cooperation and coordination between the committees continues to be of concern.

The issue of the 1267 Consolidated List and related concerns about listing and delisting also seem to have receded a little in light of some improvements to the regime. However, due process concerns have continued to be voiced by some member states as well as human rights groups. Identifying a long-term solution that addresses these concerns, while providing robust implementation of the resolution, is an outstanding question.

Options

Possible options include:

- providing more frequent informal briefings to member states to improve understanding of the committees, maintain support for their respective resolutions and improve compliance with reporting requirements;
- continuing to explore alternatives to a single counter-terrorism entity, such as co-locating the Committees' expert groups to improve communication and efficiency;
- ensuring improved communication occurs between expert groups before country visits to increase efficiency and simplify interaction with member states; and
- using the upcoming renewal of the 1267 Committee Monitoring Team mandate as an opportunity to debate possible options to further diminish due process concerns.

Council and Wider Dynamics

The biannual joint briefings provide member states and the Council with a valuable opportunity to gauge progress, and to consider the working methods of the Committees and their expert groups. When the briefings are followed by an open debate, as in the upcoming event, there is also an opportunity for member states to address counter-terrorism policy issues more generally. Interest in the joint briefings held during the past several years has been significant, with as many as 14 member states not on the Council participating and making statements.

Inevitably there will be further calls to address some of the legal and human rights concerns surrounding the implementation of resolution 1267, such as the process for listing and delisting names. Some members are looking to the Council to improve the regime so that regional organisations and states will have better assurance of the legal status of the lists when these are challenged in domestic courts. In general, however, it seems that many Council members feel that the new process for reviewing the Consolidated List now works much better, particularly once the Committee has received responses from contacted countries. However, it is apparent that the process is substantially hampered when member states choose not to respond to the Committee in a timely manner.

There appears to be general support among most Council members for the work done by the CTC and its Executive Directorate (CTED). There is some uncertainty on when the work programme for 2010 will be produced, as Croatia—which chairs the CTC—rotates off the Council at the end of 2009. It is expected that Turkey will succeed Croatia as chair. Members expect the November briefing will include an update on the status of the Committee's stocktaking exercise, the results of recent joint country visits and workshops, cooperative measures taken with the other Committees and organisations, and the need for member states to improve cooperation with the Committees.

Council members are happy that the 1540 Committee's 30 September to 2 October open meeting was well-received. Some discussion of what was achieved at the meeting seems likely.

Council members expect the briefing will touch upon coordination among the committees. The establishment of ongoing informal meetings of the Committee chairs has apparently resulted in some improvement in communication. However, some members believe that further progress is needed. There is some support for the collocation of the expert groups but a decision to call for this does not seem particularly likely. On the other hand it does not appear to be highly contentious, and would have the practical benefit of physically facilitating communication between the groups without altering their structure or that of their parent committees.

Selected UN Documents

Selected Council Resolutions

- S/RES/1822 (30 June 2008) extended the mandate of the 1267 Monitoring Team until 31 December 2009.
- S/RES/1810 (25 April 2008) extended the mandate of the 1540 Committee and expert body until 25 April 2011.
- S/RES/1805 (20 March 2008) extended the CTED mandate until 31 December 2010.
- S/RES/1540 (28 April 2004) established the 1540 Committee and its mandate.
- S/RES/1373 (28 September 2001) established the CTC and its mandate.
- S/RES/1267 (15 October 1999) established the Al-Qaida and Taliban Committee and its mandate.

Selected Meeting Record

- S/PV.6128 and resumption 1 (26 May 2009) was the last briefing by the chairs of the 1267, 1540 and CTC Committees.

Other

- S/2009/502 (28 September 2009) was the letter to the Council transmitting the tenth report of the 1267 Monitoring Team.



- S/2009/389 (27 July 2009) was a letter from the CTC to the Council transmitting the Committee's current work programme for July to December 2009.
- S/2009/289 (4 June 2009) was a report of the CTC to the Council regarding the interim review of the work of CTED.
- SC/9612 (12 March 2009) was a press release regarding the 1267 Committee conducting a review of entries and posting narrative summaries on their website.

Other Relevant Facts

Committee Chairs

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

Useful Additional Sources

- *Global Terrorism*, International Peace Institute, IPI Blue Paper No. 4, Task Forces on Strengthening Multilateral Security Capacity, New York, 21 August 2009

Notable Dates for November

Reports for consideration in November	Document Requesting Report
4 September	<i>Peacebuilding Commission annual report</i> S/RES/1645 S/RES/1646
27 October	<i>SG report on Darfur (UNAMID)</i> S/RES/1881
30 October	<i>SG report on Nepal (UNMIN)</i> S/RES/1879
30 October	<i>SG report on Lebanon (resolution 1701)</i> S/RES/1884
30 October	<i>SG report on Guinea-Bissau (UNOGBIS)</i> S/RES/1876
by 2 November	<i>SG report on Somalia (piracy)</i> S/RES/1846
6 November	<i>SG report on Iraq (UNAMI)</i> S/RES/1883
mid November	<i>High Representative's report on EUFOR (Bosnia and Herzegovina)</i> S/RES/1845
11 November	<i>Panel of Experts interim report on DPRK sanctions (originally due in September but granted a sixty day extension)</i> S/RES/1874

November 2009	Mandates Expire	Relevant Document
20 November	<i>EUFOR-Bosnia and Herzegovina</i>	S/RES/1845
30 November	<i>The DRC Group of Experts</i>	S/RES/1857
30 November	<i>The DRC Sanctions Committee</i>	S/RES/1857 S/2009/93

November 2009 Other Important Dates

11 November	<i>The Council is expected to hold an open debate on protection of civilians in armed conflict.</i>
15 November	<i>Local elections are expected in Kosovo.</i>
18-19 November	<i>A meeting is expected of the Steering Board of the Peace Implementation Council (Bosnia and Herzegovina).</i>
25 November	<i>The Council will hold a debate on the third annual report of the Peacebuilding Commission.</i>
29 November	<i>Presidential elections are expected in Honduras.</i>
29 November	<i>Presidential elections in Côte d'Ivoire (media reports indicate that the Ivorian president has said that the elections might be delayed)</i>
30 November	<i>The Human Rights Council will conduct its Universal Periodic Review of Cyprus and Eritrea (in the context of the Djibouti/Eritrea situation).</i>

In November the Council is expected to be briefed by:

- the chairman of the 1718 Sanctions Committee on the DPRK;
- the Secretary-General's Special Representative for Iraq;
- the chairs of the Council's three counter-terrorism committees (1267, 1373 and 1540);
- the UN Special Coordinator for Lebanon;
- the Secretary-General's Representative in Nepal and head of UNMIN;
- the chairman of the DRC Sanctions Committee;
- the Secretary-General's Special Envoy on the Great Lakes Region may brief on threats to security by armed groups in eastern DRC; and
- the chairman of the Somalia Sanctions Committee.

Important Dates over the Horizon

- Parliamentary elections in Afghanistan are scheduled for late 2009.
- In December the Human Rights Council will conduct its Universal Periodic Review of Côte d'Ivoire, the DRC, the DPRK and Ethiopia (in the context of the Ethiopia/Eritrea situation).
- 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.
- Legislative elections in Chad are slated for 2010.
- Parliamentary elections for Iraq are provisionally scheduled for January 2010.
- Palestinian presidential and legislative elections have been announced for 24 January 2010.
- The trial of former Liberian President Charles Taylor is expected to continue until February 2010 with a possible ruling in July and a sentencing in August.
- Elections (presidency and parliament, south Sudanese presidency, state governors, southern parliament and state assemblies) in Sudan are expected in April 2010.
- General elections in Myanmar are slated for 2010.
- The ICJ is expected to make an advisory opinion on the legality of Kosovo's February 2008 unilateral declaration of independence sometime in 2010.
- Presidential and legislative elections in Liberia are scheduled for 2011.

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