

# Monthly Forecast

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## Overview

India will have the presidency of the Security Council in November. Two open debates are planned on [piracy as a global threat](#) and on the Council's [working methods](#).

Debates are scheduled on [Bosnia and Herzegovina](#), with a briefing by High Representative Valentin Inzko; on [Timor-Leste](#), with a briefing by the acting head of the [UN Integrated Mission in Timor-Leste](#) Finn Reske-Nielsen; and on the [UN Interim Administration Mission in Kosovo](#), with a briefing by its head, Farid Zarif.

Early in the month several Council members will undertake a [visiting mission to Timor-Leste](#).

Mid-month members will participate in the annual "[Hitting the Ground Running](#)" workshop organised by Finland for the newly elected Council members.

Briefings are expected on:

- the [1267/1989 Al-Qaida Sanctions Committee](#) (chaired by Germany); the [1373 Counter-Terrorism Committee](#) (chaired by India); and the [1540 Committee](#) concerning weapons of mass destruction (chaired by South Africa)—this joint briefing may be followed by a debate;
- the situation in [Yemen](#), by Special Adviser Jamal Benomar;
- the [visiting mission to Timor-Leste](#), by Ambassador Baso Sangqu (South Africa) who is leading the delegation; and
- [Libya](#) and the [ICC](#) by the Court's Prosecutor, Fatou Bensouda.

Briefings to be followed by consultations are likely on:

- the [UN Support Mission in Libya](#) by the head of Political Affairs, Jeffrey Feltman;
- the [UN Mission in South Sudan](#), by the head of Peacekeeping, Hervé Ladsous;
- the [UN Assistance Mission for Iraq](#) by its head, Martin Kobler;
- the situation in the [DRC](#) by the head of the [UN Stabilisation Mission in the DRC](#), Roger Meece;
- the situation in the [Middle East](#), also by Feltman; and
- the [1970 Libya Sanctions Committee](#) (chaired

by Portugal).

Briefings in consultations are likely on:

- [Western Sahara](#), by Personal Envoy Christopher Ross;
- [Sudan and South Sudan](#), most likely by Special Envoy Haile Menkerios;
- the implementation of [resolution 1701](#), by Special Coordinator for Lebanon Derek Plumbly;
- the [Somalia/Eritrea Sanctions Committee](#) (chaired by India);
- the [DRC Sanctions Committee](#) (chaired by Azerbaijan);
- the [DPRK Sanctions Committee](#) (chaired by Portugal); and
- the Secretary-General's report on [illicit cross-border trafficking and movement](#) requested in an April presidential statement (S/PRST/2012/16).

In addition, briefings and consultations are possible on developments in [Guinea-Bissau](#), [Syria](#), [Sierra Leone](#) following the elections scheduled for 17 November, and on the plans for an international force in [Mali](#).

Formal sessions will be needed to adopt resolutions to renew:

- the mandate of [UN Interim Security Force in Abyei](#);
- the [DRC sanctions](#) and the mandate of the Group of Experts;
- the authorisation of the [Somalia anti-piracy measures](#); and
- the authorisation of the EU-led multinational stabilisation force in [Bosnia and Herzegovina](#).

The Council will adopt and present its [annual report](#) of the Security Council to the General Assembly in November.

At press time, it also seemed that some Council meetings, which were cancelled when UN Headquarters closed down due to Hurricane Sandy, would be rescheduled in November, including 1559 consultations (Lebanon) and a private meeting with the president of the International Court of Justice.

### 1 November 2012

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## Status Update since our October Forecast

### Haiti

On 3 October, the Council held a debate (S/PV.6842) on the Secretary-General's most recent MINUSTAH report (S/2012/678). During the debate, the Council was briefed by Mariano Fernández, the Special Representative of the Secretary-General and the Head of MINUSTAH. On 12 October, the Council adopted resolution 2070, renewing the mandate of MINUSTAH until 15 October 2013.

### Mali

On 12 October, the Council unanimously passed resolution 2071 expressing its readiness to respond positively to a request from Mali regarding an intervention force to assist the Malian armed forces to reclaim the northern half of the country pending a report by the Secretary-General on the military planning for such an intervention—due in late November. The resolution also expressed the Council's readiness to impose targeted sanctions against Malian rebel groups "who do not cut off all ties to terrorist organisations, including Al-Qaida in the Maghreb and affiliated groups." The resolution requested the Secretary General to provide military planners to work with ECOWAS and devise a plan for the deployment of troops from ECOWAS, which on 18 September had been asked by Malian authorities to send in troops to help them retake the north. After the resolution was adopted, the representatives of Mali and Côte d'Ivoire, as chair of ECOWAS, made statements thanking the Council for its support (S/PV.6846).

### Israel/Palestine

On 15 October, the Council held its quarterly open debate on the Middle East. In his remarks, Under-Secretary-General for Political Affairs Jeffrey Feltman asserted "the window of opportunity for taking constructive action to preserve the two-state solution may now be becoming more limited." More than 45 other parties (including the representatives of Palestine, Israel, Lebanon and Syria) made statements during the debate (S/PV.6847).

### Rule of Law

On 17 October, the Council held an open debate on "the promotion and strengthening of the rule of law in the maintenance

of international peace and security" (S/PV.6849). The focus of the open debate was the relationship of the Council with the ICC since it commenced operation in 2002. Fifty states and the EU participated in the debate. Speaking in the Council were the Secretary-General; the President of the ICC, Judge Sang-Hyun Song; and Phakiso Mochochoko, from the Office of the Prosecutor of the ICC.

### Security Council Elections

On 18 October, the General Assembly elected five new members to serve on the Council for a two-year term starting on 1 January 2013. In the first round of voting, Rwanda was elected with 148 votes, as was Australia (140 votes) and Argentina (182). Those three candidates received the required two-thirds of votes cast from UN members "present and voting." In the second round, Luxembourg (with 131 votes) was elected ahead of Finland. The Republic of Korea (149 votes) beat Cambodia in the second round after both members had acquired more votes than Bhutan in the first round but had not achieved a two-thirds majority.

### Syria

On 24 October, the Security Council issued a press statement in support of an Eid al-Adha ceasefire proposed by UN-Arab League Joint Special Representative Lakhdar Brahimi following his briefing in consultations via video-conference from Cairo (SC/10800). On 16 October, Portugal held a closed-*Arria* formula meeting so that Council members could informally meet with Paulo Pinheiro, the chair of the Human Rights Council's Commission of Inquiry on Syria. Earlier in the month, the Council issued two other press statements on Syria. On 4 October, following nearly 24 hours of negotiations, the Council condemned the shelling of the Turkish town of Akcakale by Syrian forces (SC/10783). On 5 October the Council condemned terrorist attacks in Aleppo that killed dozens and injured more than 100 civilians (SC/10784).

### Sudan/Darfur

On 24 October, the Council received a briefing (S/PV.6851) from Edmond Mulet, the Assistant Secretary-General for Peacekeeping, and held consultations on the Secretary-General's latest UNAMID report (S/2012/771). The Council also issued two press statements

on Darfur in October. On 3 October, the Council condemned the ambush on a UNAMID patrol in El Geneini by unidentified individuals that led to the deaths of four Nigerian peacekeepers and the wounding of eight others (SC/10781). On 17 October, the Council condemned the attack by unidentified individuals on a UNAMID patrol in North Darfur that resulted in the death of a South African peacekeeper and the wounding of three others (SC/10795).

### Côte d'Ivoire

On 25 October, the Council was briefed in consultations by Ambassador Gert Rosenenthal (Guatemala), chair of the 1572 Sanctions Committee, on the midterm report (S/2012/766) of the Group of Experts that assists the Committee. The report highlighted worrying recent security developments in Côte d'Ivoire, including the existence of a command centre infrastructure set up by the pro-Gbagbo rebels in Accra, Ghana as well as training camps in eastern Liberia. The report also cites military actions that have been conducted since early 2012 in Côte d'Ivoire from Ghana and the transfer of funds from Ghana to Liberia, which is identified as a recruitment platform and rear operating base. Earlier in the month, on 16 October, the Council received a letter from the Secretary-General (S/2012/772) noting that in light of the "deterioration in the security situation in Côte d'Ivoire as well as evolving threats", it was recommended that the Council defer the reduction of UNOCI's military strength—which had been authorised on 26 July in resolution 2062—until after an assessment to be conducted early in 2013. The letter referred to "attacks targeting national security forces in and around Abidjan and along the borders with Ghana and Liberia, resulting in the killing of Ivorian security personnel and assailants."

### Women, Peace and Security

On 29 October, the Council was set to hold its annual open debate on the Secretary-General's most recent report on women, peace and security (S/2012/732). Guatemala, as president of the Council in October, had chosen to focus the debate on women's civil society organisations and their contribution to the prevention and resolution of armed conflict and peacebuilding (S/2012/774).

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## Status Update since our October *Forecast* (con't)

However, the debate was cancelled since UN headquarters was closed in the final days of October due to Hurricane Sandy. At press time, it seemed the Council would meet briefly on 31 October to adopt a presidential

statement highlighting the impact of women's civil society organisations, recognising the need in the Council's own work for more systemic attention to the women, peace and security agenda and welcoming the

Secretary-General's call for enhanced women's participation, at all levels, in conflict prevention, conflict resolution and peacebuilding. It did not seem likely that the debate would be rescheduled.

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## Open Debate on Piracy

### Expected Council Action

At the initiative of India, the Council is expected to hold an open debate in November on piracy as a threat to international peace and security. This will be the first time that the Council attempts to address piracy as a global threat by taking an integrated look at the situation across regions. In the past, the Council has addressed piracy off the coast of Somalia and in the Gulf of Guinea as separate issues.

Ahead of the debate, India will circulate a concept note on key issues for consideration. A presidential statement is expected as an outcome.

### Background and Key Recent Developments

In recent years, there has been a steady rise in piracy attacks worldwide, from 239 in 2006 to 439 in 2011, with most of the increase coming from a surge in attacks off the coast of Somalia. In 2011, more than half of the attacks occurred there. The other two main piracy hot-spots are West Africa/Gulf of Guinea and Southeast Asia.

In response, and following a request for assistance from Somalia, the Council in 2008 took up piracy off the coast of Somalia as a regional threat. On 2 June it adopted resolution 1816, authorising states cooperating with Somali authorities for a period of six months to enter the territorial waters of Somalia and use all necessary means "for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant

international law."

These provisions were later expanded to allow action on land and have been renewed annually, most recently in resolution 2020 adopted on 22 November 2011. The Council also called for enhanced international cooperation to combat piracy off the coast of Somalia, leading to the establishment of the International Contact Group on Piracy off the Coast of Somalia in January 2009.

How to ensure accountability for acts of piracy has been another key focus for the Council in the context of Somalia. Most recently, on 24 October 2011, the Council asked the Secretary-General for a report on how specialised anti-piracy courts could be established in Somalia and nearby states to ensure prosecution of suspected pirates. The report (S/2012/50) was issued on 20 January, but there has been no follow-up action by the Council since then.

Piracy in the Gulf of Guinea—home to major oil producers (Nigeria, Angola, Equatorial Guinea, Gabon and Ghana)—was first brought to the Council's attention on 23 August 2011, when then-Under-Secretary-General for Political Affairs B. Lynn Pascoe briefed the Council on the issue during his monthly "horizon scanning" briefing. That year, piracy attacks in the Gulf of Guinea had increased exponentially.

The Council held an open debate on the issue on 19 October 2011, and on 31 October unanimously adopted resolution 2018, which condemned acts of piracy and armed robbery in the region and encouraged enhanced regional counter-piracy cooperation. The resolution also welcomed the

Secretary-General's plan to send an assessment mission to the region to examine the problem.

In a report (S/2012/45) submitted to the Council on 18 January, the assessment mission concluded that the growing incidence of piracy in the Gulf of Guinea constituted a major threat to security in the region and warned that the consequences of inaction could be catastrophic. It also called for the development of a regional strategy. In response, the Council on 29 February adopted resolution 2039 welcoming the report and encouraging implementation of its recommendations.

Despite these efforts, piracy attacks in the Gulf of Guinea increased this year. The International Maritime Bureau (IMB) said on 22 October that 34 incidents were recorded between January and September, up from 30 in 2011. Togo reported more attacks so far in 2012 than in the previous five years combined, with three vessels hijacked, two boarded and six attempted attacks.

By contrast, international efforts to combat piracy off the coast of Somalia seem to have had an impact. The IMB found that the number of attacks by pirates fell markedly from 199 in the first nine months of 2011 to 70 during the same period this year, its lowest level since 2009.

### Key Issues

A key issue for the Council is how to strengthen the international response to piracy as a global threat to international peace and security.

Another issue is what lessons can be

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**UN DOCUMENTS ON PIRACY** Security Council Resolutions S/RES/2039 (29 February 2012) welcomed the report from the Secretary-General's assessment mission on piracy in the Gulf of Guinea and called on states to implement its recommendations. S/RES/2020 (22 November 2011) renewed for 12 months the anti-piracy measures related to Somalia first established by the Council in 2008. S/RES/2018 (31 October 2011) condemned piracy in the Gulf of Guinea and called for strengthened regional cooperation. S/RES/2015 (24 October 2011) called for additional measures to strengthen prosecution of Somali pirates and requested a report from the Secretary-General within 90 days. **Secretary General's Reports** S/2012/783 (22 October 2012) was the latest Secretary-General's report on piracy off the coast of Somalia. S/2012/50 (20 January 2012) was a report providing the Council with detailed implementation proposals for the establishment of specialised anti-piracy courts in Somalia and other states in the region. **Security Council Letter** S/2012/45 (18 January 2012) was a letter from the Secretary-General transmitting the report from the assessment mission on piracy in the Gulf of Guinea. **USEFUL ADDITIONAL SOURCE** *Calming Troubled Waters: Global and Regional Strategies for Countering Piracy*, Special Report, Australian Strategic Policy Institute, August 2012.

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## Open Debate on Piracy (con't)

learned from the experiences gained so far at the regional level that may be applied universally. These experiences cover areas such as effective coordination and cooperation mechanisms, preventive measures taken by the shipping industry (which include the use of privately contracted armed security personnel on ships), strengthening legal frameworks to ensure accountability for acts of piracy, capacity-building for states in the affected regions and addressing the root causes of piracy. A related issue is the difference across regions in the way pirates operate and the capacity of regional states to take effective action.

There also seems to be growing recognition of the human cost of piracy as an issue deserving more attention, including how

to ensure assistance to hostages and their families.

### Options

The main option for the Council is to adopt a presidential statement that would call for strengthened international action against piracy based on some of the experiences already gained and mechanisms in place. Such a statement could also ask the Secretary-General for a report on piracy at the global level and recommendations for further action.

### Council Dynamics

India's strong concern about piracy is not surprising as much of its trade passes through the Gulf of Aden and it has therefore been

directly affected by the increase in piracy off the coast of Somalia. It is actively involved in the international naval operations off the coast of Somalia and will chair the next meeting of the Somalia Contact Group on Piracy scheduled for 11 December. India has expressed a particular concern for the fate of the hostages and their families as its nationals constitute seven percent of the world's seafarers.

Other Council members seem to welcome India's initiative. There is general support for stronger action against piracy although in the past there have been some differences on certain issues, such as the best strategy for strengthening prosecution, which may come into play in the negotiations on a presidential statement.

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## Somalia

### Expected Council Action

Due to the impact of Hurricane Sandy, it seemed negotiations on the extension of the authorisation of the AU Mission in Somalia (AMISOM) would continue into November. At press time, the Council was set to adopt a one-week technical roll-over of AMISOM's authorisation before its expiry on 31 October in order to finalise negotiations on a draft resolution that would extend the authorisation for one year.

Later in November, the Council is expected to renew the authorisation that has been in place since 2008 for international counter-piracy action within Somali territorial waters and on land in Somalia. The authorisation was last renewed in resolution 2020 of 22 November 2011 for a period of 12 months. The Secretary-General's report (S/2012/783) on implementation of that resolution and the general situation with regard to piracy off the coast of Somalia was circulated to Council members on 22 October. This report is likely to be considered by the Council in the context of a broader debate on piracy as a global threat to peace and security proposed by India during its November

presidency. (Please refer to a separate brief on this debate.)

Also in November, the humanitarian coordinator for Somalia is due to submit a report to the Council on implementation of the humanitarian access provisions of resolution 2060, which extended the mandate of the Monitoring Group for Somalia and Eritrea. The report will cover implementation of the humanitarian exemption to the asset freeze provision of the sanctions regime and any impediments to the delivery of humanitarian assistance in Somalia. As in the past, the Office for the Coordination of Humanitarian Affairs is likely to brief the Sanctions Committee for Somalia and Eritrea on the report. In addition, the chair of the Sanctions Committee, Ambassador Hardeep Singh Puri (India), is due to brief Council members in consultations on the Committee's work.

### Key Recent Developments

On 12 October, in its latest AMISOM report, the AU said it would conduct a thorough assessment over the next few months on how it could best contribute to stabilisation of Somalia and asked for a four month technical

rollover of the Council's authorisation in anticipation of the results of the review. In addition, it asked for an immediate expansion of the UN funded support package for the mission to cover the cost of an additional fifty civilian personnel to help strengthen stabilisation efforts in recovered areas as well as reimbursement of contingent-owned maritime assets.

On 16 October, the Council held a debate on Somalia featuring a briefing on recent developments by the Secretary-General's Special Representative for Somalia, Augustine Mahiga, by video-conference. (AU Commissioner for Peace and Security Ramtane Lamamra was also supposed to brief by video-conference, but was unable to because of technical problems. His written statement was later circulated to Council members.) With regard to the ongoing strategic review of the future UN presence in Somalia, Mahiga stressed the importance of taking into account the views of the new Somali authorities and said this might require an adjustment in the deadline for reporting back to the Council. (The Council in resolution 2067 asked the Secretary-General to present

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**UN DOCUMENTS ON SOMALIA** [Security Council Resolutions S/RES/2067](#) (18 September 2012) was on the end of the transitional period in Somalia, laying out Council expectations for the next phase. [S/RES/2060](#) (25 July 2012) extended the mandate of the Monitoring Group on Somalia and Eritrea for 13 months as well as the humanitarian exemption to the Somalia sanctions regime for 12 months. [S/RES/2036](#) (22 February 2012) extended the Council's authorisation of AMISOM until 31 October. [S/RES/2020](#) (22 November 2011) renewed for a period of 12 months the anti-piracy measures first established by the Council in 2008. [Secretary General's Report S/2012/783](#) (22 October 2012) was the report on Somali piracy. [S/2012/643](#) (22 August 2012) was the latest Secretary-General's report on Somalia. [Security Council Letters S/2012/764](#) (12 October 2012) contained the most recent 60-day AU report on AMISOM requested by resolution 2036. [S/2012/544](#) (11 July 2012) contained the final report on Somalia of the Monitoring Group on Somalia and Eritrea.

## Somalia (con't)

options by 31 December.)

In Somalia, progress continued along the political track. On 17 October, the Parliament endorsed Abdi Farah Shirdon Saaid as Prime Minister. (President Hassan Sheikh Mohamud had nominated him on 6 October.) He was endorsed by all of the 215 members of Parliament who were present. At press time, a new cabinet had not yet been formed, but its appointment was expected to be imminent.

Piracy activity off the coast of Somalia has seen a significant drop this year. According to the Secretary-General's 22 October report, the number of attacks by Somali pirates fell from 269 in the first nine months of 2011 to 99 during the same period this year. The report also said Somali pirates were holding 17 vessels and 224 hostages. It attributed the reduction in pirate activity to international counter-piracy efforts. It warned, however, that these gains were fragile and could easily be reversed. It also noted that despite agreement on the need to address the root causes of piracy, "a significant gap still exists in land-based programmes in Somalia to address piracy."

At press time, Council members were negotiating a draft resolution that would extend the authorisation for AMISOM and its UN funded support package for one year. The resolution, expected to be adopted in early November, would express the Council's intention to review the operation within six months, based on the conclusions of the review announced by the AU. In addition, the resolution would expand the support package as requested by the AU to provide funding for an additional fifty civilian personnel. It seemed unlikely, however, that it would authorise the reimbursement of maritime assets that the AU had also asked for. Instead, it would express the Council's intention to revisit this issue as part of the review.

### Human Rights-Related Developments

On 26 September, during its 21st session, the Human Rights Council (HRC) held an interactive dialogue with the independent expert on the situation of human rights in Somalia, Shamsul Bari. Bari said that despite continuing violence the situation in Somalia was more hopeful. Returning from a visit to Mogadishu in early September, he said the first tasks before Somalia included the establishment of the rule of law and rebuilding the justice sector. It was also crucial for the executive

branch to deliver basic services to the people. On 28 September, the HRC adopted a resolution on Somalia in which it condemned the grave and systematic human rights abuses perpetrated against the population (including women, children, journalists and human rights defenders), expressed deep concern at the continuing attacks against journalists in Somalia and reinforced the mandate of the independent expert.

### Key Issues

The extension of the AMISOM authorisation will remain a key issue for the Council in November.

The other main issue is the renewal of the anti-piracy authorisation and whether any revisions or additional provisions should be considered.

A related issue is the need for Somali authorities to develop a comprehensive counter-piracy strategy and implement all the postponed elements of the roadmap for ending the transition in Somalia pertaining to maritime security, in particular declaration of an exclusive economic zone and adoption by Parliament of a complete set of anti-piracy laws.

Another issue is whether to take up any of the recommendations related to piracy from the 11 July report of the Monitoring Group for Somalia and Eritrea, such as designating known pirates or their associates for targeted sanctions or making explicit reference to the Monitoring Group's role in the fight against piracy in the upcoming resolution.

A further key issue in November is humanitarian access and whether the sanctions provisions are having a positive impact. (In spite of recent security gains, the access situation in Somalia is still difficult, as evidenced by the recent decision by *Al Shabaab*, announced on 8 October, to ban the UK-based humanitarian aid organisation Islamic Relief from operating in areas under its control.)

An overall longer-term issue once the new Somali government is in place is the need for progress on all key post-transitional priorities agreed at the 26 September mini-summit on Somalia as well as implementation of relevant elements of resolution 2067, which spelled out the Council's expectations for the next phase in Somalia.

### Options

In addition to the AMISOM resolution, the main option for the Council is to adopt a

resolution renewing for another 12 months the existing anti-piracy measures and updating other relevant provisions from last year. In addition, the Council could highlight in particular the need for Somali authorities to develop a comprehensive counter-piracy strategy as referred to above. It could also make explicit reference to the Monitoring Group's responsibility for investigating and identifying key individuals engaged in acts of piracy off the coast of Somalia as well as the movement and investment of piracy proceeds.

On the sanctions side, one option would be for Council members to issue a press statement on the humanitarian coordinator's report on humanitarian access, addressing specific concerns expressed in the report.

### Council Dynamics

While the Council has expressed its expectation that a new government in Somalia must be appointed expeditiously, Council members seem to share the view that it is important for the next phase to be Somali led and to give space for the ongoing political process without too much outside pressure. At press time, because the absence of a government seemed to delay the UN strategic review, as alluded to by Mahiga in his briefing, it was also expected that the Secretary-General would ask for an extension of at least one month of the deadline to report back to the Council on options for the future UN presence.

With regard to the AMISOM resolution, extending the authorisation for one year instead of four months as requested by the AU was uncontroversial. It was apparently mainly driven by practical considerations to provide more flexibility for the review process in case of any delays. The main sticking point in the negotiations has so far been the question of funding for maritime assets requested by the AU. It seems that while some Council members strongly support it, including India and South Africa, the US and European members are against it. Their main argument seemed to be that more details are needed about the utility and mandate of a maritime component and what sort of capabilities would be needed and that it would therefore be best to wait for the results of the review before making a decision on funding.

At press time, discussions on the piracy resolution had not yet begun, but it was

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## Somalia (con't)

expected that the anti-piracy measures would be extended again. While the new Somali authorities had not yet renewed the request for assistance from the international

community to fight piracy (a request which, in the form of a letter, has always preceded the adoption of these measures in the past), it was anticipated that they would do so.

The UK is the lead country on Somalia in the Council, while India chairs the Sanctions Committee and Russia has the lead on legal issues related to piracy.

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## Sudan and South Sudan

### Expected Council Action

The Council is expected to meet twice in November on Sudan and South Sudan issues in accordance with resolution 2046. In the context of these meetings, and in keeping with its presidential statement of 31 August (S/PRST/2012/19), the Council will likely consider the 24 October report of the AU High-Level Implementation Panel (AUHIP) and the related communiqué of the AU Peace and Security Council (PSC), which outline the status of negotiations between Sudan, South Sudan and the Sudan People's Liberation Movement-North (SPLM-N) and offer proposals for resolving the remaining issues separating them.

The Council may also consider the Secretary-General's report on the same matters, if the report is released in time for Council consideration in November. At press time, the timeframe for the report's release remained unclear.

It was also unclear at press time how the Council would decide to respond to the findings of the AUHIP, the PSC and the Secretary-General.

The Council is also expected to renew the mandate of the UN Interim Security Force in Abyei (UNISFA) for six months before it expires on 17 November.

### Key Recent Developments

The Council in October discussed Sudan/South Sudan issues twice in consultations. In the first of these meetings, on 4 October, Under-Secretary-General for Peacekeeping Operations Hervé Ladsous emphasised the need for the two countries to implement the agreements they had signed on 27 September on oil, border security, trade, nationality rights and other issues. He also noted that

the parties have not been able to reach agreement on critical issues, including the status of Abyei and disputed border areas. Regarding South Kordofan and Blue Nile states in Sudan, Ladsous said that the humanitarian situation was deteriorating and that clashes between Sudan and the SPLM-N continued in these states.

On 16 October, Council members convened again to discuss Sudan and South Sudan. Ladsous, again briefing, said that he was unable to report concrete developments on implementation of the 27 September agreements. He added that Sudan and the SPLM-N had yet to engage in direct negotiations regarding their conflict in South Kordofan and Blue Nile.

The 27 September Addis Ababa agreements were ratified by South Sudan and Sudan on 16 and 17 October, respectively. In South Sudan, 189 of 204 legislators endorsed the agreements. The remaining 15 endorsed all elements of the deal, except for the agreement that includes a 14-mile strip of land between Sudan and South Sudan (along the Darfur-Bahr el Ghazal border) temporarily as part of a demilitarised buffer zone between the two countries. (They seem to believe that including it as part of the buffer zone could weaken any claims to it in future negotiations.) Nearly all Sudanese parliamentarians (352 of 354) voted in favour of the various agreements, although some expressed concern with the "four freedoms" agreement, which gives Sudanese and South Sudanese the right to live, work, travel and own property in each other's territory.

Developments on the ground have continued to be troubling. Sudan and the SPLM-N continued fighting throughout October in South Kordofan. On 8 October, the SPLM-N

shelled Kadugli, the capital of South Kordofan, allegedly in response to aerial bombings of their positions outside the city by Sudan. In an 11 October letter to the Council from Sudan (S/2012/759), Khartoum alleged that the SPLM-N attack claimed the lives of seven civilians, including three children, and wounded 22 others. (The SPLM-N has said that it was targeting military objectives and regretted any loss of civilian life.) Al-Sawarmi Khalid, a spokesman for the Sudanese Armed Forces (SAF), claimed that 15 SPLM-N rebels had been killed and many others wounded outside Kadugli on 14 October. He also said that Sudan had repulsed an SPLM-N assault near Annagarko and Hgerjawad villages in South Kordofan on 12 October. Fighting outside Talodi in South Kordofan also led to the deaths of 12 SPLM-N troops, according to a 15 October statement by Ahmed Haroun, the governor of South Kordofan.

On 18 October, the Enough Project published a report entitled "Rapid Food Security and Nutrition Assessment: South Kordofan", produced by an NGO wishing to remain anonymous. Based on an assessment conducted between 5 and 19 August, it found that in South Kordofan "81.5 percent of households are surviving on only one meal a day, and 73.2 percent of households have no source of income."

On 23 October, a large explosion at the Al-Yarmook military factory near Khartoum killed two people. In a letter to the Council on 25 October (S/2012/790), Sudan accused Israel of the attack. At press time, Israel had not responded to the accusation. (Sudan has made allegations against Israel in the past of attacking military targets on its territory, while Israel has claimed that arms are shipped via Sudan to Islamic militants in the

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**UN DOCUMENTS ON SUDAN AND SOUTH SUDAN** Security Council Resolution S/RES/2047 (17 May 2012) renewed UNISFA's mandate. S/RES/2046 (2 May 2012) was on Sudan-South Sudan relations. Security Council Press Statement SC/10779 (28 September 2012) welcomed the 27 September agreements. Security Council Letters S/2012/790 (25 October 2012) was a letter from Sudan accusing Israel of attacking a military factory. S/2012/759 (11 October 2012) was a letter from Sudan accusing the SPLM-N of "complicating and obstructing the implementation of the tripartite initiative." **USEFUL ADDITIONAL SOURCES** PSC/MIN/COMM/1 (CCCXXIX) (24 October 2012) is the communiqué of the PSC responding to the AUHIP report. PSC/PR/2 (CCCXXIX) (24 October 2012) is the AUHIP report. PSC/PR/COMM. (CCCXXIX) (3 August 2012) was a communiqué of the PSC on the status of negotiations between the parties.

## Sudan and South Sudan (con't)

Middle East.)

The AUHIP submitted its report on Sudan-South Sudan relations to the PSC on 24 October. In the report, the AUHIP suggested that the PSC allow Sudan and South Sudan to negotiate for an additional six weeks to resolve the status of Abyei and for an additional two weeks to resolve the status of the disputed areas along their mutual border. If the parties are unable to resolve these issues in the allotted time frame, the AUHIP recommends that the PSC should “take the necessary decisions.”

The PSC issued a communiqué on 24 October that responded to the AUHIP report. In this communiqué, the PSC requested the parties to resolve the status of Abyei within six weeks, using the AUHIP 21 September proposal as a basis for discussion. (According to this proposal, a referendum would be held that includes the participation of the Ngok Dinka and other permanent residents of Abyei to determine whether the area belongs to Sudan or South Sudan.) If, after six weeks, the parties have not reached an agreement, then the PSC “will endorse the September 2012 Proposal as final and binding, and... seek the endorsement by the UN Security Council of the same”. The PSC also decided that if the parties are unable to resolve the status of contested areas along their border within two weeks, the AUHIP should submit a proposal to the PSC, “which will then make a final and binding determination and seek the endorsement of the UN Security Council of the same”.

### Human Rights-Related Developments

On 26 September during its 21st session, the Human Rights Council (HRC) held an interactive dialogue with the independent expert on the situation of human rights in Sudan, Mashood A. Baderin. Baderin said that despite the general willingness of Sudan to fulfill its human rights obligations, the situation in Darfur, South Kordofan and Blue Nile states required urgent attention, in particular the condition of refugees and IDPs and the granting of access to humanitarian actors. Speakers shared concerns about the human rights situation in Sudan and called on the government to take steps to urgently address them. On 28 September, the HRC adopted a resolution on Sudan renewing the independent expert's mandate for another year and urging the government of Sudan to continue its cooperation with the independent expert, including by giving him access to the entire country, in particular Darfur, Blue Nile and South Kordofan. The Council noted

with concern the humanitarian situation in South Kordofan and Blue Nile and called upon all parties to make every effort to immediately end violence.

### Key Issues

On Sudan-South Sudan relations, a key issue is how to encourage the two parties to implement the 27 September agreements and build on the progress to resolve the remaining issues separating them.

A related issue is how the Council decides to respond to the report of the AUHIP, the communiqué of the PSC, and, if released in November, the Secretary-General's report on Sudan and South Sudan.

An ongoing issue is the humanitarian crisis in South Kordofan and Blue Nile and the need to compel the parties to implement the memoranda of understanding that they have signed with the AU, the UN and the Arab League to permit the delivery of humanitarian assistance to civilian populations in these states. (There are approximately 700,000 IDPs in South Kordofan and Blue Nile.)

A related issue is how to compel Sudan and the SPLM-N to agree to a ceasefire and to engage in direct negotiations with one another on political matters.

On UNISFA, a key issue is the need to establish a buffer zone along the Sudan-South Sudan border, in accordance with the 27 September agreement, thus enabling UNISFA to fulfill its mandated role to participate in the Joint Border Verification and Monitoring Mechanism.

### Options

Options for the Council include:

- to await the Secretary-General's report before making any significant decisions;
- to hold, in the meantime, an informal interactive dialogue meeting with Thabo Mbeki, the chair of the AUHIP, to get his assessment of the state of affairs between the parties and a nuanced understanding of the AUHIP's report;
- to consider a statement that welcomes the AUHIP report and the related PSC communiqué; or
- to hold an “Arria formula” meeting with experts to discuss the various proposals, which are outlined in the AUHIP report and the PSC communiqué, as well as the proposals that may be discussed in the Secretary-General's report.

With respect to UNISFA, the most likely option for the Council is to renew the mandate of the mission for an additional six months. In renewing the mandate, members may also choose to emphasise the importance of establishing the Joint Border Verification and Monitoring Mechanism as expeditiously as possible.

### Council Dynamics

While encouraged that the 27 September agreements have been ratified by Sudan and South Sudan, it seems that several Council members appear concerned about the need to implement them effectively. There is also concern about the tensions between the two countries being exacerbated as long as agreements are not reached on the remaining outstanding matters, including the status of Abyei and the disputed territories along their border.

There continues to be widespread alarm among Council members concerning the humanitarian crisis in South Kordofan and Blue Nile. Some members place the blame largely on Khartoum for preventing humanitarian access to civilians and believe that the Council should pressure the regime more strongly to allow access to both states. Others are less critical of Khartoum, noting delays in the SPLM-N's response to the action plan for aid distribution presented by the AU, the UN and the Arab League. Some of these members also believe that more pressure should be placed on the SPLM-N, as well as other rebels in Sudan, to negotiate with Khartoum, and are especially critical of their professed goal to overthrow the government. Several members also appear to believe that a cessation of hostilities, in addition to political dialogue between the parties, would help facilitate aid delivery to civilians in South Kordofan and Blue Nile. (Sudan and the SPLM-N did not engage in direct negotiations during the Addis Ababa talks in September.)

The US is the lead country on Sudan-South Sudan issues.

# South Sudan

## Expected Council Action

In November, the Council will likely hold a briefing and consultations to consider the Secretary-General's report on the UN Mission in South Sudan (UNMISS), expected to be released in early November. At press time, no outcome was anticipated.

The mandate of UNMISS expires on 15 July 2013.

## Key Recent Developments

On 9 August, the International Monetary Fund (IMF) decided to include South Sudan among the 72 countries entitled to receive interest free loans. These loans, eligible to low-income countries, would be provided through its Poverty Reduction and Growth Trust. (In April, South Sudan became the 188th country to join the IMF.)

In August, rebel forces led by David Yau Yau ambushed South Sudanese soldiers in Pibor county in Jonglei state. Twenty-four South Sudanese troops were confirmed dead as a result of the attack, and a dozen others were wounded. Media reports have also indicated that large numbers of additional government troops were missing and presumed dead after the assault. (Yau Yau is a member of the Murle ethnic group, which has suffered significant casualties over the past year in incidents of inter-communal violence. Some analysts believe that his movement has gained support from the Murle, who have been angered by the "Operation Restore Peace" disarmament program that the government launched in Jonglei in March. They believe that disarming leaves them vulnerable to attacks from other ethnic groups.)

It was also reported in the media in early October that Yau Yau's forces had taken control of some villages in Pibor county. Joshua Konyi, commissioner of Pibor county, also accused the rebels of killing civilians, raiding cattle and displacing hundreds of people in Pibor.

In recent months, UNMISS and international NGOs have expressed concerns with alleged human rights violations committed by South Sudanese soldiers and police during the disarmament campaign in Jonglei. In

a 24 August press statement, UNMISS noted that from 15 July to 20 August, its monitoring teams "reported alleged violations including one killing, 27 allegations of torture or ill-treatment (such as beatings and simulated drowning in some cases), 12 rapes, six attempted rapes and eight abductions." It added that most of the victims were women and some were children. In the statement, UNMISS also called on South Sudan to "take immediate action to safeguard recent gains in the peace process, stem human rights violations in Pibor county and hold perpetrators to account." On 23 August, Human Rights Watch published an open letter to President Salva Kiir, urging him to hold accountable security forces responsible for human rights violations during the disarmament process. Amnesty International published a report on 3 October in which it detailed numerous human rights abuses committed by South Sudanese security forces in Pibor county from March through August during the disarmament campaign.

Sudan and South Sudan signed agreements in Addis Ababa on 27 September on oil transport and revenue, cross-border trade, border security and nationality issues. (The parties were unable to resolve other key issues, including the status of Abyei and disputed territories along the Sudan-South Sudan border.) These agreements were ratified by the parliaments of South Sudan and Sudan on 16 and 17 October, respectively.

On 18 October, the South Sudanese government gave orders to oil firms to begin production after a nine-month standstill. Government officials indicated that South Sudan could begin exporting oil again in roughly 90 days. (Juba initiated the shutdown after accusing Khartoum of stealing \$815 million worth of oil being transported through Sudan from South Sudan.)

Deng Alor, South Sudan's Minister for Cabinet Affairs, announced on 24 October that his country had offered to mediate between Ethiopia and Eritrea to help resolve their long-standing border dispute. He added that both countries had accepted the offer, and that the mediation process could begin

as soon as November.

The humanitarian situation in South Sudan continued to be very challenging. The UN High Commission for Refugees estimates that over 175,000 refugees from South Kordofan and Blue Nile states in Sudan now reside in South Sudan in Unity and Upper Nile states. One serious health problem in Upper Nile has been the outbreak of Hepatitis E starting in September, and the risk remains that cholera or other water-borne diseases could break out as well, given poor sanitary conditions.

## Human Rights-Related Developments

On 28 September, the Human Rights Council adopted a resolution on South Sudan calling on the government to strengthen ongoing cooperation with UNMISS on issues pertaining to the promotion and protection of human rights and encouraging the continuous commitment by the government to resolve all the outstanding post-Comprehensive Peace Agreement issues with the government of Sudan.

## Key Issues

One key issue is how to address the allegations of misconduct against South Sudanese security forces conducting the disarmament campaign in Jonglei state.

A related issue is the Council's approach toward the recent fighting between rebel forces led by Yau Yau and South Sudanese armed forces.

Another related issue is how to best nurture reconciliation among ethnic groups in Jonglei state, where inter-communal violence has been a major challenge over the past year.

An additional issue is how to assist South Sudan in coping with the refugee crisis in Unity and Upper Nile states.

A further issue is how to help South Sudan strengthen state institutions and manage humanitarian challenges, given the difficulties in the country's economic situation.

A related issue is how quickly the Addis Ababa agreements on oil and cross-border trade will be implemented and what impact they will have in strengthening South Sudan's economy.

**UN DOCUMENTS ON SOUTH SUDAN** Security Council Resolutions S/RES/2057 (5 July 2012) renewed UNMISS until 15 July 2013. S/RES/1997 (11 July 2011) liquidated UN Mission in Sudan (UNMIS). S/RES/1996 (8 July 2011) established UNMISS. **Latest Secretary-General's Report S/2012/486** (26 June 2012) was the most recent Secretary-General's report on UNMISS. **OTHER RELEVANT FACTS** Special Representative of the Secretary-General Hilde Johnson (Norway). **UNMISS Force Commander** Maj. Gen. Moses Bisong Obi (Nigeria). **Maximum Authorised Strength** Up to 7,000 military personnel. Up to 900 civilian police personnel. **Strength (as of August 2012)** 6,633 total uniformed personnel (including 5,975 troops, 130 military liaison officers and 528 police). 802 international civilian personnel. Mission also includes 1,388 local civilian staff and 336 UN volunteers. **USEFUL ADDITIONAL SOURCES** *Humanitarian Bulletin, South Sudan*, Office for the Coordination of Humanitarian Affairs, 15-21 October 2012. *Letter to South Sudan's President Salva Kiir on the Violence in Jonglei State*, Human Rights Watch, 23 August 2012. *South Sudan: Lethal Disarmament, Abuses Related to Civilian Disarmament in Pibor County, Jonglei State*, Amnesty International, 3 October 2012.

## South Sudan (con't)

### Options

Options for the Council include:

- listening to the briefing but taking no action at the current time;
- inviting the UN High Commissioner for Refugees and the Under-Secretary-General for Humanitarian Affairs to brief the Council on the humanitarian situation, especially challenges facing refugees in Unity and Upper Nile states; and
- adopting a statement that calls on South Sudan to strengthen training standards for security forces conducting the disarmament campaign in Jonglei state and urging South Sudan to ensure proper oversight of their activities.

### Council Dynamics

Council members have been focused primarily on Sudan-South Sudan issues in recent months, given the tensions between the two countries and the intensive negotiations in which they have been engaged. In November, the Council will have the opportunity to focus more substantively on South Sudan in particular, although there is awareness that many of the challenges facing the new country are linked to its relations with Sudan.

Several Council members have been very concerned about the difficult humanitarian situation in South Sudan, which has been exacerbated by the austerity measures the government put in place after shutting down

its oil production earlier this year and by the large number of refugees residing in South Sudan who have fled conflict and food insecurity in neighbouring South Kordofan and Blue Nile states. There has also been concern in the Council with the inter-communal violence in Jonglei state and with allegations of abuse by South Sudanese police and military during the disarmament campaign.

The US is the lead country on South Sudan.

## Democratic Republic of Congo

### Expected Council Action

In November, the Council plans to renew the sanctions regime covering the Democratic Republic of Congo (DRC) and the mandate of the Group of Experts assisting the 1533 DRC Sanctions Committee, both of which expire on 30 November.

The chair of the Committee, Ambassador Agshin Mehdiyev (Azerbaijan), is expected to brief the Council on the Group's annual report. The Committee will convene to discuss the annual report that was submitted in October.

Roger Meece, the Secretary-General's Special Representative and head of the UN Stabilisation Mission in the DRC (MONUSCO), will brief the Council. MONUSCO's mandate expires on 30 June.

### Key Recent Developments

The rebel group M23—a source of instability in the region and of massive displacement of civilians—has been at the centre of DRC-related Council activities in recent months.

On 15 June, following a 12 June briefing by Meece, Council members released a press

statement condemning the M23 and urging the full investigation of credible reports of outside support to the armed group.

On 26 June, the Council held consultations on DRC sanctions following receipt of the interim report of the Group of Experts on the DRC and a briefing by Mehdiyev in his capacity as chair of the 1533 Committee.

After a briefing by Meece on 10 July, the Council issued a press statement on 16 July condemning all outside support for any armed groups in the DRC and demanding that all forms of support for them cease immediately.

Following a video-teleconference briefing by Meece on 30 July, the Council released another press statement on 2 August condemning attacks by the M23 and calling for the cessation of all outside support for the armed group.

On 27 August, Under Secretary-General for Humanitarian Affairs Valerie Amos briefed the Council on the humanitarian effects of the fighting in eastern DRC. She focused on the influx of internally displaced persons and refugees to Rwanda from eastern

DRC and emphasised the need to address the root causes of the current crisis.

The Council held an informal interactive dialogue with Rwandan Foreign Minister Louise Mushikiwabo and DRC representatives on 29 August. The dialogue followed a meeting of the 1533 Committee with the parties. Rwanda's request to address the Council was in response to the 26 June Group of Experts report which asserted that Rwanda was supporting the M23. (Media reports indicate that Germany, the Netherlands, the UK and the US have cut development assistance to Rwanda as a result.)

Rwanda presented the Council with its own report, questioning the working methods of the Group of Experts and denying their allegations. Mushikiwabo also argued that the coordinator of the Group, Steve Hege (US), has expressed a bias against Rwanda in previous writings. (Rwanda has also sent a letter to this effect to the Secretary-General.) Hege responded to the allegations during the 1533 Committee meeting and explained the basis of the Group's report. Council members expressed support for the Group and for

**UN DOCUMENTS ON THE DRC** **Security Council Resolutions** S/RES/2053 (27 June 2012) extended the mandate of MONUSCO until 30 June 2013. S/RES/2021 (29 Nov 2011) extended the DRC sanctions and the mandate of the Group of Experts to 30 November 2012. **Security Council Presidential Statement** S/PRST/2012/22 (19 October 2012) was on the unrest caused by the M23 on the DRC. **Latest Secretary-General's Report** S/2012/355 (23 May 2012). **Latest Group of Experts Report** S/2012/348 (21 June 2012) and S/2012/348/Add.1 (26 June 2012) were the interim reports of the Group, discussing Rwanda's support for the M23. **Security Council Meeting Record** S/PV.6785 (12 June 2012) was the latest public briefing by Meece. **Letter** S/2012/768 (12 October 2012) was the ICGLR declaration following the 8 October summit. **Security Council Press Statements** SC/10736 (2 August 2012) condemned attacks by the M23 rebel group and called for the cessation of all outside support to M23. SC/10709 (16 July 2012) condemned all outside support to all armed groups in the DRC. SC/10702 (6 July 2012) condemned attacks by the M23 group. SC/10675 (15 June 2012) condemned attacks by the M23 group. **Other SG/2188** (27 September 2012) was the summary of the high-level event on the DRC. **OTHER RELEVANT FACTS** **Special Representative of the Secretary-General and Head of Mission** Roger Meece (US). **MONUSCO Force Commander** Lt. Gen. Chander Prakash (India). **MONUSCO Size, Composition and Cost of Mission** *Strength as of 30 September 2012*: 16,996 troops, 721 military observers, 1,392 police, 965 international civilian personnel, 2,886 local civilian staff and 577 UN volunteers. *Approved budget*: (1 July 2012–30 June 2013): \$1.402 billion. **Mission Duration** 30 November 1999 to present: mandate expires on 30 June 2013.

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## Democratic Republic of Congo (con't)

dialogue between the warring parties. Some members said that the Group backed its allegations with solid evidence. The DRC called on the 1533 Committee to sanction the M23, its leaders and Rwandan officials.

Secretariat officials have provided regular briefings about developments on the ground. On 18 September, Council members were briefed in consultations by Under Secretary-General for Peacekeeping Hervé Ladsous on his recent trip to the region. And on 10 October, Council members were briefed by Edmond Mulet, Assistant Secretary-General for Peacekeeping, on the deteriorating situation in the eastern DRC, in particular the activities of the M23. He told the Council that the rebels were creating a parallel administration in eastern Congo and continuing to fight the DRC army, uprooting more than 300,000 people in recent months.

Mulet also updated the Council on the initiative of the International Conference on the Great Lakes Region (ICGLR) to establish a neutral international force that would monitor the DRC-Rwanda border area. The ICGLR has said the force should consist of 4,000 soldiers and be deployed under the mandate of the AU and the UN. Media reports suggest that the countries of the Southern African Development Community (SADC) are ready to deploy their troops as part of this initiative. Meeting in Kampala on 8 October, the ICGLR heads of state adopted a declaration that directed its military assessment team to develop and submit a concept of operations for the neutral force by 25 October and also mandated the ICGLR chairman to implement the concept of operation.

In the wake of the Mulet briefing and a series of press statements in which Council members conveyed their views on the crisis in the DRC, France circulated a draft presidential statement. On 19 October, the Council adopted the statement which demands that all support for armed groups cease immediately and expresses deep concern at reports indicating that such support continues to be provided to the M23 by neighbouring countries. It also expresses its intention to apply targeted sanctions against the leadership of M23 and those acting in violation of the sanctions regime.

In addition, the statement stresses the urgency of constructive engagement and

dialogue between the DRC and its neighbours, especially Rwanda. It asks the Secretary-General to prepare a special report for the Council on possible options, and their implications, for reinforcing MONUSCO to improve its ability to implement its mandate, including protecting civilians and reporting on flows of arms and related materiel across borders.

The presidential statement also welcomed the work of the Group of Experts, though it did not address its latest annual report, which was circulated to the 1533 Committee in mid-October. Media reports suggest that the latest report asserts that Rwandan Defence Minister, Gen. James Kabarebe, is the de facto head of the chain of command of the M23 rebellion and that Rwanda and Uganda have funnelled weapons and troops to the rebels. Both Kampala and Kigali have denied the accusations.

On 27 June the Council renewed MONUSCO's mandate in resolution 2053. The resolution emphasises that the protection of civilians remains the priority of the mission, but stresses the importance of security sector reform within the stabilisation mandate of MONUSCO. The mandate contains specific requests for the Secretary-General to report on stabilisation efforts. On election support for the provincial and local elections, which are expected to be held in 2013, the new mandate maintains MONUSCO's logistical support role. However, it emphasises that the support given will be continually reviewed in order to assess progress made by the DRC in ensuring the credibility of electoral institutions.

On 27 September, a high-level meeting on the DRC took place on the margins of the General Assembly. The Secretary-General attended the meeting, as did 23 countries (including the DRC and Rwanda) and representatives of the AU, EU, ICGLR and SADC. The meeting failed to produce the desired communiqué, though a summary of the meeting was released, similar in content and language to the Council's 19 October presidential statement.

### Human Rights-Related Developments

[At the opening of the 21st session of the Human Rights Council, High Commissioner for Human Rights Navi Pillay expressed concern about the surge in attacks on civilians by armed groups,](#)

[who she said were committing serious human rights violations in eastern DRC. She said the surge was exacerbated by the April desertions and the formation of the M23 rebel group.](#)

### Key Issues

The key issue for the Council is to determine what role it can play in achieving a solution to the impasse between the DRC, Rwanda and Uganda and in ending outside support for the M23 movement.

The immediate issues for the Council in November are the renewal of the sanctions regime and the mandate of the Group of Experts and considering the latter's annual report and its conclusions.

### Options

Options for the Council include:

- renewing the mandate of the sanctions regime and of the Group of Experts;
- addressing the recommendations and conclusions of the Group's annual report and considering sanctions in the 1533 Committee against the heads of M23 and those assisting them;
- monitoring the security situation closely and responding to the ICGLR initiative as it plays out;
- calling on the states and groups concerned to negotiate a political solution to the crisis in North Kivu; and
- taking a more active role and considering the appointment of a UN Special Envoy to facilitate talks between the disputing parties, or calling on the head of the UN Regional Office for Central Africa, Abou Moussa, to take that role.

### Council Dynamics

While the AU members on the Council are generally supportive of the ICGLR initiative, most Council members are sceptical about the feasibility of establishing an international neutral force in the near future. Council members are therefore in agreement that a political solution between the DRC, Rwanda and the M23 to end the fighting and address its root causes is necessary. Such a force also raises issues of added resources and coordination with MONUSCO, which Council members have concerns with. For the time being, Council members are not voicing their positions on the neutral force until they receive specific details and terms of operation.

## Democratic Republic of Congo (con't)

The most recent dynamic is the growing support among several Council members to sanction the leaders of M23, as the violence and the humanitarian crisis in the east persist, a point supported by the latest Group of Experts' annual report. In the past, the 1533 Committee has taken many months, sometimes more than a year, to agree on adding a name to the sanctions list. This is due in part to the vetting process that some Council members undertake before approving sanctions against individuals and also in part due to political considerations. Sanctions against state officials alleged to be connected to the M23 are not being considered at this time,

despite allegations by the Group of Experts and others that Rwanda and Uganda are actively supporting the group.

Such action may, however, be considered in light of the Group's annual report and its recommendations for listing certain groups and individuals, especially if outside assistance to the M23 persists. Council members are also conscious that Rwanda will join the Council in 2013, and this may be a factor in November when considering the renewal of the sanctions regime.

Regarding the 19 October presidential statement, it seems that France felt it was important to have a more formal Council

response to highlight concern and to signal that the Council is looking for solutions to the situation. Generally, Council members felt that the language of the statement was comprehensive and conveyed the intent of the Council to take action on this issue if the situation persists.

Negotiations for the October presidential statement started a few days before the Security Council elections. The statement was adopted the day after Rwanda was elected as a non-permanent member of the Council starting in 2013. (Rwanda was endorsed by the AU and ran uncontested for the "African seat" on the Council.)

## Sierra Leone

### Expected Council Action

The Council will likely be briefed in November by Jens Anders Toyberg-Frandzen (Denmark), the Executive Representative of the Secretary-General in Sierra Leone and head of the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), as well as by Ambassador Guillermo Rishchynski (Canada), chair of the Sierra Leone configuration of the Peacebuilding Commission (PBC), after presidential and parliamentary elections in Sierra Leone on 17 November, in line with resolution 2065.

A press statement will be the likely outcome. The mandate of UNIPSIL expires on 31 March 2013.

### Key Recent Developments

On 12 September, the Council adopted resolution 2065 extending UNIPSIL's mandate and requesting a briefing from the Secretary-General on the conduct and outcome of the elections "shortly after" the elections. This followed a briefing from Toyberg-Frandzen and Rishchynski. The resolution authorised UNIPSIL to assist Sierra Leone through elections in November and also mandated the mission to perform a number of

post-election tasks, including the preparation of a transition plan and exit strategy. It called on the government and all political parties in the country to "promote a culture of non-violence."

(The Council last considered Sierra Leone on 9 October, when it received a briefing from Justice Shireen Avis Fisher, the President of the Special Court for Sierra Leone, and Brenda Hollis, the Chief Prosecutor of the Court, on the residual work of the Court. That briefing led to a presidential statement (S/PRST/2012/21) in which the Council emphasised the "vital need for further pledges of voluntary contributions in order to allow the Special Court to complete its mandate in a timely manner.")

Two days after resolution 2065 was adopted, the government announced the reversal of astronomical increases in nomination fees for presidential, parliamentary and local council candidates. Christiana Thorpe, the chair of the National Electoral Commission (NEC), had announced the increases on 31 July: the fee for presidential candidates went from 1 million leones (about \$230) to 100 million leones (\$23,057.40) and for parliamentary candidates from 100,000 leones

(\$23) to 25 million leones (about \$5,764). With the government's announcement, the fees reverted to the previous rates for all candidates.

The participation of women in the electoral process at all levels—a key Council concern—may have been negatively affected by the July increase in nomination fees. On 15 October, when the NEC published the figures for candidates for public office, all nine presidential contenders were men, and out of the 586 parliamentary candidates, only 38 were women. This is below the regional average, and far below the target set by the Beijing Platform for Action following the landmark 1995 Fourth World Conference on Women. The Human Rights Commission of Sierra Leone had warned on 14 August that the fee increases constituted "a potential ground for discrimination against low income earners and vulnerable groups," including women.

On 2 October, the NEC released the official voter registration figure, stating that the final roll this year is 2,692,635 voters.

The AU has announced the deployment of 40 election observers, and the Carter Center has already deployed a team that will be led

**UN DOCUMENTS ON SIERRA LEONE** **Security Council Resolutions** S/RES/2065 (12 September 2012) extended the mandate of UNIPSIL until 31 March 2013 and requested a briefing from the Secretary-General "shortly after" elections in Sierra Leone on 17 November. S/RES/2005 (14 September 2011) extended the mandate of UNIPSIL until 15 September 2012. **Latest Secretary-General's Reports** S/2012/679 (31 August 2012) covers the period from 1 March to 31 August 2012. S/2012/160 (14 March 2012) covers the period from 1 September 2011 to 29 February 2012. **Security Council Meeting Records** S/PV.6829 (11 September 2012) was the Council's meeting on Sierra Leone. S/PV.6777 (31 May 2012) was the Council's meeting on West Africa. S/PV.6739 (22 March 2012) was the Council's meeting on UNIPSIL. **Peacebuilding Commission** A/66/675-S/2012/70 (30 January 2012) was the report of the PBC on its fifth session. **OTHER RELEVANT FACTS** **Executive Representative of the Secretary-General and head of UNIPSIL** Jens Anders Toyberg-Frandzen (Denmark). **Size and Composition of Mission Staff strength (as of 30 September 2012):** 35 international civilians, 31 local civilians, eight UN volunteers and seven police. **Duration** 1 October 2008 to present. **Chair of the Sierra Leone Configuration of the PBC** Ambassador Guillermo Rishchynski (Canada). **USEFUL ADDITIONAL SOURCE** Solomon E. Berewa, *A New Perspective on Governance, Leadership, Conflict and Nation Building in Sierra Leone*, (Bloomington, IN: AuthorHouse, 2011).

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## Sierra Leone (con't)

by former Zambian President Rupiah Banda. The Economic Community of West African States and the EU will also be deploying monitors.

### Developments in the Peacebuilding Commission (PBC)

The PBC's Sierra Leone configuration met on 2 October in New York. The meeting, which focused on the forthcoming elections in Sierra Leone, included statements by Minister of Foreign Affairs Joseph B. Dauda and Minister of Finance Samura Kamara (via video-link from Freetown), as well as representatives of Benin, Egypt, Indonesia, the UK and the US, among others. At the end of the meeting, Rishchynski, who chaired the proceedings, announced a field trip to Sierra Leone from 31 October to 6 November, ahead of the elections. (Resolution 2065 encourages the PBC "to continue providing support to the government of Sierra Leone, UNIPSIL and the United Nations country team in the preparation and conduct of the 2012 elections.")

### Underlying Problems

The elections will be the second since the UN withdrew a large peacekeeping force from Sierra Leone in 2006, replacing it with a small peacebuilding office. The elections of 2007 successfully led to the transfer of power from the ruling Sierra Leone Peoples' Party (SLPP) to the All People's Congress (APC) led by President Ernest Bai Koroma, but they were contentious. Thorpe, at the head of the NEC, invalidated 169,054 votes from 477 polling stations on the grounds that there had been "over-voting" in those stations and that the invalidations "have not affected the outcome." But almost all the stations where votes were invalidated were in areas that vote overwhelmingly for the SLPP. Its presidential candidate, Solomon Berewa, contended that had Thorpe not invalidated the votes the final result would have been 969,705 votes cast in his favour and 950,407 votes cast in favour of Koroma (two of the NEC commissioners

refused to sign the results because of the invalidation). He claimed to have accepted the results only in the interest of the peace and stability of the country.

### Key Issues

The key issue for the Council is that the November elections are not only conducted peacefully, but that the results are broadly accepted and seen as legitimate.

A closely related issue is the fact that broad acceptance of the electoral outcome would allow for a smooth transition of UNIPSIL to a UN country office in 2013.

### Council Dynamics

Council members view Sierra Leone as a success story and are in agreement that the outcome of the elections should determine the nature of the transition process.

The UK is the lead country in the Council on Sierra Leone.

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## Western Sahara

### Expected Council Action

In November, the Council expects to be briefed in consultations by the Secretary-General's Personal Envoy for Western Sahara, Christopher Ross, after his visit to key North African and European capitals, scheduled for 27 October to 15 November. The Special Representative of the Secretary-General and head of the UN Mission for the Referendum in Western Sahara (MINURSO), Wolfgang Weisbrod-Weber may also brief on MINURSO. No outcome is expected from the briefing.

MINURSO's mandate expires on 30 April 2013.

### Key Recent Developments

On 12 April, the Council held a meeting with MINURSO troop-contributing countries.

On 17 April, Council members received a briefing in consultations on MINURSO. The

then-head of MINURSO, Hany Abdel-Aziz, and Ross briefed the Council on developments and on the Secretary-General's latest report (S/2012/197). As requested by the Council in resolution 1979, the report took into account challenges to the MINURSO mandate and acknowledged that the mission had failed to fulfil its key purpose: "to organize and supervise a referendum on Western Sahara self-determination." (This final version of the report contained no fewer than seven edited paragraphs, and it replaced three previously released advance versions of the report.)

On 24 April, the Council extended MINURSO's mandate for another year through resolution 2044. As is customary, the draft resolution had been discussed by the Group of Friends of Western Sahara (France, Russia, US, UK and Spain) before being distributed to all Council members.

Morocco informed the Secretary-General on 10 May that it had a number of reservations regarding the current negotiating process, indicating a week later that it had lost confidence in Ross, describing his work as "unbalanced and biased." Following this announcement, the Secretary-General asserted that he had complete confidence in Ross. (Ross was expected to visit Western Sahara in May, as agreed during the ninth round of informal negotiations in March between Morocco and the Polisario Front. The next rounds of informal talks, provisionally scheduled to take place in June and July, were postponed for an indefinite period.) On 25 August during a phone conversation with King Mohammed VI, Secretary-General Ban Ki-moon stated that the UN did not intend to modify the terms of its mediation and reaffirmed his confidence in Ross.

On 15 June, the Secretary-General

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**UN DOCUMENTS ON WESTERN SAHARA Security Council Resolutions** S/RES/2044 (24 April 2012) renewed MINURSO's mandate until 30 April 2013. S/RES/690 (29 April 1991) established MINURSO. **Latest Secretary-General's Report** S/2012/197 (5 April 2012). **Meeting Record** S/PV.6750 (12 April 2012) was the closed meeting with the troop- and police-contributing countries participating in MINURSO. **Other** S/2012/442 (13 June 2012) was the President of the Council's letter to the Secretary-General acknowledging the receipt of his earlier letter to the Council. S/2012/441 (12 April 2012) was the Secretary-General's letter to the President of the Council informing the Council of his intention to appoint Wolfgang Weisbrod-Weber (Germany) as his Special Representative for Western Sahara and head of MINURSO. **OTHER RELEVANT FACTS** Special Representative of the Secretary-General and Head of MINURSO Wolfgang Weisbrod-Weber (Germany). **Secretary-General's Personal Envoy** Christopher Ross (United States). **MINURSO Force Commander** Maj. Gen. Abdul Hafiz (Bangladesh). **Size and Composition of MINURSO as of 30 September 2012** *Authorised*: 237 troops, 6 police officers. *Current*: 233 total uniformed personnel (26 troops, 6 police officers, and 201 military observers), 94 international civilian personnel, 164 local civilian staff and 15 UN volunteers. **Cost** 1 July 2012 to 30 June 2013: \$60.8 million (A/C.5/66/17).

## Western Sahara (con't)

appointed Weisbrod-Weber (Germany) as his Special Representative and head of MINURSO to succeed Abdel-Aziz (Egypt), who completed his assignment on 30 April.

Under-Secretary-General for Peacekeeping Operations Hervé Ladsous visited the city of Laâyoune and the MINURSO team sites of Oum Dreyga and Mijek in Western Sahara, Tindouf and Rabouni in Algeria, and Rabat, Morocco from 10-12 October. He met with MINURSO officials, Moroccan authorities, and officials from the Polisario Front. MINURSO's activities and mandate were discussed, including the cooperation between Morocco and MINURSO.

Media reports in October indicated that lightly armed Sahrawis were seen in northern Mali, in particular in the towns of Timbuktu and Gao controlled by radical Islamist groups and Tuareg rebels.

### Human Rights-Related Developments

Juan E. Méndez, the Special Rapporteur on torture for the Human Rights Council (HRC), visited Laâyoune, Western Sahara, on 17 and 18 September. During a press conference following the presentation of his report to the Third Committee of the General Assembly on 23 October, Méndez said that there was evidence of excessive use of force and a tendency to use torture in interrogation when national security is involved, both in Morocco and Western Sahara.

On 19 September, the HRC adopted the outcome of the Universal Periodic Review (UPR) on Morocco. Of the five recommendations specific to Western Sahara, Morocco said it was already implementing three related to measures to protect human rights defenders and to ensure the adequate protection of human rights. It did not support one calling for procedures governing registration of organisations advocating for the Sahrawi right to self-determination to conform with international standards, and it rejected another calling for the establishment of a permanent human rights component in MINURSO as beyond the HRC mandate.

A delegation of the African Commission for Human and People's Rights visited the refugee camps in Tindouf from 24-28 September, but was

not granted access to the territories occupied by Morocco.

### Key Issues

A key issue for the Council to consider is the nature of its role to encourage progress in the implementation of MINURSO's mandate, in place since 1991, and to alleviate the situation of the Sahrawi population.

A related issue is its possible role in easing the five-year deadlock in the informal negotiations between Morocco and the Polisario Front. This impasse has been caused mainly by the refusal of both parties to accept the proposal of the other as the sole basis for negotiations. (The current negotiating process has gone on since April 2007, when both Morocco and the Polisario Front presented their respective proposals to the Secretary-General.) A connected issue is the impact of Morocco's recent criticism of Ross's approach to the negotiations.

An emerging key issue for the Council is to ensure that the Islamist radical elements operating in the Maghreb-Sahel do not infiltrate and manipulate the Sahrawi refugee camps.

An ongoing issue for the Council is to ensure that all parties fully commit to, and observe, the human rights of all individuals caught in the conflict.

### Options

One option for the Council is to simply receive the briefing and take no action.

Another option, to highlight its concern with the lack of movement on the negotiations, is to adopt a presidential or press statement supporting all or some of the following approaches recommended in the Secretary-General's report:

- emphasise the inclusion of a wide cross-section of the population of Western Sahara in the discussion of issues related to final status and the exercise of

self-determination;

- highlight the need to obtain the approval of the population for any agreement;
- introduce a human rights component to MINURSO's mandate (in line with the current practice of most UN peacekeeping missions); and
- request regular briefings, including on the human rights aspects of the situation, as well as the impact on the Sahel of the recent regime changes in the region.

### Council and Wider Dynamics

As a party to the conflict, and a member of the Council, Morocco is regarded as having considerable impact on the overall dynamic of this issue.

Several Council members are not expecting any significant developments on this issue and feel that the Council is incapable of acting in a neutral way regarding this situation. This view appears to have been reinforced by the existence of the various versions of the Secretary-General's report on Western Sahara (they were released inadvertently and revealed changes that indicated a reluctance to delve into some of the more difficult issues facing MINURSO).

South Africa is in favour of a human rights monitoring mechanism as part of MINURSO, but there has been opposition from others. Moreover, some Council members also feel that it is not necessary for the Secretary-General to brief on the "challenges to MINURSO's operations and steps taken to address them" twice a year, but others believe that it is necessary for the Council to be kept abreast of developments more regularly. (Resolutions 1979 and 2044 requested the Secretary-General to "examine the existing challenges to MINURSO's operations, reflecting the situation on the ground.")

The US is the lead country on Western Sahara.

## Expected Council Action

In November, the Council is due to receive the Secretary-General's report on the UN Support Mission in Libya (UNSMIL) and is expected to be briefed by Jeffrey Feltman, the head of the Department of Political Affairs, on the situation in Libya. As chair of the 1970 Libya Sanctions Committee, Ambassador José Filipe Moraes Cabral (Portugal) is expected to brief the Council on the work of the Committee in consultations.

The semi-annual International Criminal Court (ICC) briefing is also scheduled for November, with Chief Prosecutor Fatou Bensouda expected to update the Council on recent developments concerning Libya.

UNSMIL's mandate expires on 16 March 2013.

## Key Recent Developments

Recent security-related incidents have highlighted the myriad of challenges Libya is facing.

On 11 September the US consulate in Benghazi was attacked and four American diplomats were killed, including Ambassador Christopher Stevens. On 16 September, Libyan President Mohammed el-Megarif said that foreigners affiliated with Al-Qaida who had infiltrated Libya over the preceding months had planned the attack, using Libyans, including from the Islamist militia *Ansar al-Sharia*, to carry it out.

Feltman addressed the Council the next day, with Deputy Permanent Representative Ibrahim Dabbashi (Libya) also addressing the Council and stating that Libya strongly condemned the attack "carried out by extremists". In a press statement (SC/10761), the Council condemned the attack in the strongest terms.

On 17 October, clashes began between pro-government militias and fighters in Bani Walid, a former stronghold of the late Muammar Qaddafi. Government forces and militias besieged the town following the death of Omran Shaban, a former rebel credited with having captured Qaddafi on 20 October 2011. The Warfalla tribe controlling Bani Walid has been accused of kidnapping and torturing Shaban. Violence peaked on

20 October when 26 people were killed and more than 200 wounded. The following day some 200 people stormed the grounds of the Parliament in Tripoli demanding an end to violence. On 24 October pro-government forces reportedly captured the town, but on 30 October Defense Minister Osama al-Jueili said that the army had no control over Bani Walid and that armed groups were preventing residents from returning to the town.

On 22 October, Russia circulated a draft press statement on the escalation of violence around Bani Walid and the civilian casualties. Council members met the next day to receive a briefing on the situation from Assistant Secretary-General for Political Affairs Taye-Brook Zerihoun. No statement was adopted following the meeting.

There continue to be notable electoral and political developments in Libya. On 14 October the General National Congress (GNC) elected Ali Zidan—who had lost to el-Megarif in a congressional vote for the presidency on 9 August—as the interim Prime Minister. Zidan, a human rights lawyer, replaced Mustafa Abushagur, who spent less than a month in office after failing to gain the congressional approval for his cabinet. Zidan presented his 30-member cabinet to the GNC to be approved in a 30 October vote. Dozens of civilians and former rebels who were unhappy with the cabinet composition stormed the assembly during the vote, forcing congress to postpone the voting process. At press time it was unclear whether the cabinet would be approved. Meanwhile, the GNC has yet to decide on the composition of the Constituent Assembly that will draft the new Libyan constitution.

Libya continues to refuse to extradite Saif al-Islam Qaddafi and Abdullah al-Senussi two key members of the former regime, to face charges of war crimes and crimes against humanity at the International Criminal Court (ICC) in The Hague. It remains adamant that both indictees must be tried in Libya, where they would face the death penalty.

On 9-10 October, Libya appeared at a hearing in The Hague on its challenge to the jurisdiction of the ICC over Qaddafi and

al-Senussi. In order for Libya to abide by the rules of the ICC and the will of the Council, it must convince the Pre-Trial Chamber that trials held in Libya will be fair. Lawyers for Libya told the Pre-Trial Chamber that a team of 12 investigators is collecting evidence against Qaddafi, and said he may be tried jointly with al-Senussi. ICC prosecutors said that the court needed more tangible proof that Libya could hold a fair trial, and that it would be appropriate to give Libya additional time. The ICC is expected to rule on the issue within the next few months.

The proliferation of Libyan arms in the region remains a cause for concern. On 24 October, Egypt intercepted two trucks smuggling weapons in from Libya. In mid-October media reports indicated that most of the shoulder-fired missiles in Syrian rebel arsenals are from Libya, having been smuggled into the country through Turkey without official blessing. On 14 September, a shipment of Libyan weapons arrived in Turkey to be delivered to armed groups in Syria. It was reported that the 400-ton cargo included surface-to-air anti-aircraft missiles and rocket-propelled grenades.

The 1970 Libya Sanctions Committee issued an implementation assistance notice on 15 October, containing information aimed at assisting member states in implementing the arms embargo on Libya. It focused on the reporting of detections of violations to the Committee.

On 12 September Secretary-General Ban Ki-moon announced the appointment of Tarek Mitri (Lebanon) to succeed Ian Martin (UK) as the Special Representative and head of UNSMIL as of 18 October.

## Key Issues

An overarching issue for the Council continues to be determining what UNSMIL's long-term role in Libya should be, particularly once a government has been formed.

Halting the proliferation of Libyan arms in the Sahel and beyond, and particularly Syria, is an ongoing issue for Council members.

Preventing large-scale reprisals and killings in a post-conflict Libya, as well as concerns

**UN DOCUMENTS ON LIBYA** Security Council Resolution S/RES/2040 (12 March 2012) renewed UNSMIL's mandate. Security Council Press Statements SC/10761 (12 September 2012) condemned in the strongest terms the attacks on the US consulate in Benghazi. SC/10760 (12 September 2012) followed Jeffrey Feltman's briefing on the attack on the US consulate in Benghazi. Security Council Meeting Records S/PV.6849 and Res. 1 (17 October 2012) was the open debate on the promotion and strengthening of the rule of law, with a focus on the ICC. S/PV.6807 (18 July 2012) was the latest briefing by Ian Martin. S/PV.6772 (16 May 2012) was the latest briefing by ICC Prosecutor Luis Moreno-Ocampo and the open debate on Libya. Security Council Letters S/2012/699 (10 September 2012) was a letter from the Secretary-General informing the Council of the appointment of Tarek Mitri (Lebanon) as the new Special Representative and head of UNSMIL. S/2012/471 (20 June 2012) was a letter from the Permanent Representative of Libya transmitting the Memorandum of Arrest of the ICC delegation. Other SC/10791 (15 October 2012) was a press release on the implementation assistance notice established by the Libya Sanctions Committee on resolution 1970.

## Libya (con't)

about human rights violations are important issues for the Council.

The Council's role in the implementation of resolution 1970 with regard to its referral of the situation in Libya to the ICC and any referral-related trials is another important issue.

### Underlying Problems

After decades of divide-and-rule tactics utilised by the previous regime, Libyan society remains highly fragmented. Intercommunal grievances abound, and the security situation will remain precarious until central authorities have the military and political capacity needed to extend sovereignty and state control throughout the entire Libyan territory.

### Options

One option is to follow up the series of

Libya-related events in November with a presidential or press statement to communicate certain political messages to Libya, including encouraging it to complete the process of government formation expeditiously to allow the drafting of the constitution to begin.

It is also possible that Council members will opt to take a wait-and-see approach and simply receive the briefings without adopting any formal outcomes.

### Council Dynamics

While sharing a common concern for the situation in Libya, most Council members feel that at this time there is little that the Council can do until a government has been fully formed in Libya. Once that transpires, the Council can revisit UNSMIL's mandate and

begin to explore the future role of the mission.

Generally, the P3 and other Council members that supported resolution 1973 have been reluctant to highlight the challenges in post-Qaddafi Libya, as demonstrated by their reluctance to endorse the 22 October Russian draft press statement on Bani Walid.

Some Council members remain alarmed by the decision to commence the trials of Qaddafi and al-Senussi in Libya. To them, it is a violation of resolution 1970 and more general obligations under international law. On the occasion of the 17 October open debate on the ICC, several Council members urged Libya to cooperate with the ICC on this matter.

The UK is the lead country on Libya.

## Lebanon

### Expected Council Action

In November the Council is expected to consider the report of the Secretary-General on resolution 1701 (which called for a cessation of hostilities between Hezbollah and Israel in 2006), due mid-month. The Special Coordinator for Lebanon, Derek Plumbly, and the Under Secretary-General for Peacekeeping Operations, Hervé Ladsous, are expected to brief Council members in consultations.

No formal outcome is expected. The mandate of the UN Interim Force in Lebanon (UNIFIL) expires on 31 August 2013.

### Key Recent Developments

At press time, Council members were scheduled to meet in consultations on 31 October to hear a briefing from Special Envoy of the Secretary-General Terje Rød-Larsen on the Secretary-General's report on the implementation of resolution 1559 (S/2012/773), which in 2004 called for the disarmament of all Lebanese and non-Lebanese militias and

urged the extension of government control over all Lebanese territory. However, due to the impact of Hurricane Sandy those consultations were postponed until November. The report observed a lack of "tangible progress" and pointed to the crisis in Syria as a contributing factor to that lack of progress.

Between the drafting of the 1559 report and the briefing, events in Lebanon continued to demonstrate the negative impact of the Syrian crisis. On 19 October a car bomb detonated in the Ashrafiyah district of Beirut, killing at least 8 people, including its intended target, Brig. Gen. Wissam al-Hassan, the intelligence chief of the Internal Security Forces. Al-Hassan, an ally of the family of assassinated former Prime Minister Rafiq Hariri, had played an integral role in the arrest of a former Information Minister, Michel Samaha, who had been accused of plotting bombings in Lebanon targeting supporters of the rebel Free Syrian Army (FSA). The Security Council

issued a press statement strongly condemning the attack and appealing to the Lebanese people to "preserve national unity in face of such attempts to undermine the country's stability." Following al-Hassan's funeral on 21 October, protestors in Beirut attempted to storm the offices of Prime Minister Najib Mikati, while violent clashes in Tripoli killed at least five people. On 22 October, President Michel Sleiman, Plumbly and the ambassadors of the five permanent members of the Security Council met in Beirut to underline their solidarity with Lebanon and their determination to bring the perpetrators of the 19 October attack to justice.

Addressing the General Assembly in September, Mikati had reaffirmed Lebanon's policy of disassociation from the crisis in Syria, though additional incidents in October underscored the fragility of that policy. On 1 October, Lebanese officials reported that a Hezbollah commander, Ali Hussein Nassif, had been killed in Syria by FSA forces.

**UN DOCUMENTS ON LEBANON** Security Council Resolutions S/RES/2064 (30 August 2012) extended the mandate of UNIFIL for 12 months. S/RES/1757 (30 May 2007) established the Special Tribunal for Lebanon. S/RES/1701 (11 August 2006) called for a cessation of hostilities between Hezbollah and Israel. S/RES/1559 (2 September 2004) urged the disarmament of all militias and extension of the Lebanese government's control over all Lebanese territory. Security Council Presidential Statement S/PRST/2008/8 (15 April 2008) concerned the implementation of resolution 1701. Security Council Press Statement SC/10799 (19 October 2012) condemned the 19 October terrorist attack in Beirut. Secretary-General's Reports S/2012/773 (17 October 2012) was the most recent 1559 report. S/2012/502 (28 June 2012) was the most recent 1701 report. **OTHER RELEVANT FACTS** Special Coordinator for Lebanon Derek Plumbly (UK). Special Envoy for the Implementation of Resolution 1559 Terje Rød-Larsen (Norway). UNHCR Statistics for Syrian Refugees in Lebanon as of 24 October 2012 73,393 Syrian refugees registered by the UN in Lebanon with an additional 29,426 being assisted pending registration, for a total of 101,819 Syrian refugees in Lebanon. UNIFIL Force Commander Maj. Gen. Paolo Serra (Italy). Size and Composition of UNIFIL as of 30 September 2012 Authorised: 15,000 troops. Current: 11,528 military personnel. Troop Contributors: Armenia, Austria, Bangladesh, Belarus, Belgium, Brazil, Brunei, Cambodia, China, Croatia, Cyprus, Denmark, El Salvador, Finland, France, FYR of Macedonia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Kenya, Luxembourg, Malaysia, Nepal, Nigeria, Portugal, Qatar, Republic of Korea, Serbia, Sierra Leone, Slovenia, Spain, Sri Lanka, Tanzania and Turkey. Duration: March 1978 to present; mandate expires 31 August 2013. Cost: 1 July 2012–30 June 2013: \$546.9 Million (A/C.5/66/17).

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## Lebanon (con't)

According to Hezbollah sources, Nassif was killed “while performing his jihadi duties,” while anti-Assad activists and rebels have taken the incident as evidence that Hezbollah is fighting in Syria and actively coordinating with the embattled regime of President Bashar al-Assad. Following claims by the FSA that it had detained 13 Hezbollah members near Homs, Hezbollah Secretary-General Hassan Nasrallah denied the organisation was directly involved in the Syrian crisis during a televised speech on 11 October. But according to news reports, clashes between pro-Hezbollah forces and Syrian rebels in Syria in regions bordering Lebanon had become a daily occurrence, while cross-border shelling by Syria into Lebanon had also continued. In response to a spate of kidnappings and general lawlessness, the Lebanese Armed Forces (LAF) deployed troops to the Beka’a region in eastern Lebanon on 17 October as part of a new security plan.

In the south, an unmanned aerial vehicle launched by Hezbollah was shot down by Israel after it penetrated Israeli airspace on 6 October. Speaking to the press later that week, Sleiman indicated that the incident underscored the urgent need for a national defence strategy incorporating Hezbollah’s arms. Mikati voiced his support for the president’s position on 15 October, adding that he supported full implementation of resolution 1701. The National Dialogue, the ongoing talks since 2006 between Lebanon’s political leaders, is scheduled to meet on the subject of Hezbollah’s arsenal on 12 November, though press reports suggest the session may be postponed.

On 10 October, UNIFIL Force Commander Maj. Gen. Paolo Serra chaired a tripartite meeting with senior officers representing the LAF and the Israeli Defence Forces. The parties discussed the implementation

of resolution 1701, the acceleration of the demarcation of the Blue Line between Israel and Lebanon and the issue of the Israeli occupation of the northern part of Ghajar. Serra described the meeting as “constructive” and reported that both parties had reiterated their commitment to resolution 1701.

On 1 October, the Appeals Chamber of the Special Tribunal for Lebanon held a public hearing at which defence attorneys for the four Hezbollah members indicted by the Tribunal argued that it lacked jurisdiction over the assassination of former Prime Minister Hariri and should be dissolved. On 24 October the Appeals Chamber unanimously dismissed the challenges raised by the defence. The trials in absentia of those charged are preliminarily set to begin on 25 March 2013. On 9 October, Boutros Harb—the attorney for the family of Gebran Tueni, a member of parliament who was assassinated on 12 December 2005—demanded that the case be referred to the Tribunal, following news reports that recently unearthed documents could link Syria and Hezbollah to the crime. In response, the Tribunal spokesman indicated that though the assassination fell within the Tribunal’s temporal jurisdiction, its prosecutor would still need to present the pre-trial judge sufficient evidence linking the two assassinations. (The Tribunal is empowered to investigate and try assassinations related to that of Hariri that occurred between 1 October 2004 and 12 December 2005.)

### Key Issues

A key issue impacting the implementation of resolution 1701 continues to be the spill over of the Syrian crisis into Lebanon. As demonstrated by recent events in Lebanon, including the assassination of al-Hassan, Mikati’s policy of disassociation from the Syrian crisis is under pressure. As the potential for

instability in Lebanon increases, the likelihood that Israel and Lebanon will shift from their current cessation of hostilities towards a proper ceasefire decreases. Related to this is the fact that progress on a ceasefire is directly linked to progress on the Israel-Syria peace track, which has been indefinitely postponed.

Other issues related to resolution 1701 include the Israeli occupation of Ghajar, the fact that Hezbollah maintains a significant military capacity beyond the control of the LAF and regular Israeli over-flights into Lebanese airspace.

### Options

The most likely option for the Council is to take no action on the 1701 report. The last Council pronouncement on a 1701 report was a 15 April 2008 presidential statement.

### Council Dynamics

Council members’ positions regarding Lebanon remain unchanged in recent months: they are in consensus that UNIFIL is an important stabilising factor between Israel and Lebanon.

Council members are also in agreement on the implementation of UNIFIL’s strategic review, which sought to transfer some security control from UNIFIL to the LAF while better matching UNIFIL’s mandate to its resources. The redeployment of LAF from the south of Lebanon to the north has delayed this process, but it has not negatively impacted the security situation in UNIFIL’s area of operations.

Regarding the Tribunal, Council members have generally underscored the importance of its independence and foresee no Council role in relation to its activities.

France is the lead country on Lebanon in the Council.

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## Iraq

### Expected Council Action

In November the Council expects to receive the Secretary-General’s report on the UN Assistance Mission for Iraq (UNAMI) and a briefing on its contents and developments in the country from the head of UNAMI,

Martin Kobler.

The mandate of UNAMI expires on 28 July 2013. The mandate of the High-Level Coordinator for Iraq-Kuwait Missing Persons and Property expires on 31 December.

### Key Recent Developments

Kobler last briefed the Council on 19 July, highlighting the political stalemate that has hampered progress on disputed internal boundaries, the unfinished constitutional process, the adoption of essential legislation

## Iraq (con't)

and preparations for provincial elections. Ambassador Hamid Al-Bayati (Iraq) also addressed the Council, agreeing with Kobler that UNAMI “is needed now more than ever in Iraq.” On 25 July, the Council unanimously adopted resolution 2061, renewing UNAMI for a further year.

In recent weeks the political deadlock has not abated. Following a trial in absentia, Iraqi Vice President Tariq al-Hashemi was convicted on 9 September on two counts of murder. Al-Hashemi, who had been accused of overseeing paramilitary death squads responsible for more than 150 attacks in Iraq, was sentenced to death by hanging. From Turkey, where he has been living, al-Hashemi rejected the “politically motivated verdict” as “the final phase of the theatrical campaign” mounted by Prime Minister Nouri al-Maliki. President Jalal Talabani also opposed the verdict, expressing concern that it could “complicate efforts to achieve national reconciliation.”

On 21 October, a delegation from the Kurdistan Regional Government (KRG), headed by former KRG Prime Minister Barham Salih, met with representatives from the Iraqi National Alliance, a Shi'ite political bloc associated with al-Maliki, and with the Prime Minister on 22 October. That same day, KRG Vice President Emad Ahmed met separately with Al-Maliki and Talabani, who in a statement expressed “optimism over the success of the meetings...to achieve the settling of the political disputes.”

At the end of September, eight of the nine members of the Board of Commissioners of the Independent High Electoral Commission were formally appointed. In a statement on 25 September, Kobler welcomed the appointments, saying they paved the way for provincial elections in 2013. However, Kobler also expressed regret that no women had been appointed. The appointment of the ninth commissioner, on 27 September, drew complaints from the Christian community, which criticised the fact that all nine commissioners were Muslim. Provincial elections are currently scheduled for April 2013, followed by general elections in 2014.

On 9 September, a wave of attacks across

Iraq killed more than 100 people. The attacks primarily targeted military and law-enforcement sites, including the Dujail army outpost north of Baghdad and a building in Kirkuk at which people were applying for security jobs with the state-run oil company. Additionally, at the French consulate in Nasiriyah, a car bomb exploded, killing two Iraqi guards. On 10 September, the Islamic State of Iraq, an *Al-Qaida* affiliate, claimed responsibility for the attacks. On 11 September, Council members issued a press statement (SC/10757) condemning the attacks.

Sporadic violence continued in the following weeks. At least 32 people were killed in a wave of bombings that struck Shi'ite neighbourhoods on 30 September, a string of car-bombs and a shooting killed eight people in northern Iraq on 15 October and four Pakistani Shi'ite pilgrims were killed in an attack on 19 October. On 20 October, at least 12 people were killed in shootings and bombings targeting government officials and security forces in Baghdad and Mosul. On 24 October, at least 11 more people were killed in attacks in Baghdad and to the north. On 27 October, Kobler condemned “in the strongest terms” a series of attacks which killed at least 20 people, mainly pilgrims observing the Muslim holiday of Eid al-Adha.

Concerning Camp Ashraf, as of 3 October, more than 3,000 Iranian exiles belonging to the *Mujahedin-e Khalq Iran* (the MEK), an organisation opposed to the government in Tehran, had been peacefully relocated to Camp Hurriye near Baghdad International Airport. On 21 September, the US State Department removed the MEK from its list of designated terror organisations, citing the “absence of any confirmed attacks by the MEK for more than a decade.” Approximately 100 members of the MEK are expected to remain at Camp Ashraf for the time being, with Iraqi permission, to deal with logistical issues related to MEK property remaining in the camp.

In August, the Security Council received the 2011 audit of the escrow account established by resolution 1958 to indemnify the UN with regards to the Iraq Oil-For-Food program and the audit of the UN

Compensation Commission (established to process claims and pay compensation related to the Iraqi invasion of Kuwait) for the biennium ending 31 December 2011. Both audits found that the financial statements of the various accounts were fair and accurate.

### Human Rights-Related Developments

On 30 August, Christof Heyns, the Special Rapporteur for the Human Rights Council (HRC) on extrajudicial, summary or arbitrary executions, condemned ongoing executions in Iraq and expressed concern about the lack of respect for transparency, due process and fair trial guarantees when imposing the death penalty.

At the opening of the 21st session of the HRC, High Commissioner for Human Rights Navi Pillay deplored that 26 more people had been executed recently in Iraq, bringing the number of people executed in 2012 to nearly 100.

### Key Issues

A key issue for the Council is how UNAMI can best contribute to the stability of Iraq and help facilitate an end to the current political deadlock.

Another key issue is the continuing sectarian violence, especially as it relates to the conviction of al-Hashemi.

### Underlying Problems

Given sectarian divisions, different political blocs remain split over power-sharing. As a result, key ministerial posts have been vacant for months.

### Options

The most likely option for the Council is to receive the report and hear Kobler's briefing without making any further pronouncements on Iraq. However, given that the report is expected to focus on the continuing political deadlock in Iraq, the Council could issue a statement urging Iraq's political leaders to resolve their differences through political dialogue.

### Council Dynamics

Council members continue to consider Iraq a routine issue, and there is a general consensus that UNAMI is making a contribution to stability in Iraq.

**UN DOCUMENTS ON IRAQ** Security Council Resolutions S/RES/2061 (25 July 2012) renewed UNAMI for a period of 12 months. S/RES/1958 (15 December 2010) terminated the Oil-for-Food programme and established an escrow account to provide indemnification to the UN with regard to the programme for a period of six years. Secretary General's Report S/2012/535 (11 July 2012) was a report of the Secretary-General on UNAMI. Security Council Meeting Record S/PV.6811 (19 July 2012) was a briefing by UNAMI head Martin Kobler on the Secretary-General's report. Security Council Press Statement SC/10757 (11 September 2012) condemned the wave of terrorist attacks across Iraq on 8 and 9 September. Other S/2012/604 (3 August 2012) was the report of the Board of Auditors on the audit of the UN escrow (Iraq) accounts established under resolution 1958 and previous resolutions. S/2012/605 (3 August 2012) was the report of the Board of Auditors on the financial statements of the UN Compensation Commission for the biennium ending 31 December 2011.

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## Iraq (con't)

The expiration of the mandate of the High-Level Coordinator for Iraq-Kuwait Missing Persons and Property in December may factor into some Council members' considerations regarding UNAMI, as some

have suggested incorporating that post into its mandate. Even so, most Council members appear to be interested in maintaining the position as is, so as not to diminish the visibility of Iraq-Kuwait issues.

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

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## Yemen

### Expected Council Action

In November, the Council is scheduled to receive a briefing on the situation in Yemen from the Secretary-General's Special Adviser and UN Envoy Jamal Benomar.

No Council action is expected at this point.

### Key Recent Developments

Benomar last briefed the Council in consultations on 18 September (under the terms of resolution 2014, the Council receives a briefing on Yemen every 60 days; most of these briefings have been in consultations). Focusing on the ongoing challenges to the transition process and other political, humanitarian and security issues, Benomar also updated the Council on the forthcoming National Dialogue Conference as well as security reforms.

Since the last briefing, a few incidents have affected the security situation, which continues to be fragile. On 10 September, Yemen officials said that the second-in-command of Al-Qaida in the Arabian Peninsula (AQAP) and former Guantanamo detainee, Said al-Shihri, was killed in southern Yemen, though very few details of the operation and those involved were released. The following day, Defence Minister Muhammad Nasir Ahmad survived an assassination attempt in Sana'a that killed at least 12 people when a bomb detonated as his motorcade passed. On 13 September, Council members issued a press statement (SC/10762) condemning the terrorist attack in Sana'a.

On 16 October, AQAP militants, one of them a suicide bomber, killed six members

of the Popular Resistance Committees (tribal forces backing the army) and wounded eight others in an attack on a checkpoint in the south. On 18 October, a drone strike near the southern city of Jaar killed at least seven AQAP suspects, including Nader al-Shadadi according to Yemeni sources.

A donor conference on Yemen was held in Riyadh on 4 September. On 27 September, a high-level "Friends of Yemen" meeting took place on the margins of the General Assembly (Saudi Arabia, the UK and Yemen jointly chair the Friends of Yemen, which includes key Persian Gulf countries, the G8 and intergovernmental organisations). Pledges of nearly \$1.5 billion were made at the meeting, which focused on financial support for the transition process. The government of Yemen briefed on the National Dialogue Conference scheduled for 15 November for a period of six months. The Conference is part of the Gulf Cooperation Council (GCC) initiative and intended to serve as an inclusive forum for discussions between different actors in Yemen and feed into constitutional reforms. At press time, however, media reports suggest the Conference has been postponed. The next meeting of the Friends is scheduled for March 2013.

The day after the 27 September Friends meeting, Council members issued a press statement (SC/10778) in support of a fully inclusive National Dialogue. They expressed concern about efforts to undermine the National Unity Government as it endeavours to implement the political transition agreement and reiterated their readiness to consider further measures, including under

Article 41 of the UN Charter, if such actions continued.

A Council visit to Yemen, initially scheduled for October, may now take place in early 2013. Several Council members are interested in a public demonstration of the Council's support for the transition process.

### Human Rights-Related Developments

The UN High Commissioner for Human Rights released a report on 5 September on the situation of human rights in Yemen. The report takes note of the positive political and human rights developments but raises concern that investigations into past violations remain selective and lack credibility and deplores the adoption of an amnesty law granting immunity to former President Ali Abdullah Saleh and other officials. The report recommends the launch of a transparent and independent national investigation, the release of remaining individuals detained by government security forces without due process and by armed opposition groups, and the immediate adoption of measures to end the use and recruitment of children.

On 27 September, the Human Rights Council (HRC) adopted a resolution on Yemen in which it called on all parties to release persons detained arbitrarily and to end any practice of unlawful detention of persons. It also called on the government of Yemen and armed opposition groups to take immediate measures to end the use and recruitment of children and requested the High Commissioner to provide technical assistance to the government to enable Yemen to fulfil its human rights obligations and to report to the HRC at its 24th session.

### Key Issues

The key challenge for the Council is to determine what role it can play in assisting Yemen to foster a peaceful political transition in

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**UN DOCUMENTS ON YEMEN** Security Council Resolutions S/RES/2051 (12 June 2012) focused on the second phase of the political transition and expressed the Council's readiness to consider further measures, including under Article 41 of the Charter. S/RES/2014 (21 October 2011) endorsed the GCC initiative for a peaceful transition of power. Security Council Presidential Statement S/PRST/2012/8 (29 March 2012) noted Council members' concern over the deterioration in the situation since the transfer of power to President Abdrabbuh Mansour Hadi on 25 February. Security Council Press Statements SC/10778 (28 September 2012) was following the Friends of Yemen meeting. SC/10762 (13 September 2012) condemned the 11 September terrorist attack in Sana'a. SC/10656 (21 May 2012) condemned the suicide attack that killed 96 soldiers in Sana'a on 21 May. SC/10571 (7 March 2012) condemned the terrorist attacks that occurred in Abyan province. Latest Meeting Records S/PV.6776 (29 May 2012). S/PV.6744 (29 March 2012). Letters S/2012/470 (21 June 2012) was from the President of the Council noting the receipt of the Secretary-General's 18 June letter. S/2012/469 (18 June 2012) was from the Secretary-General to the President of the Council noting his intention to establish a small office of the Special Adviser for an initial period of 12 months. Other Friends of Yemen Ministerial Meeting Co-Chairs Statement from 27 September 2012. OTHER RELEVANT FACTS Special Adviser to the Secretary-General on Yemen and UN Envoy to Yemen Jamal Benomar (Morocco).

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## Yemen (con't)

accordance with the GCC initiative and the accompanying implementation mechanism. In particular, the Council must determine how it can support the National Dialogue Conference.

A related issue for the Council is dealing with the continuously precarious security, human rights and humanitarian situation in Yemen, which could undermine the new government and the prospects for the political transition process.

### Options

Options for the Council include:

- keeping abreast of the developments in Yemen and receiving regular briefings from Benomar and the Department of Political Affairs;
- adopting a clear message directed at

spoilers, including former President Saleh, in order to give credence to its declared readiness to consider further measures, including under Article 41 of the Charter;

- visiting Yemen to send a strong signal about its support for a peaceful and successful transition; and
- requesting briefings regarding the human rights situation and the humanitarian crisis from the relevant UN actors, as well as international and regional organisations.

### Council Dynamics

Council members seem to be in agreement that Yemen is a complicated situation, where the ongoing interference from Saleh and his relatives to undermine the transition process remains a key obstacle.

Most Council members appear concerned

about the deteriorating security, human rights and humanitarian picture in Yemen. While they recognise that violence has declined slightly, they are aware that any given incident could enflame the situation and lead to an escalation of violence.

Council members, including those that were not initially inclined to threaten actions under Article 41 in resolution 2051, were not opposed to reiterating the threat in the recent press statement. At this point, however, they do not feel that follow-up action on this is warranted unless Benomar or other credible sources bring to light evidence showing new or increased interference in the implementation of the GCC initiative.

The UK has the lead in the Council on Yemen.

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## Bosnia and Herzegovina

### Expected Council Action

In November, the Council is due to hold a six-monthly debate on Bosnia and Herzegovina (BiH). The High Representative for Bosnia and Herzegovina, Valentin Inzko, is expected to brief the Council on developments and the Secretary-General's latest report—expected in early November.

The Council will most likely adopt a resolution reauthorising the EU-led multinational stabilisation force (EUFOR ALTHEA), which expires on 16 November, for a further 12 months.

### Key Recent Developments

When the High Representative last briefed the Council on 15 May, he expressed cautious optimism about the recent political progress that had been made in Bosnia and Herzegovina. Indeed, Inzko said that 2012 could be a “breakthrough year for the country in its efforts to progress towards full Euro-Atlantic integration.” Events since then have largely been less encouraging.

On 31 May, the coalition governing Bosnia and Herzegovina—which had been in place since February after 16 months without a government—broke down after the long-awaited 2012 budget was approved.

One of the coalition partners, the Party of Democratic Action (SDA), voted against the proposed budget and was subsequently asked to withdraw its ministers from the cabinet. A new coalition was formed in June although legal and procedural battles continued.

The EU hosted a high-level meeting in Brussels on 27 June with Bosnia and Herzegovina's leaders at which the EU provided a roadmap that it expected the country to adhere to in order for Sarajevo to submit a credible membership application to the EU. An important component was amendments to the constitution to allow ethnic minorities, those who did not belong to one of the three “constituent peoples” (Bosnian Croats, Muslims and Serbs), to run for high office. (The European Court of Human Rights ruled in 2009 in *Sejdić and Finci v. BiH* that the country's constitution violated the European Convention on Human Rights by denying others the right to be elected to the presidency and second chamber of parliament.) All parties agree that the discrimination must be eliminated but disagree on how to preserve the rights of the constituent peoples.

On 12 September, Stefano Sannino, Director of the European Commission's

Directorate General for Enlargement, expressed disappointment that Bosnia and Herzegovina had failed to meet its first deadline of 31 August for filing draft amendments to the parliament but urged the country to make progress on the roadmap's other tasks.

The Council of the EU on 15 October adopted its “conclusions on Bosnia and Herzegovina”, reiterating its unequivocal support for the country's “EU perspective.” It welcomed the reconfiguration of Operation Althea, completed by 1 September, which focused on capacity-building and training and reduced the number of forces to approximately 600. The statement expressed concern over the country's political situation but noted that its authorities had been capable in dealing with threats to the “safe and secure environment”.

Secretary-General Ban Ki-moon visited Bosnia and Herzegovina from 25–26 July as part of a regional visit. After meetings in Sarajevo with the three members of the presidency, Ban became the first UN Secretary-General to visit Srebrenica, where he commemorated the 8,000 victims of the 1995 massacre.

On 7 October, Bosnians voted in local elections across the country. The mayoral

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## Bosnia and Herzegovina (con't)

election in Srebrenica drew particular attention; the Muslim candidate was ultimately re-elected.

Following an earlier announcement, on 31 August the Deputy High Representative confirmed that supervision of the Brčko district had come to an end and that his team would no longer intervene in the district's affairs. (The Brčko district, which borders Croatia in the northeast of Bosnia and Herzegovina, is unique. It is formally part of both entities that make up the country: the Republika Srpska, and the Federation of Bosnia and Herzegovina.)

Completion of the Brčko Final Award was one of the five objectives that needed to be met before the Office of the High Representative (OHR) is closed. (Additionally, two conditions need to be fulfilled to complete the so-called "5+2" agenda: signing of the Stabilisation and Association Agreement with the EU—which happened in 2008—and a positive assessment of the situation in the country by the international Peace Implementation Council Steering Board.)

In September, Milorad Dodik, the President of Republika Srpska (RS), repeated that the entity itself was a state, saying that Bosnia and Herzegovina was "an impossible country." In a 27 July statement, the High Representative—who serves as the guarantor of the 1995 Dayton Agreement—reiterated that "there is only one state on the territory of Bosnia and Herzegovina, and that is Bosnia and Herzegovina itself."

### Human Rights-Related Developments

Rita Izsák, the independent expert on minority issues for the Human Rights Council, visited Bosnia and Herzegovina from 17-25 September to examine the human rights situation of different minorities. She noted that damaging political, ethnic and religious divisions continue to exist. Izsák expressed concern over the high degree of ethnic segregation in the education system and

called for more measures to be taken at all levels to promote meaningful political participation of national minorities. She also highlighted the particular challenges faced by the largest national minority, the Roma.

On 22-23 October the Human Rights Committee—a UN treaty body that considers states' compliance with the International Covenant on Civil and Political Rights—examined the human rights record of Bosnia and Herzegovina. The committee welcomed its renewed commitment to the prosecution of war criminals but raised concerns over the lack of support provided to war-time victims of sexual violence. The search for missing persons and support provided to their families, conditions in prison facilities and protection of national minorities were also discussed.

The Special Rapporteur on Violence against Women, Rashida Manjoo, planned to visit Bosnia and Herzegovina from 29 October to 5 November.

### Key Issues

The primary issue for the Council is ensuring that the security situation in Bosnia and Herzegovina remains stable.

Related to this is whether the OHR continues to have an important role to play or if it should soon be downsized with a view to closure.

The implementation of existing agreements, including on defence and state property, and addressing the constitutional issues surrounding the *Sejdić and Finci* case are crucial to Bosnia and Herzegovina's progress and are important matters for the Council. Related to this are the ongoing challenges posed by the political gridlock in Sarajevo and continuing rhetoric challenging the long-term viability of the state.

A broader but related issue is Bosnia and Herzegovina's progression towards full "Euro-Atlantic integration" (i.e. EU and NATO membership).

### Options

One option for the Council is to authorise a

roll-over of EUFOR's mandate in Bosnia and Herzegovina for a further 12 months.

In the resolution, the Council could underline the importance of Bosnia and Herzegovina's political leaders refraining from divisive rhetoric. It could additionally emphasise Inzko's comments reaffirming the sovereignty of the nation-state of Bosnia and Herzegovina. The Council could consider language urging the country's political leaders to compromise and cooperate constructively, including on constitutional reform.

Reference to the OHR's ultimate downsizing—and the importance of Bosnia and Herzegovina's leaders ultimately taking full responsibility for the country's future once the necessary conditions have been met—might also be an option.

### Council Dynamics

Bosnia and Herzegovina is a low-profile issue for the Council. Yet for those on the Council who have interests in the country, particularly the European members, the US and Russia, differences exist as to how they see the future role of the OHR. Russia has been vocal in calling for the abolition of the OHR, arguing that the country is secure and it is time for the fate of the Bosnians to be in their own hands. The UK and the US have emphasised the need for completion of the "5+2" agenda and for the OHR to remain in place upholding the Dayton Agreement until that time.

Russia in the past has been critical of the High Representative's analysis of the situation in Bosnia and Herzegovina, asserting that it is "tainted by a biased criticism of the leadership of the Bosnian Serbs." Other Council members have tended to generally welcome Inzko's reports.

The UK will be the pen-holder for November's resolution.

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## Kosovo

### Expected Council Action

In November, the Council is scheduled to hold a quarterly debate on the UN Interim Administration Mission in Kosovo (UNMIK), which was established by resolution 1244

(1999) and will continue until otherwise decided.

The Special Representative and head of UNMIK, Farid Zarif, is expected to brief the Council on the latest Secretary-General's

report, due by 31 October.

No Council action is expected.

### Key Recent Developments

On 19 October, the Prime Ministers of Serbia

## Kosovo (con't)

and Kosovo, Ivica Dačić and Hashim Thaçi respectively, held talks in Brussels, brokered by the EU. It was the first time that the two sides had met at the prime ministerial level since Kosovo declared independence on 17 February 2008. The discussions were also the first Belgrade-Pristina talks since February, when developments related to Serbian elections and the formation of a new government in Belgrade delayed the dialogue. The meeting in Brussels, chaired by EU High Representative for Foreign Affairs and Security Policy Catherine Ashton, took place after both sides met with Ashton separately. Describing the talks as having taken place in a “good and constructive atmosphere,” Ashton said, “we agreed to continue the dialogue for the normalisation of relations between the two sides and both committed to working together.” The talks are expected to resume in November.

Three days after the meetings in Brussels, several dozen activists took part in a rally in Pristina organised by the opposition Self-Determination Party (SDP), protesting the talks with Serbia. Police fired tear gas and arrested 60 people after protesters threw stones at police and tried to blockade the Office of the Prime Minister. The protesters asserted that Kosovo should not “bargain with Serbia,” with the SDP leader reportedly saying, “Serbia is an abnormal state and we don’t want to ‘normalise’ our relations.” Thaçi dismissed the protesters as “isolated voices.”

The previous month, on 10 September, Kosovo celebrated the end of its “supervised independence” after the closure of the International Civilian Office in Pristina. The office had been created to oversee the implementation of the provisions of the 2007 Comprehensive Settlement Proposal (the “Ahtisaari Plan”), which was endorsed by the Kosovo authorities but not Serbia. On 7 September, the Kosovo Assembly adopted 22 amendments to its constitution allowing Kosovo to end its supervised independence. This was in keeping with the 2 July decision of the International Steering Group—comprising 24 European countries and the US—to close the office.

The Kosovo Assembly also voted on 7 September to continue the partnership with the EU’s Rule of Law Mission (EULEX),

extending its mandate for a further two years. (The EULEX civilian presence in Kosovo—which numbers about 3,000 personnel and includes international judges and prosecutors—operates under the overall authority of UNMIK.)

In relation to the end of Kosovo’s supervised independence, NATO Secretary-General Anders Fogh Rasmussen confirmed on 10 September that NATO did not intend to reduce troop numbers (about 6,000) in its Kosovo Force (KFOR).

On 10 October, the European Commission released the key findings of its feasibility study for a Stabilisation and Association Agreement between the EU and Kosovo, which would pave the way for Kosovo—which is a “candidate country”—to join the EU. The Commission confirmed that Kosovo was “largely ready” to open negotiations for such an agreement. Yet the report indicated that Kosovo had to take numerous steps beforehand, including in the rule of law, protection of minorities (notably the Serbian Orthodox Church) and trade.

The equivalent findings concerning Serbia, which obtained the status of “candidate country” on 1 March, noted that Belgrade’s implementation of agreements reached with Pristina had been “uneven.” It said Serbia’s new government needed to fulfill its commitment to implement all agreements with Kosovo in order to “open up the next phase of Serbia’s EU integration.”

In October, Dačić reiterated statements advocating the partition of Kosovo as the “fastest, best and most just solution” to the Kosovo impasse. Dačić emphasised that partition was his personal position and not that of the Serbian government. In response to similar remarks in September, Thaçi said that partition would never happen. Kosovo is against partition and has argued that the division of nation states along ethnic lines runs counter to European values.

In his speech during the General Assembly’s general debate on 25 September, Serbian President Tomislav Nikolić affirmed that his country was willing to “participate constructively in the negotiating process” with Pristina. Serbia could not move forward without Kosovo and Kosovo could not move forward without Serbia, he said. Nikolić reaffirmed that Serbia would never recognise

Kosovo’s unilateral declaration of independence but that it would fulfill obligations in the agreements reached with Kosovo thus far, even though he considered those agreements “as meeting the wish list of the Albanian party and concessions made by our leadership at that time, under heavy pressure.”

As Kosovo is not a UN member or observer state it did not speak in the general debate, although its President, Atifete Jahjaga, did meet with the Secretary-General on the margins of the General Assembly on 23 September.

### Key Issues

A key issue for the Council is maintaining the stability of the security situation throughout Kosovo. Tensions are most pronounced in northern Kosovo, and a significant issue facing the Council is the parallel security sector structures in the predominantly Serb north, where the majority refuses to recognise Pristina’s authority.

Recurring issues—such as the freedom of movement of KFOR and EULEX personnel in northern Kosovo, attacks against minorities (including Serbs) in Kosovo and declining numbers of minority returnees to Kosovo—are also likely to feature.

However, the focal point for the Council is likely to be the resumption of the Belgrade-Pristina dialogue and the initial signs concerning the “normalisation” of relations. Implementation of existing agreements between Belgrade and Pristina, including on border management, is also a pertinent issue.

### Options

Generally, the Council chooses not to take action at these regular UNMIK debates and could refrain from doing so again in November.

One option, however, would be to issue a press statement welcoming the high-level talks between the two Prime Ministers if a second round of talks occurs before the debate.

### Council Dynamics

Intractable Council differences on the issue of Kosovo have changed little in recent years. Due to deep divisions among permanent members concerning the legitimacy of the unilateral declaration of independence, the

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## Kosovo (con't)

Council has found it difficult to make pronouncements on Kosovo. Resolution 1244—adopted in 1999—remains the authoritative Council decision on the situation, and China and Russia reiterate that all action must be consistent with the resolution. (The resolution reaffirmed the territorial integrity of what was then the Federal Republic of Yugoslavia—including Kosovo—but also reaffirmed the

call for Kosovo to have substantial autonomy and “meaningful self-administration.”) Several elected members—none of whom, apart from Colombia, Germany and Portugal, recognise Kosovo—likewise accentuate the need for UNMIK to implement, and act in accordance with, resolution 1244.

The focus for most members in November is likely to be forward-looking and centred on

the resumed talks. Some members are likely to reinforce that it is in the interest of both parties to develop closer relations with the EU. Other members may express the need for more demonstrable progress in the investigation into the allegations of organ harvesting in Kosovo during 1999–2000.

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## DPRK (North Korea)

### Expected Council Action

Ambassador José Filipe Moraes Cabral (Portugal)—the chair of the 1718 Committee, which oversees the sanctions on the Democratic People’s Republic of Korea (DPRK)—is scheduled to brief Council members in November on the Committee’s recent work. These regular quarterly briefings are in closed consultations.

The Panel of Experts (PoE) that supports the work of the Committee is due to provide a mid-term report of its work to the Committee by 12 November, pursuant to resolution 2050 (2012). After this report is discussed with the Committee, the PoE is requested to submit the report to the Council by 12 December.

No Council action is expected.

### Key Recent Developments

On 29 August, mid-level officials from Japan and the DPRK held a meeting at the Japanese embassy in Beijing. It was the first time in four years that the two countries—which do not share diplomatic relations—had held talks. The outcome of the meeting was inconclusive but was aimed at shaping an agenda for future high-level talks. A key issue for Japan is to be allowed to retrieve the remains of several thousand Japanese citizens who died at the end of World War II in the north of Korea while it was still a Japanese colony.

As the two countries considered the possibility of a next round of talks, Kim Young-Nam—who serves as the DPRK’s ceremonial head of state—was quoted on 12 October as saying that Japan should apologise for its

wartime aggression.

On 7 October, the US and the Republic of Korea (ROK) announced that they had reached an agreement to extend the range of Seoul’s ballistic missiles. The ROK’s chief national security adviser, Chun Yung-woo, announced that the goal of revising the pact was to deter armed provocation from the DPRK and to be able to incapacitate its nuclear and missile capabilities at an early stage. (The range of the missiles will be more than doubled from 300 kilometres to 800 kilometres, which would mean the missiles could reach any target in the DPRK, but would not be considered a threat to China.)

Two days later, the DPRK’s KCNA news agency reported an official statement saying that the US declaration that Washington did not have a hostile policy towards the DPRK was a lie. The statement also said that the DPRK had “strategic rocket forces” that could strike not only “the US imperialist aggression forces’ bases in the inviolable land of Korea but also Japan, Guam and the US mainland.” The US State Department said it considered the range of the DPRK’s missiles an intelligence issue and would not discuss the veracity of the DPRK’s claims. But it noted that Pyongyang was bound by Council resolutions. A spokeswoman also said that rather than “bragging about its missile capability, they ought to be feeding their own people,” and that threats and provocations would undermine the DPRK’s efforts to “get back into conversation with the international community.”

On 28 October, a group of DPRK defectors went ahead with the launch of balloons filled with propaganda leaflets over the border into their former homeland. A week earlier, ROK police had prevented the activists from launching the balloons after the DPRK had threatened military action against its southern neighbour.

In developments at the UN, the Sanctions Committee met on 24 October to discuss the 12 recommendations in the 14 June PoE report (S/2012/422). The PoE’s first recommendation was for the Committee to consider the financial and technical challenges that inspections, seizure and disposal of prohibited materials originating from the DPRK present to member states. The Committee agreed to commence drafting an Implementation Assistance Notice (IAN)—a guidelines paper—to assist member states with this issue and asked the PoE to provide it with a background paper on the matter.

The PoE report recommended that the Committee prepare—or issue—three other IANs and that the Council take steps to establish an inter-panel coordination mechanism to address synergies between other PoEs. The Committee discussed this matter and the recommendation that the Committee invite relevant UN organisations to engage with it to ensure that delivery of items, including computers, to the DPRK were consistent with Council resolutions on the prohibition of luxury goods. The necessary consensus was not reached in the Committee to make progress on these issues at this stage. (The Committee comprises all 15 Council

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**UN DOCUMENTS ON DPRK** Security Council Resolutions S/RES/2050 (12 June 2012) extended the mandate of the PoE until 12 July 2013. S/RES/1874 (12 June 2009) condemned the DPRK’s 25 May 2009 underground nuclear test, expanded the sanctions regime and established a PoE. S/RES/1718 (14 October 2006) expressed grave concern over the DPRK’s nuclear test, imposed sanctions and set up the 1718 Committee. Presidential Statement S/PRST/2012/13 (16 April 2012) strongly condemned the DPRK’s launch of 13 April and directed the Committee to take steps to update and strengthen the sanctions regime. Presidential Note S/2012/422 (14 June 2012) contained the final report of the PoE, submitted pursuant to resolution 1985, which made 12 recommendations to improve the implementation of the sanctions regime.

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## DPRK (North Korea) (con't)

members and makes decisions by “consensus of its members.”)

### Human Rights-Related Developments

Reporting to the General Assembly in September, the special rapporteur on the situation of human rights in the DPRK, Marzuki Darusman, noted that

he had received reports and testimonies of a wide range of human rights violations. These included extensive use of political prison camps, poor prison conditions and prisoners being subjected to forced labour, torture and corporal punishment. The authorities have continued to impose severe restrictions on the rights to freedom of opinion, expression and movement, combined with harsh punishments. Despite his various requests, Marzuki had not been able to visit the DPRK. The report is therefore based on a mission to Thailand in June and on meetings held in Geneva, New York and Jakarta.

On 18 October at a press conference in Geneva, UN High Commissioner for Human Rights Navi Pillay expressed her concern about the human rights situation in the DPRK, including the use of political prison camps, public executions and severe food shortages. She also highlighted the extreme difficulty of gaining access to the country.

### Key Issues

A key issue for the Council is for the DPRK to abide by its obligations under Council resolutions and for tensions on the Korean Peninsula not to escalate.

The 1718 Committee is focused on ensuring that the sanctions regime is duly implemented, while not inflaming the political

situation by being seen to widen the sanctions without the Council’s explicit authorisation.

### Options

Council members could receive the briefing in consultations and take no action, as is customary.

At the Committee level, members could hold further discussions on the PoE’s recommendations to prepare additional IANs. The PoE called for notices on best practices for members states to “promptly” submit reports as required by Council resolutions, on members states’ informing the Committee when an *attempted* violation of the sanctions regime comes to their attention and on clarifying language that some member states have deemed unclear concerning the freezing of designated persons’ or entities’ funds.

An additional option for the Committee is to discuss when might be a good time for its chair to brief the wider membership on the work of the Committee and PoE.

### Council Dynamics

Ongoing divisions exist—particularly among the P5—on how aggressive the Council should be in implementing and tightening the sanctions against the DPRK given its continued violation of existing Council resolutions. The Council seems to have established a record whereby it adopts resolutions condemning Pyongyang’s action when it

tests a nuclear device (as in 2009 and 2006) and adopting presidential statements when it undertakes a prohibited launch (as in April 2012 and in 2009). China traditionally emphasises that the Council’s responses should be proportional and is mindful that the Committee and PoE not over-reach their mandates. It prefers to take a cautious approach, considering dialogue with Pyongyang to be more effective than sanctions.

Others, including European members on the Council and the US, seek to be more proactive in ensuring the DPRK abides by its obligations under Council resolutions and that the existing sanctions regime is effectively implemented. They have generally favoured a more prescriptive approach whereby the Committee would act on the PoE’s recommendations in providing clearer guidance to member states through IANs and looking at the benefits of cooperation across other PoEs.

On 1 January, the ROK will join the Council for a two-year term, possibly raising the profile of DPRK issues within the Council. (On 19 December, presidential elections are scheduled in the ROK. President Lee Myung-bak, who has taken what Pyongyang considers a “hostile” policy towards the DPRK during his five-year term, will leave office in February 2013.)

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## Timor-Leste

### Expected Council Action

In November, the Council is expected to hold its final debate on the UN Integrated Mission in Timor-Leste (UNMIT). The mission’s mandate is set to end on 31 December. Finn Reske-Nielsen (Denmark), who has been Acting Special Representative for Timor-Leste since mid-June, is expected to brief the Council.

No immediate Council action is expected following the debate.

The Council is also planning to undertake a visiting mission to Timor-Leste in

early November, despite Hurricane Sandy’s interruptions. At press time, six elected members—but no permanent members—were expected to go on the trip.

### Key Recent Developments

Since the Council last held a debate on UNMIT on 22 February, significant political developments in Timor-Leste have taken place.

On 17 March, the country held the first round of presidential elections, in which three candidates—including the incumbent President José Ramos-Horta—were considered

the front-runners. In the 16 April run-off, José Maria Vasconcelos—an independent candidate and former military commander better known by his *nom de guerre* Taur Matan Ruak (“Two Sharp Eyes”)—defeated Francisco Guterres of the Revolutionary Front for an Independent East Timor (known by its Portuguese acronym, FRETILIN). On 20 May, Taur Matan Ruak was inaugurated as President, a largely ceremonial position, for a five-year term. In a press statement of 25 April (SC/10626), the Council congratulated Timor-Leste on the “peaceful, smooth and

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**UN DOCUMENTS ON TIMOR-LESTE** Security Council Resolutions S/RES/2037 (23 February 2012) extended UNMIT until 31 December 2012. S/RES/1704 (25 August 2006) established UNMIT. Security Council Press Statement SC/10626 (25 April 2012) congratulated Timor-Leste on the conduct of its presidential elections. Secretary-General’s Report S/2012/765 (15 October 2012) covered developments in Timor-Leste from 7 January to 20 September 2012. Letter S/2012/736 (2 October 2012) contained the 20 September letter from Prime Minister Gusmão to the Secretary-General.

## Timor-Leste (con't)

orderly manner” of the elections.

Parliamentary elections were held in Timor-Leste on 7 July. More than 20 parties competed, although the two main parties—FRETILIN and the National Congress for Timorese Reconstruction (CNRT)—won 55 of the 65 seats in the unicameral Parliament. On 15 July, the leader of CNRT—Prime Minister Xanana Gusmão—announced that his party, which had won 30 seats, would go into coalition with the two smaller parties that had won the remaining ten seats: the Democratic Party (PD) and *Frenti-Mudança*. This announcement sparked protests from FRETILIN supporters who were angry that their party would again be excluded from the government. The unrest spread the following day from the capital Dili to outer districts, killing one person and injuring four police officers.

The new cabinet was sworn in on 8 August, with several key portfolios not changing hands, including that of the Prime Minister.

Shortly after the new cabinet was formed, Secretary-General Ban Ki-moon paid a visit to Timor-Leste and praised its people for the progress they had made since independence in 2002. In his remarks on 15 August, the Secretary-General commended Timor-Leste for consolidating its security sector, noting that the government would still have the UN's support after UNMIT's departure.

Concerning Timor-Leste's post-UNMIT future, in a 20 September letter to the Secretary-General (S/2012/736), Prime Minister Gusmão expressed “appreciation and heartfelt gratitude” to the UN for its commitment and support since 1999. Gusmão also stated that the criteria underpinning the UN/Timor-Leste “Joint Transition Plan” of September 2011 had been successfully met. These included the facts that:

- stability had prevailed;
- general elections had been held in accordance with international standards;
- the government had been formed based on the outcome of the elections; and
- political opposition had had space to operate in accordance with democratic principles.

The letter also stated that significant progress had been achieved, leading the Timor-Leste government to believe that it was “now in a position to assume leadership of the national development process.” The letter concluded that while the UN will continue

to be an “important partner,” Timor-Leste no longer required the support of a UN peacekeeping or political mission. Instead, Timor-Leste wanted to establish an “innovative working relationship of cooperation” with the UN, which could perhaps involve the two-year appointment of a Special Envoy of the Secretary-General. The letter noted that the government had formed a working group that would further discuss with the UN post-2012 matters.

The Secretary-General's report of 15 October (S/2012/765) embraced the proposal for the UN to continue to be an important partner in the new phase of Timor-Leste's development. It noted that progress had been made in strengthening capacities of state institutions, including in the security, justice and governance sectors.

Alongside these positive developments, the report noted that Timor-Leste continued to face challenges. These included the implementation of regulations prescribing the roles of the national police force (PNTL), the armed forces (F-FDTL) and other security sector institutions and ensuring that there was respect for civilian oversight. In terms of the drawdown itself, the report noted that UNMIT police were expected to have ended operational support to the PNTL by 31 October. It is anticipated that UNMIT police would then proceed with a drawdown throughout November.

In the concluding section of the report, the Secretary-General stated that he was “pleased to recommend that UNMIT continue to proceed with its phased drawdown through the next three months until completion of its mandate on 31 December, consistent with the views of the government.”

### Human Rights-Related Developments

During a press conference in Dili on 15 August, the Secretary-General was asked whether the UN supported the pursuit and prosecution of people involved in human rights atrocities committed in Timor-Leste from 1974 until independence, including people who are now in Indonesia. Ban responded that the UN's position on this issue was clear and consistent: all the perpetrators of crimes against humanity and war crimes must be brought to justice. The Secretary-General said that experience showed that political stability could not be sustainable when there was no justice for crimes against civilians, crimes against humanity and war crimes.

### Key Issues

The key issue for the Council is ensuring that the full transfer of UNMIT's responsibilities to Timor-Leste is smooth and that the transition period leading up to 31 December is seamless.

An ongoing priority for the Council is that the political and security situations remain stable after UNMIT's departure. (UNMIT was established in 2006 following a political, humanitarian and security crisis in the country. The UN's second peacekeeping mission in Timor-Leste—UNMISSET—had concluded its mission the year before.)

A further issue for the Council is the UN's capacity to encourage developments by the government after UNMIT's departure. These include the need to act against impunity and promote accountability for serious offences committed during the 2006 crisis and prior to independence.

### Options

The Council is not required to take any formal action in order for UNMIT's phased drawdown to be completed or for the UN's post-UNMIT country team to operate.

However, in order to demonstrate its continued support for Timor-Leste, including in the implementation of its Strategic Development Plan 2011-2030, the Council could adopt a presidential statement closer to the time of UNMIT's withdrawal. Such a statement could incorporate the views of Council members following the November visiting mission to Timor-Leste. (Under broadly similar circumstances, the Council expressed its continued support for Nepal's peace process in a presidential statement of 14 January 2011. The UN Mission in Nepal completed its departure the following day.)

### Council and Wider Dynamics

The Council has been largely unified on Timor-Leste. Several Council members with links to Timor-Leste, and those regional states that are part of the wider core group on Timor-Leste, have emphasised the need to listen to the new Timor-Leste government as to its preferences for the UN's post-UNMIT presence. While some have been mindful of recent history and want to ensure that Timor-Leste is fully prepared to maintain stability and security without the likelihood of another UN peacekeeping mission, it seems that there

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## Timor-Leste (con't)

is consensus in the Council that the country is ready to embark on its post-UNMIT future.

Concerning the visiting mission in November, some elected members including Portugal and South Africa—the latter has

the lead on Timor-Leste—considered that the trip was important for Council members to see first-hand the progress that had been made and the potential lessons for other situations. The permanent members' decision not to go on the trip perhaps reflects their

wider viewpoint that the Council should be focused more at this time on situations more directly affecting international peace and security. (The Council had intended to visit Timor-Leste in November 2010 although that trip was postponed.)

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## Counter-Terrorism

### Expected Council Action

In November, the Council will hold a debate in which the chairs of the counter-terrorism-related committees—the 1267/1989 Al-Qaida Committee, the 1373 Counter-Terrorism Committee (CTC) and the 1540 Committee (concerning weapons of mass destruction)—are expected to brief. No outcome is anticipated.

### Key Recent Developments

#### 1267/1989 Committee

The Ombudsperson, Kimberly Prost, submitted her fourth report (S/2012/590) to the Council on 30 July 2012. She noted that state cooperation was generally strong, and efforts ongoing to overcome some of the most difficult problems, including the question of access to confidential/classified information. The Ombudsperson continued to request that her mandate be expanded to cover instances of continued application of sanctions measures against individuals already delisted and to directly transmit exemption requests from individuals and entities to the Committee for its consideration.

Of the 19 cases processed by the Ombudsperson, since the establishment of the position, and upon which a decision was taken by the 1267/1989 Committee, one was denied by the Council; one was amended and a name of an entity was removed as requested; and 16 were delisted. (The Al-Qaida sanctions list currently includes 236 individuals and 68 entities and other groups or undertakings associated with Al-Qaida.)

The Committee has also been busy going

over travel reports by the Monitoring Group that assists the Committee and periodical reviews of the sanctions list.

#### CTC

The CTC is planning a special meeting with UN member states and international, regional and subregional organisations on 20 November in New York to discuss measures required to prevent and suppress terrorist financing. The special meeting will focus on raising awareness of the terrorist financing threat and drawing attention to the related best practices of states to hinder terrorism and their relevance to the implementation of resolution 1373. The chair of the CTC, Ambassador Hardeep Singh Puri (India), will chair the event.

The Counter-Terrorism Committee Executive Directorate (CTED), which assists the CTC, concluded a five-day comprehensive visit to Djibouti on 27 September. Issues raised during the visit included maritime and cargo security, law enforcement, border management and staff training. Another topic raised with senior government officials during the mission was the importance of respecting human rights while countering terrorism.

CTED organised workshops and seminars in different regions on various issues:

- a workshop held in Rabat from 17-19 July was devoted to developing effective and comprehensive strategies to counter incitement of terrorist acts motivated by extremism and intolerance;
- a seminar in Kuala Lumpur on joint

investigations, held in June and co-sponsored by CTED and the Southeast Asia Regional Centre for Counter-Terrorism (under the Malaysian Ministry of Foreign Affairs), dealt with means of bringing terrorists to justice; and

- the third of a series of seminars on the role of the prosecution in terrorist cases was held in Algiers from 5-7 June, during which close to 40 prosecutors and judges from different regions came together with representatives of international, regional and sub-regional organisations to examine their role in bringing terrorists to justice.

#### 1540 Committee

The main issue dealt with by the Committee in the last few months was the appointment of the Group of Experts (GoE). Resolution 1977 called for the Secretary-General to establish a group of eight experts after consultation with the Committee. The resolution also asked the Committee to consider recommendations for the Committee and the GoE on expertise requirements, broad geographic representation, working methods, modalities and structure, including consideration of the feasibility of a coordination and leadership position for the GoE. The resolution called for these recommendations to be presented to the Council no later than 31 August 2011.

After the recommendations were put forward, the Committee members had nine names of qualified experts before them but were unable to agree on a list of eight experts to recommend to the Secretary-General. Different countries from different regions

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**UN DOCUMENTS ON COUNTER-TERRORISM** Security Council Resolutions S/RES/2055 (29 June 2012) expanded the number of experts to nine. S/RES/1989 (17 June 2011) empowered the Ombudsperson to make delisting recommendations to the 1267/1989 Committee. S/RES/1977 (20 April 2011) renewed the mandate of the 1540 Committee for ten years. S/RES/1963 (20 December 2010) extended the mandate of CTED until 31 December 2013. S/RES/1624 (14 September 2005) called on states to take measures to prohibit by law, and to prevent, acts of incitement to commit terrorism. 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. **Latest Joint Meeting Record S/PV.6767** (10 May 2012) **Other Concept note on the special meeting of the Counter-Terrorism Committee for the 20 November event**, prepared by CTED. S/2012/590 (30 July 2012) was the Ombudsperson's fourth report. S/2012/16 (6 January 2012) was the CTED global implementation survey of resolution 1624. S/2011/790 (20 December 2011) was the report on linkages between Al-Qaida and the Taliban. **OTHER RELEVANT FACTS** **Committee Chairs** CTC Ambassador Hardeep Singh Puri (India). **1540 Committee** Ambassador Baso Sangqu (South Africa). **1267/1989 Committee** Ambassador Peter Wittig (Germany).

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## Counter-Terrorism (con't)

stressed different factors in choosing experts, and a solution was not in sight. Several meetings on this issue were convened, including at deputy permanent representative level, but to no avail.

To circumvent the impasse, the US suggested that the number of experts be expanded to nine, and thus, after the Committee reached a consensus on the issue, the Council adopted resolution 2055 on 29 June, expanding the number of experts to nine. After the resolution was passed and the Committee was in agreement, the nine experts were appointed, with the UK expert serving as coordinator. Several experts will begin their work in New York by the end of October, and all are expected to arrive by the beginning of 2013.

The next step for the 1540 Committee is the preparation of the annual review due by the end of the year, with the assistance of

the newly formed GoE. As their appointment was considerably delayed, this process may spill over into early 2013.

### Key Issues

Improving implementation by member states of all counter-terrorism Council resolutions is a key issue.

A new key issue is assessing the implications of the wider mandate of the Ombudsman under resolution 1989 and whether the mandate should be further adjusted, in light of its upcoming renewal.

Regarding the 1540 Committee, a key issue is how the newly appointed GoE experts will interact with the Committee, via its coordinator.

### Council and Wider Dynamics

Concerning the 1267/1989 Committee, Council members are starting to

collect their thoughts regarding the renewal of the Ombudsman's and the Monitoring Group's mandates, which expire in December. At present, it seems that Council members are in agreement that both mandates should be renewed, yet there may be disagreements over the specifics of each mandate. One issue that is likely to be negotiated are possible adjustments to the role and resources of the Office of the Ombudsman.

Points that are likely to arise in all three briefings are the issues of compliance with, and implementation of, the regimes. In the past months Council members have shown a growing interest in capacity-building and assistance to states in order to enable them to better comply with sanctions and their obligations under the regimes.

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## Working Methods

### Expected Council Action

Late in November the Council will hold an open debate on its working methods. The Chair of the Informal Working Group on Documentation and Other Procedural Questions, Ambassador José Filipe Moraes Cabral (Portugal), will brief.

India and Portugal will jointly prepare a concept note; no outcome is expected.

### Key Recent Developments

The upcoming debate will be the fifth Council working methods debate in UN history. (Previous debates were held in 1994, 2008, 2010 and 2011.) The increased frequency in recent years is indicative of the sustained interest on the part of member states in this matter.

Speakers in the 2011 debate made numerous recommendations on possible modifications of working methods and practices of the Council. In what was itself a rare working method, at the end of the debate, the

Council President that month—Ambassador Cabral—provided a summary of the discussions, highlighting key recommendations made. He praised work done on working methods within the Council, in particular by Japan, reflected in Notes by the President of the Council S/2006/507 and S/2010/507 (see SCR's "In Hindsight: The Working Methods Open Debate" in the January 2012 *Forecast*).

Ambassador Cabral also recognised the work of the group known as the Small Five (S-5), comprising Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland, in presenting the Council "with useful thoughts and proposals" aimed at improving its working methods. He stressed that the Council needed to intensify its commitment to monitoring the implementation of the newly agreed practices and assess their impact on the goals of enhanced transparency, efficiency and interaction with the UN membership.

As of 1 January 2012, Portugal assumed the chairmanship of the Informal Working

Group. Throughout the year, the Working Group has been meeting on average once a month. One of its tasks has been analysing a matrix of proposals made during the last open debate.

In March (during the UK presidency), members held ambassadorial-level consultations to discuss working methods related to improving management of the Council programme and sessions. A non-paper prepared jointly by Portugal and the UK to facilitate the discussion outlined the key areas: periodicity (to spread mandate renewals more evenly throughout the year avoiding spikes in the Council's work); conference resources (better planning of the meetings throughout the month aimed at financial savings); and interactivity (aiming at less recourse to speakers' lists in consultations to achieve more informality, as well as increased use of videoconferencing to maintain closer contact with missions in the field). On 5 June, the Council issued a Note by the President expressing

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**UN DOCUMENTS ON WORKING METHODS** Notes from the President of the Security Council S/2012/402 (5 June 2012) expressed members' commitment to several efficiency-enhancing working methods modifications. S/2010/507 (26 July 2010) updated the 2006 Note 507. S/2006/507 (19 July 2006) contained a list of practices and measures aimed at enhancing the efficiency and transparency of the Council's work as well as improving interaction and dialogue with non-Council members. **Security Council Meeting Records** S/PV.6672 (30 November 2011) was an open debate on working methods presided by Portugal. S/PV.6300 (22 April 2010) was an open debate on working methods presided by Japan. S/PV.5968 and **Resumption 1** (27 August 2008) was an open debate on working methods presided by Belgium. S/PV.3483 (16 December 1994) was the first open debate on Security Council working methods (presided by Rwanda). **Other** A/66/PV.108 (16 May 2012) was the meeting of the General Assembly in which the S-5 withdrew its draft resolution. A/66/L.42/Rev.2 (15 May 2012) was the revised draft resolution on Council working methods put forward by the S-5.

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## Working Methods (con't)

members' commitment to several efficiency-enhancing measures (S/2012/402).

Over the past several months, the Working Group has been addressing other issues, including:

- the process of appointing the chairs of the Council's subsidiary bodies;
- the issue of pen-holders in drafting resolutions;
- management of open debates (including the speakers' order);
- the process of drafting of the annual report to the General Assembly, as well as the monthly assessment of the work and informal briefings for membership at large by the President of the Council.

A Note by the President on some of these issues was under silence procedure at the time of writing.

The S-5, after several years of concerted work on working methods of particular concern, tabled a draft resolution (A/66/L.42/Rev.2) during the 66th session of the General Assembly. The draft acknowledged the significant steps already taken by the Council to improve its working methods, but emphasised the need for additional measures aimed at enhancing its accountability, transparency and effectiveness and included 20 recommendations to that effect.

In the weeks leading up to the scheduled 16 May vote, the S-5 came under pressure,

primarily from the P5, to withdraw the draft. On 14 May, responding to a letter from the President of the General Assembly asking for advice as to the majority requirement for the adoption of the S-5 proposal, the Under-Secretary-General for Legal Affairs issued an opinion suggesting that a two-thirds majority would be needed. Heeding numerous submissions to defer action, the S-5 withdrew the draft to avoid a procedurally contentious discussion in the Assembly that in their view would have been inevitable. Speaking on behalf of the S-5, Ambassador Paul Seger (Switzerland) expressed hopes that the Council would intensify its efforts within the framework of the Working Group to improve its working methods. He said that the S-5 had listened carefully to the permanent members' statements that they were "ready to consider our recommendations seriously, and we hold them to their promise, with the Assembly as witness."

### Key Issues

A key issue for Council members is whether they will be willing and able to maintain the momentum that has emerged in 2012 on working methods.

A related issue—should the Council continue its increased activity on working methods—is what key areas it should next focus on.

An issue for the membership at large is whether and in what way to continue engaging the Council from outside on working methods.

A related issue is tension that exists between Article 30 of the UN Charter, which states that the Council shall adopt its procedure, and Article 10, which states that the Assembly may make recommendations to the Council on its powers and functions.

### Council and Wider Dynamics

Elected Council members have in recent years taken the lead on working methods (the debates in 2008, 2010 and 2011 were initiated by Belgium, Japan and Portugal, respectively). However, by virtue of their continuous presence on the Council, the permanent members have had the most prominent role in shaping the Council's working methods. Most tend to argue that the Council alone should be the engine of any change in its working methods and are opposed to the involvement of other UN bodies in the matter.

The lead on working methods, at least nominally, is the elected member chairing the Working Group. In practice, this depends on the level of interest and energy on the part of the delegation chairing the subsidiary body. The current chair, Portugal, leaves the Council at the end of 2012 and the dynamics will likely change depending on who succeeds it.

# Notable Dates for November

REPORT DUE	REPORTS FOR CONSIDERATION IN NOVEMBER	REQUESTING DOCUMENT
15 October	Secretary-General's UNMIT report (Timor-Leste)	S/RES/2037
19 October	DRC Sanctions Group of Experts annual report	S/RES/2021
22 October	Secretary-General's report on Somalia piracy	S/RES/2020
25 October	Secretary-General's report on illicit cross-border trafficking and movement	S/PRST/2012/16
31 October	Secretary-General's UNMIK report (Kosovo)	S/RES/1244
late October	Secretary-General's UNSMIL report (Libya)	S/RES/2040
5 November	Report of the High-Representative for Bosnia and Herzegovina	S/RES/2019
9 November	Secretary-General's UNMISS report (South Sudan)	S/RES/2057
12 November	DPRK Panel of Experts report (to 1718 Committee)	S/RES/2050
14 November	Secretary-General's report on implementation of resolution 1701 (Lebanon)	S/RES/2064
14 November	Secretary-General's MONUSCO report (DRC)	S/RES/2053
16 November	Secretary-General's UNAMI report (Iraq)	S/RES/2061
20 November	Report of the Emergency Relief Coordinator for Somalia	S/RES/2060
26 November	Secretary-General's report on planning for an intervention force in Mali	S/RES/2071

MANDATES EXPIRE	RELEVANT DOCUMENT
16 November	EUFOR authorisation (Bosnia and Herzegovina)
17 November	UNISFA (Abyei)
22 November	Somalia anti-piracy authorisations
30 November	DRC Sanctions and Group of Experts

## OTHER IMPORTANT DATES

- early November ..... Some Council members are likely to go on a visiting mission to Timor-Leste.
- mid November ..... The annual report of the Security Council will be presented to the General Assembly.
- mid November ..... There will be a workshop for newly elected Council members organised by Finland.
- 17 November ..... Sierra Leone is scheduled to hold presidential and legislative elections.
- 19 November ..... The Council is scheduled to hold an open debate on piracy as a threat to international peace and security.
- 26 November ..... The Council is scheduled to hold an open debate on its working methods.

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