

# Monthly Forecast

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## Overview

The [United States](#) will hold the Council's presidency in December.

Debates are expected on:

- the situation in [Afghanistan](#), with a briefing by the head of UNAMA, Nicholas Haysom; and
  - the International Criminal Tribunal for the former Yugoslavia ([ICTY](#)) and the International Criminal Tribunal for Rwanda ([ICTR](#)), with the presidents of the Tribunals and the president of the Residual Mechanism for International Criminal Tribunals expected to brief.
- Briefings are expected on:
- the situation in [Yemen](#), by Special Envoy Ismail Ould Cheikh Ahmed, High Commissioner for Human Rights Zeid Ra'ad Al Hussein, and the head of OCHA Stephen O'Brien;
  - the [ICC work regarding Darfur](#), by ICC Prosecutor Fatou Bensouda;
  - the [experience of chairing Council subsidiary bodies](#), by chairpersons from countries that will be finishing their two-year terms on the Council, Ambassador Mahamat Zene Cherif (Chad), Ambassador Cristián Barros (Chile), Ambassador Dina Kavar (Jordan); Ambassador Raimonda Murmokaitė (Lithuania); and Ambassador U. Joy Ogwu (Nigeria); and
  - the work of the [1737 Iran Sanctions Committee](#) and the [1540 Committee](#) by Ambassador Román Oyarzun (Spain) who chairs both Committees.

Briefings, followed by consultations, are expected on:

- [South Sudan](#) and the Secretary-General's latest report on UNMISS, by Under-Secretary-General for Peacekeeping Hervé Ladsous and the head of UNMISS, Ellen Margrethe Løj;

- the Secretary-General's report on [UNOCA](#) and the implementation of the UN regional strategy to combat the [Lord's Resistance Army](#), by Special Representative Abdoulaye Bathily;
  - the [Central African Republic](#) and the work of MINUSCA by Special Representative Parfait Onanga-Anyanga and the work of the [2127 CAR Sanctions Committee](#), by its chair Ambassador Murmokaitė;
  - the [humanitarian situation in Syria](#), by Assistant Secretary-General for Humanitarian Affairs Kyung-wha Kang; and
  - [Israel/Palestine](#), by Special Coordinator Nickolay Mladenov.
- Briefings in consultations are planned on:
- the work of the [UNDOF](#) in the Golan Heights by DPKO;
  - [chemical weapons in Syria](#), by Acting High Representative for Disarmament Affairs Kim Won-soo; and
  - the situation in [Western Sahara](#) by the head of MINURSO, Kim Bolduc, and the Secretary-General's Personal Envoy for Western Sahara, Christopher Ross.

Formal sessions will be held to adopt resolutions to renew:

- the mandate of [UNISFA in Abyei](#);
- the mandate of [UNMISS in South Sudan](#);
- the terms of [ICTY judges and the ICTY Prosecutor](#); and
- the mandate of [UNDOF in the Golan Heights](#).

Throughout the month members will be following closely developments in [Burundi](#), [Libya](#) and [Ukraine](#), and additional meetings may be scheduled. Also possible is a briefing on the human rights situation in the [DPRK](#).

**25 November 2015**

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## Status Updates since our November Forecast

### Somalia

On 1 November, Council members issued a press statement condemning Al-Shabaab's attack in Mogadishu (SC/12103). On 9 November, the Council held a ministerial-level briefing on Somalia, presided over by UK Foreign Minister Philip Hammond. Special Representative Nicholas Kay presented the Secretary-General's report on UNSOM (S/2015/702). Chef de Cabinet of the Secretary-General Susana Malcorra, Permanent Observer of the AU to the UN Tété Antonio and the Somali prime minister also addressed the Council. Preceding the briefing, the Council adopted resolution 2245 regarding the successor to the UN Support Office for AMISOM, the UN Support Office in Somalia. On 10 November, the Council adopted resolution 2246, renewing counter-piracy measures for Somalia after considering the Secretary-General's report on piracy off the coast of Somalia (S/2015/776).

### ICJ

On 4 November, the Council convened for a private meeting to receive a briefing from the newly appointed President of the ICJ, Judge Ronny Abraham (France). The briefing coincided with the presentation the following day of the annual report of the ICJ to the General Assembly (A/70/4). Abraham discussed the overall activities of the Court, including an overview of pending contentious cases.

### Sudan (Darfur)

On 4 November, Ambassador Rafael Ramirez of Venezuela, the chair of the 1591 Sudan Sanctions Committee, provided the quarterly briefing to Council members on the committee's work. He said that he had received an invitation to visit Sudan from the government, but that a date for such a trip had yet to be determined.

### Libya

On 5 November, ICC Prosecutor Fatou Bensouda briefed the Council and said that large-scale crimes, including those under ICC jurisdiction, are being committed by all parties to the conflict (S/PV.7549). Later that day, the head of UNSMIL, Special Representative Bernardino León, briefed on political developments in Libya (S/PV.7550). He blamed the leaderships of the House of Representatives and the General National Congress

for delaying a vote on the outcome of the dialogue process. On 7 November, Council members issued a press statement expressing concern about activities which could damage the integrity and unity of the Libyan state financial institutions and the National Oil Company and highlighted the importance of these institutions continuing to function for the benefit of all Libyans (SC/12108).

### Burundi

On 9 November, the Council was briefed by Under-Secretary-General for Political Affairs Jeffrey Feltman; High Commissioner for Human Rights Zeid Ra'ad Al Hussein (via video teleconference from Geneva); Ambassador Jurg Lauber, the Permanent Representative of Switzerland to the UN and chair of the PBC's Burundi Configuration (via video teleconference from Bujumbura); the Special Adviser for the Prevention of Genocide Adama Dieng (via video teleconference from Jordan); and AU Ambassador to the UN Tété Antonio (S/PV.7553). On 12 November, the Council adopted resolution 2248, expressing its intention to consider additional measures against all Burundian who contribute to the perpetuation of violence. The resolution also requested the Secretary-General to update the Council within 15 days, including by presenting options on the future presence of the UN in the country. At press time, it seemed that update might be scheduled for 30 November.

### Democratic Republic of the Congo

On 9 November, the Council adopted a presidential statement on the situation in the DRC (S/PRST/2015/20). The statement stressed the importance of neutralising, once and for all, armed groups in the DRC and the Council's concern that joint operations between the Congolese army and MONUSCO's Force Intervention Brigade have yet to resume, in particular against the Forces démocratiques de libération du Rwanda. The statement also calls on the DRC to ensure the timely holding of presidential and legislative elections by November 2016. The 1533 DRC Sanctions Committee met with the Special Representative for Children and Armed Conflict Leila Zerrougui on 20 November.

### Bosnia and Herzegovina

On 10 November, the Council held a debate

on the situation in Bosnia and Herzegovina (S/PV.7555) and adopted resolution 2247, renewing the authorisation of the EU-led multinational stabilisation force for a year. Russia, this year's penholder, wanted to reduce the resolution's scope to focus on elements directly related to EUFOR. At the debate, High Representative Valentin Inzko briefed on his latest report to the Council (S/2015/841).

### Iraq

On 11 November, Special Representative Ján Kubiš briefed the Council (S/PV.7556) and presented the Secretary-General's reports on UNAMI (S/2015/819) and on Iraq/Kuwait missing persons and property (S/2015/826). Kubiš discussed the prime minister's set of reforms that had been barred by the Council of Representatives. These reforms included attempts to abate the influence of former Prime Minister Nouri al-Maliki. Kubiš said the prime minister has struggled to exercise his authority while his opponents grow bolder.

### UN Policing

On 13 November, the Council was briefed on the challenges of policing within a protection of civilians mandate (S/PV.7558). The UK circulated a concept note ahead of the meeting (S/2015/844). Briefers included: the head of DPKO, Hervé Ladsous; Charles Bent, Deputy Police Commissioner of UNMISS in South Sudan; Pascal Champion, Police Commissioner of MONUSCO in the DRC; and Greg Hinds, Police Commissioner of UNMIL in Liberia.

### Lebanon

On 13 November, Council members issued a press statement condemning 12 November terrorist attacks in Beirut (SC/12120). On 18 November, Council members were briefed in consultations by Special Coordinator Sigrid Kaag on the latest UNIFIL report (S/2015/837). The following day, Council members issued another press statement expressing concern over 18 month vacancy of the presidency in Lebanon (SC/12128).

### Counter-Terrorism

Council members issued press statements condemning the terrorist attacks in Paris on 13 November (SC/12121), in Mali on 20 November (SC/12133) and in Tunisia on 24 November (SC/12135). On 20 November,

## Status Updates since our November *Forecast* (con't)

the Council adopted resolution 2249 which calls upon member states to take all necessary measures, in compliance with international law, to redouble and coordinate their efforts to prevent and suppress terrorist acts committed specifically by ISIS and other Al-Qaida affiliates. On 24 November, the 1373 Counter-Terrorism Committee held an open meeting on the issue of foreign terrorist fighters.

### Conflict Prevention

On 17 November, the Council held ministerial-level open debate on security, development and the root causes of conflict presided over by the UK's Secretary of State for International Development, Justine Greening (S/PV.7561). The UK circulated a concept note ahead of the meeting (S/2015/845). Briefers included the Secretary-General who presented his report on conflict prevention (S/2015/730); Chair of the PBC, Permanent Representative Olof Skoog of Sweden; and Ouided Bouchamaoui, a member of the Nobel Peace Prize-winning Tunisian National Dialogue Quartet.

### Secretary-General Appointment

On 18 November, Council members discussed the contents of a draft joint letter on the process for the appointment of the Secretary-General under “any other business” during consultations. The letter was circulated by the UK on 16 November and was based on a UK draft with inputs from the Office of the President of the General Assembly. It seems some members like Russia and China questioned the timing of the joint letter, indicating that they did not see the need to start the selection process this early. The UK circulated a revised draft letter on 22 November for further discussion.

### Kosovo

On 19 November, the Council held its quarterly debate on Kosovo with a briefing by Special Representative Zahir Tanin (S/PV.7563) who presented the most recent UNMIK report (S/2015/833). At the meeting, Serbia was represented by Ivica Dačić,

First Deputy Prime Minister and Minister for Foreign Affairs of Serbia. Kosovo was represented by its ambassador to the US, Vlora Çitaku, who announced that Kosovo will participate in these debates at the ambassadorial level, signaling the changing nature and format of its relationship with the UN.

### Myanmar

On 19 November the Special Advisor on Myanmar, Vijay Nambiar, briefed Council members in consultations under “any other business” at the request of the UK. He briefed on the 8 November elections in which the National League for Democracy, the party of Nobel Peace Prize winner Aung San Suu Kyi, won by a landslide. Nambiar welcomed the peaceful and orderly conduct of the elections, but noted as a serious flaw the disenfranchisement of the Rohingya.

### Israel/Palestine

Special Coordinator Nickolay Mladenov briefed the Council from Jerusalem via video teleconference during the regular monthly meeting on 19 November (S/PV.7562). According to the briefing, over the past month, Palestinians had carried out 35 reported attacks, that left six Israelis dead and 36 injured while in clashes across the West Bank and the Gaza Strip, 11 Palestinians had been killed and more than 3,500 injured. In Gaza, he said, the security situation had been relatively calm. While current conditions made a return to negotiations a challenging prospect and required Israel to make substantial policy changes on the ground, the Middle East Quartet remained the principal international entity to support negotiations towards a comprehensive and just resolution of the conflict, he added. Mladenov also requested that the Council provide any additional guidance on new peace architectures.

### Peace Operations

On 20 November, the Secretary-General briefed the Council on his report “The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace

Operations” (S/2015/682), which responds to the recommendations put forward in the Panel's own report (S/2015/446). The UK circulated a concept note proposing a focus on recommendations related to sequenced and tailored mandates and ways to bring the Council's collective political leverage to bear on behalf of political solutions (S/2015/846). On 25 November, the Council adopted a presidential statement noting a number of areas where the Council could play a key role in strengthening UN peace operations and expressing the Council's intention to continue to consider the relevant recommendations of the Secretary-General's report (S/PRST/2015/22). On 27 November, the Working Group on Peacekeeping Operations held a meeting on the importance of regional peacekeeping initiatives.

### Sahel

On 25 November, Special Envoy Hiroute Guebre Sellassie briefed the Council (S/PV.7566) on the latest report on the implementation of the UN's integrated Sahel strategy (S/2015/866). At press time, negotiations on a draft presidential statement were ongoing.

### Protection of Civilians

On 25 November, the Council adopted a presidential statement on protection of civilians (S/PRST/2015/23). It recognised the contribution of the updated Aide Memoire and requested the Secretary-General to submit annual reports on protection of civilians.

### Small Arms and Poaching in Africa

On 30 November, Angola and Lithuania organised an Arria-formula meeting on the impact of illicit transfers of small arms and light weapons and the illicit trade in wildlife and wildlife products on peace and security in Africa. Briefers included Emmanuel de Merode, director of Virunga National Park in the DRC; Khristopher Carlson, Senior Researcher at Small Arms Survey in Geneva; and Jorge Rios, Coordinator of the Global Wildlife and Forest Crime Programme at the UN Office on Drugs and Crime.

# Afghanistan

## Expected Council Action

In December, the Council will hold its quarterly debate on Afghanistan, during which it will consider the Secretary-General's 90-day report on the UN Assistance Mission in Afghanistan (UNAMA). Nicholas Haysom, the Secretary-General's Special Representative in Afghanistan and head of UNAMA, is expected to brief.

In accordance with resolution 2160, adopted in June 2014, the Council might review the measures related to the 1988 Afghanistan sanctions and make minor adjustments to the sanctions regime through a resolution, although this has yet to be confirmed.

UNAMA's mandate expires on 17 March 2016.

## Key Recent Developments

The security situation has grown more unstable in recent months, with Taliban attacks reported in various parts of the country and Afghan forces struggling to meet the challenge. Meanwhile, increasing numbers of Afghans have been leaving the country. According to the UN Refugee Agency, 23 percent of the approximately 660,698 refugees who have fled by sea to Europe thus far in 2015 have come from Afghanistan. This is a higher percentage than any other country except Syria. There have also been roughly 197,000 people displaced within Afghanistan this year, as of 30 September.

On 28 September, the Taliban seized Kunduz, the capital of the province with the same name in northern Afghanistan. Fighting ensued for several days before Afghan security forces, with assistance from the US military, were able to regain control of the city.

On 3 October, a US aircraft bombed a Médecins Sans Frontières (MSF) hospital in Kunduz, killing at least 30 people. Later that day, US President Barack Obama issued a statement expressing condolences for the "tragic incident". Calling the incident a "terrible tragic mistake", White House press secretary Josh Earnest said on 7 October that Obama had called Dr. Joanne Liu, the president of MSF, to offer condolences and apologise for the incident. Investigations are underway by NATO, the Pentagon and a US-Afghan team. However, MSF, which

has conducted its own internal review, has requested an independent investigation through the International Humanitarian Fact Finding Commission (IHFC). An IHFC investigation could only be launched with the cooperation of Afghanistan and the US, but neither government has given its consent.

In early October, heavy fighting between government forces and the Taliban took place in north-western Faryab province. Afghan forces, with the assistance of local fighters and NATO air support, held off a Taliban assault on Maimana, the provincial capital.

The Taliban launched a major operation in southern Helmand province in mid-October. They seized significant territory around Lashkar Ghah, the provincial capital.

Between 6 and 8 November, Taliban fighters aligned with the Islamic State of Iraq and al-Sham (ISIS) decapitated seven ethnic Hazara hostages, including three children, in Zabul province in the south-eastern part of Afghanistan. On 11 November, several thousand demonstrators took to the streets of Kabul to express their anger at the executions of the Hazaras and to protest the government's inability to protect its people. Afghan security personnel fired warning shots to prevent the crowd from entering the presidential palace. In a televised speech to the nation, President Ashraf Ghani appealed to the Afghan people to remain united and vowed to "bring the culprits to justice".

The executions of the Hazara civilians occurred amidst heavy fighting in Zabul between two factions of the Taliban, one siding with Mullah Mansour, the former deputy of the deceased Taliban leader Mullah Omar, and the other a splinter group backing Mullah Mohammed Rassoul, a native of Kandahar who once served as the governor of Nimroz province. The splinter group appointed Rassoul as its leader on 2 November.

On 15 October, Obama announced that the US would maintain a presence of 9,800 troops through most of 2016 in Afghanistan to train Afghan forces and conduct counter-terrorism operations, and that by the end of 2016 approximately 5,500 US troops would remain in the country. The US had previously planned on keeping only 1,000 soldiers in Afghanistan by the end of 2016.

On 12 October, the first-ever Ulema National Conference in Support of Peacebuilding in Afghanistan was held in Kabul. ("Ulema" is a group of scholars of Islam.) According to a UNAMA press release, approximately "500 participants from Ulema councils and independent Ulema, composed of Sunni and Shi'a religious scholars and different ethnic representations from every province in Afghanistan, met to discuss the role of Ulema, the peace process and Islamic values". At the conclusion of the meeting, the conference adopted a declaration that said fighting against the government and people of Afghanistan was not permitted from a religious standpoint and that there should be peaceful dialogue among Afghans.

The most recent Council quarterly debate on Afghanistan occurred on 17 September, during which Haysom and Yuri Fedotov, Executive Director of UN Office of Drugs and Crime, briefed. Haysom reiterated his call for dialogue between the government and the Taliban. Fedotov emphasised that economic development was needed to lure Afghan farmers from cultivating opium but noted, "Widespread international political support for alternative development has not been matched by funding".

## Sanctions-Related Developments

The 1988 Afghanistan Sanctions Committee held informal consultations on 12 October. The Monitoring Team reported that narcotics continued to be a major source of funding for the Taliban. The growing tensions between the Taliban and ISIS in Afghanistan were also discussed during the meeting.

## Human Rights-Related Developments

In a 26 October statement, High Commissioner for Human Rights Zeid Ra'ad Al Hussein strongly condemned the attack on a bus carrying staff of the Afghanistan Independent Human Rights Commission (AIHRC) that was struck by an explosive device earlier that day in the eastern city of Jalalabad. Two AIHRC employees were killed and six others injured. The AIHRC is one of the country's most important institutions and has made valiant efforts to monitor and report on the human rights situation in Afghanistan, the statement said.

## Key Issues

The key issue for the Council is how to address

**UN DOCUMENTS ON AFGHANISTAN** Security Council Resolutions S/RES/2210 (16 March 2015) renewed UNAMA's mandate until 17 March 2016. S/RES/2160 (17 June 2014) renewed, with minor adjustments, the 1988 Taliban sanctions regime. S/RES/1988 (17 June 2011) established a separate Taliban/Afghanistan sanctions regime, with a separate list of Taliban individuals and entities subject to sanctions and a new Afghanistan-focused sanctions committee. Security Council Meeting S/PV.7526 (17 September 2015) was the last Council debate on Afghanistan.



## Afghanistan (con't)

the deteriorating security situation, its negative impact on the country's stability and the toll the conflict is taking on the civilian population.

A related issue is whether it is possible to generate momentum for reconciliation efforts, given the heavy fighting since the 7 July talks in Murree, Pakistan, between the government of Afghanistan and Taliban representatives.

### Options

The Council could adopt a resolution or presidential statement that:

- deplores the high number of civilian casualties and demands that all sides avoid killing and injuring civilians, while recalling that targeting civilians is a war crime;
- encourages efforts by the international community to support reconciliation in Afghanistan; and
- emphasises the importance of development assistance in promoting Afghanistan's stability.

The Council may also consider welcoming the "Heart of Asia" ministerial-level meeting of regional and other key states, scheduled for

7-8 December in Islamabad, Pakistan, to discuss economic development in Afghanistan, depending on the outcome of that meeting.

If the Council decides to review the 1988 sanctions regime, it could adopt a resolution that:

- welcomes Afghanistan's establishment of a national focal point for the sanctions regime;
- encourages Afghanistan to make use of travel exemptions for Taliban interested in reconciliation; and
- deplores the presence in Afghanistan of ISIS and calls on the Monitoring Team to investigate its sources of financial support.

### Council Dynamics

There is widespread concern among Council members about the extreme fragility of the security environment and the toll that the conflict continues to take on civilians. These issues will likely be a major focus of members' interventions during the December UNAMA debate.

There is also broad emphasis in the

Council on the importance of the reconciliation process in bringing stability to Afghanistan. In particular, the US and China, whose restive Xinjiang province shares a border with Afghanistan, have tried to play a supportive role in the mediation process. However, members realise the difficulty of promoting reconciliation at the present time in a context in which the Taliban has stepped up its violence and demonstrated little interest in negotiations. During the last debate on Afghanistan in September, New Zealand pointed to another challenge in the reconciliation process, namely the fragmentation and complexity of the insurgency, which now includes the Taliban, Al-Qaida and ISIS.

The links between drug production and trafficking and the insurgency is another problem noted by several Council members, one that has frequently been reiterated by France and Russia over the years.

Spain is the penholder on Afghanistan, while New Zealand is the chair of the 1988 Sanctions Committee.

## Syria

### Expected Council Action

In December, Council members will receive their regular monthly briefings on the chemical weapons and humanitarian tracks in Syria.

The authorisation in resolution 2191 for cross-border and cross-line humanitarian access in Syria expires on 10 January 2016. The Council may adopt a resolution renewing the authorisation in December before one of the humanitarian leads, Jordan, rotates off the Council.

It is unlikely, but possible, that there may be action in the Council towards empowering a UN-endorsed mission to monitor a yet to be agreed ceasefire plan for Syria. This is highly dependent on how realistic the International Syria Support Group's ambitious target of 1 January is to prepare for a ceasefire and the beginning of political talks.

### Key Recent Developments

Two new developments in November were the accelerated diplomatic efforts in Vienna toward a political solution to the Syrian crisis, as well as renewed attention to counter-terrorism efforts following the 13 November attack in Paris for which the Islamic State of Iraq and al-Sham (ISIS) claimed responsibility. (Council members issued a press statement the same day condemning this attack.)

While there has been a spate of recent attacks by ISIS (claimed or suspected) in Afghanistan, Egypt, Lebanon, Tunisia and Turkey, the Paris attack was the catalyst for France to draft a counter-terrorism resolution that was adopted with very little negotiation on 20 November—the same day as the Mali attack. Resolution 2249 called for member states to take all necessary measures on the territory under the control of ISIS to

prevent terrorist acts committed by ISIS and other terrorist groups.

French President François Hollande travelled to Washington D.C. and Moscow in late November calling for a single international coalition against ISIS. Analysts note the US is unlikely to join Russia in any counter-terrorism coalition targeting groups in Syria, especially following the incident on 24 November when Turkey shot down a Russian jet near the Syrian border. At a 24 November joint press conference with Hollande, US President Barack Obama said the incident "points to an ongoing problem with the Russian operations."

Talks on Syria were held in late October in Vienna with the P5, the UN, the EU, regional countries Egypt, Iran, Iraq, Jordan, Lebanon, Oman, Qatar, Saudi Arabia, Turkey and the UAE, and European countries Germany and Italy. It was the first time that Iran participated

**UN DOCUMENTS ON SYRIA** *Security Council Resolutions* S/RES/2249 (20 November 2015) calls on member states to take all necessary measures to prevent ISIS attacks. S/RES/2235 (7 August 2015), S/RES/2209 (6 March 2015) and S/RES/2118 (27 September 2013) were on chemical weapons. S/RES/2191 (17 December 2014), S/RES/2165 (14 July 2014) and S/RES/2139 (22 February 2014) were on the humanitarian situation. *Security Council Press Statements* SC/12127 (19 November 2015) condemned ISIS for the murder of a Chinese citizen and a Norwegian citizen. SC/12121 (13 November 2015) condemned the terrorist attacks in Paris. *Security Council Meeting Record* S/PV.7560 (16 November 2015) was on the humanitarian situation. *Security Council Letter* S/2015/854 (9 November 2015) was the notification from the Secretary-General that the UN-OPCW JIM would be operational on 13 November. *Secretary-General's Reports* S/2015/862 (11 November 2015) was on the humanitarian situation. S/2015/820 (26 October 2015) was on chemical weapons.

in international talks aimed at finding a common position on a political solution to the war in Syria. Syrians were not included in these talks; neither government nor opposition representatives were invited to attend.

A Joint Statement was released from Vienna on 30 October that invited the UN to convene government and opposition representatives for a political process leading to credible, inclusive and non-sectarian governance, followed by a new constitution and elections held under UN supervision. The UN was given a role in exploring modalities for implementing a nationwide ceasefire. While the Joint Statement referenced the Geneva Communiqué, it did not explicitly call for a transitional governing body or the need for the protection of civilians—both of which are central elements of the Geneva Communiqué.

The following week, the P3 drafted a press statement welcoming the Vienna talks. However, it seems Russia had a strong preference to include language in the draft that would “endorse” the Joint Statement. The P3 did not want to “endorse” the Joint Statement and believed that it was important to keep the focus on the Geneva Communiqué as the guiding framework for a political transition in Syria. In the end, no press statement was issued.

Special Envoy for Syria, Staffan de Mistura, briefed Council members under “any other business” on 10 November saying the UN was ready to support “any decision taken at the next round of talks”. It seems de Mistura put the Vienna talks in an extremely positive light even though some fundamental divisions among the P5 remained unresolved. (The UN was not included in the drafting of the 30 October Vienna Joint Statement.)

Vienna talks re-convened on 14 November. The Arab League was added to the group that now refers to itself as the International Syria Support Group (ISSG). The statement coming out of that meeting set an ambitious timeframe to prepare for a parallel ceasefire and political process by 1 January 2016 that will lead to credible, inclusive and non-sectarian governance within six months. The following step would be the drafting of a constitution and elections within 18 months.

At the Vienna II talks, the P5 pledged to support a Security Council resolution endorsing a ceasefire (not applicable to anti-ISIS efforts) and authorising a monitoring mission. However, following OCHA’s 16

November briefing on the humanitarian situation in Syria, the US was the only Council member to mention such a monitoring mission during its intervention. The US also set out its views on timing, stating that a ceasefire would go into effect as soon as the government and opposition have taken steps toward a transition based on the Geneva Communiqué. Russia focused on Vienna II’s condemnation of terrorism and referenced proposals, which remained unspecified in Russia’s intervention, to move the political process forward.

On 23 November, US Secretary of State John Kerry was in the United Arab Emirates and Russian President Vladimir Putin was in Iran—both discussed Syria with their regional counterparts ahead of the next round of ISSG talks in December. In the interim, de Mistura will be working on the challenging task of forging a unified delegation out of disparate Syrian opposition groups aligned with various international backers. He will have the delicate task of balancing Turkey’s preference for the opposition in exile, the Syrian National Coalition; Egypt’s preference for the opposition groups that have been meeting in Cairo which do not include the Muslim Brotherhood; Russia’s preference for the Moscow group of “regime-approved” opposition; and the results of the Syrian opposition conference slated for mid-December in Saudi Arabia.

Another part of the ISSG’s preparatory work is agreeing on which actors should be identified as terrorist groups in addition to those already designated by the Security Council, such as Al-Qaida, ISIS and Al-Nusra Front. Such groups would be barred from participation in political talks and could be targeted by counter-terrorism operations.

Following a 24 November meeting, NATO said the downing of a Russian jet near the Syrian border was consistent with Turkey’s description of the incident. While there was no corresponding Security Council meeting, Turkey did send a letter to the Council describing the event without naming Russia. The letter said that two SU-24s violated Turkish national airspace after being warned 10 times in a five minute period. (An SU-24 is a Russian attack aircraft.) Russia said the plane had been attacked when it was 1 kilometer inside Syria. A US official said the Russian jet had been hit over Syria after an incursion into Turkey airspace.

In other developments, on 10 November,

Acting UN High Representative for Disarmament Affairs Kim Won-soo briefed Council members on the regular chemical weapons track. The previous day, the Secretary-General had informed the Council that the UN-OPCW Joint Investigative Mechanism (JIM), established to determine responsibility for the use of chemical weapons in Syria, would be fully operational on 13 November. This notification triggered the JIM’s 90-day deadline for a report to the Council, due in mid-February 2016.

### Subsidiary Body-Related Developments

On 24 November, the 1373 Counter-Terrorism Committee held an open meeting on the issue of foreign terrorist fighters. The meeting was particularly timely given that six of the nine who are suspected of perpetrating the 13 November Paris attacks are believed to have travelled back and forth from Syria.

### Human Rights-Related Developments

On 12 November, Security Council members held a closed Arria-formula meeting with the Commission of Inquiry on Syria. Commissioners Paulo Pinheiro and Karen Koning AbuZayd briefed on the impact of the intensification of armed activities on civilians, especially vulnerable groups such as internally displaced persons.

On 19 November, the General Assembly’s Third Committee adopted a resolution drafted by Saudi Arabia that condemns the Syrian regime and ISIS and expresses regret that a May 2014 Security Council draft resolution referring the situation in Syria to ICC was not adopted (A/C.3/70/L.47). It also criticises Iranian and Russian military activities in Syria, without directly naming those member states. The vote was 119 in favour (including Council members Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Spain, the UK and the US), 15 against (including Council members China, Russia and Venezuela) and 51 abstentions (including Council members Angola and Nigeria).

### Key Issues

The essential issue for the Council—in the fifth year of a war that has exacted a death toll of 250,000, injured one million and displaced half of the Syrian population, including 4.3 million refugees—is to find ways to exert effective leadership, particularly in supporting a cessation of violence and resuscitating meaningful efforts for a political solution.

### Options

The ISSG has identified a role for the Security Council and the UN in the event that their talks produce concrete results. However, immediate

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## Syria (con't)

options seem limited as it is likely that any Council outcome related to a ceasefire will be reminiscent of resolution 2118 on chemical weapons, in that the substance will likely be negotiated outside of New York and only shared with the broader Council after agreement is reached between Russia and the US.

How a monitoring mission might get off the ground would likely require more consideration by the Council. The only specification in the 14 November ISSG statement was that such a mission would operate in areas where monitors would not come under threat of terrorist attacks. De Mistura is advocating “light footprint” options based out of Damascus.

### Council and Wider Dynamics

A few Council members believe that Russian military involvement in Syria, the surge of Syrians seeking refuge in Europe and the expanding reach of ISIS (whether real or

perceived) could collectively tip the conflict toward a political solution. The question then is what that solution might look like.

Russia, Syria and Iran have signaled support for a political solution but are reiterating well-known positions regarding power-sharing (versus a transitional government), sequencing such power-sharing only within the context of a united effort against “terrorism”; elections that do not exclude President Bashar al-Assad; and talks with a “healthy” opposition. Iran and Russia have publicly stated that they are not wedded to Assad but have not yet noticeably used their leverage to significantly rein in the government’s behaviour.

The P3 and some regional states have modified their stance on Assad’s role in a political transition, indicating that the timing of his exit from power does not have to be immediate. Meanwhile, they have increased their military support to armed opposition

groups in response to the Russian military involvement and new government offensives.

While Council members recognise that getting Iran and Saudi Arabia to sit at the same negotiating table is a breakthrough and that the Vienna talks have built up momentum and a modicum of hope, they also note that the positions of the P5 and regional actors, in particular regarding the role of Assad, may have not shifted sufficiently to clear a path toward a political solution to the Syrian crisis. The push and pull between Russia and the P3 over whether the Vienna Joint Statement or the Geneva Communiqué should guide international negotiations demonstrate those ongoing divisions.

France is the penholder on Syria overall. Jordan, New Zealand and Spain lead on humanitarian issues. In practice, however, most texts are agreed between Russia and the US prior to seeking agreement by the broader Council.

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## South Sudan

### Expected Council Action

In December, the Council is expected to adopt a resolution renewing and revising the mandate of the UN Mission in South Sudan (UNMISS), which expires on 15 December.

Prior to this adoption, the Council is expected to hold a briefing, followed by consultations, on three documents: the Secretary-General’s report on UNMISS’s activities and developments in South Sudan from 20 August to 9 November; his report reviewing the mission’s mandate and recommending potential future support for the South Sudan National Police Service and the Joint Integrated Police; and his letter containing an assessment of the UN’s role in providing support for security to key infrastructure.

### Key Recent Developments

In August, South Sudanese President Salva Kiir, Sudan People’s Liberation Movement in Opposition (SPLM in Opposition) leader Riek Machar and Pagan Amum, the representative of former detainees, signed the “Agreement on the Resolution of the Conflict in the

Republic of South Sudan”. Since then, the ceasefire has been fragile, with sporadic clashes between government and opposition forces reported in Upper Nile and Unity states.

In late August and early September, shortly after the peace agreement was signed, Sudan People’s Liberation Army (SPLA) and SPLA in Opposition forces clashed near Malakal, the capital of Unity State. On 4 September, following consultations on the security situation with Special Representative of the Secretary-General and UNMISS head Ellen Margrethe Løj, Council members issued press elements in which they “called upon the parties to adhere to the permanent ceasefire immediately and unconditionally”.

In the latter part of September, government and opposition forces clashed in Duar, Unity State. Each side has blamed the other for sparking the violence. On 21 September, government spokesman Colonel Philip Aguer alleged that 12 government and 50 opposition troops had died in the fighting, which reportedly occurred over the course of several days. Government and opposition forces have

also accused each other of initiating hostilities in Unity State’s Leer County, Machar’s birthplace. According to OCHA, fighting in Leer County between 4 and 22 October led to 80 civilian deaths.

Both sides continue to be responsible for restrictions on the movement and operations of UNMISS. On 7 October, UNMISS personnel travelling from Juba to Wonduruba in Central Equatoria State were physically assaulted by government troops after being asked to leave their vehicle at a checkpoint. The following day, Spokesman for the Secretary-General Stéphane Dujarric announced that UNMISS “condemns such hostile acts and calls on the government of South Sudan to investigate the incident immediately and hold those responsible accountable”.

SPLA in Opposition rebels seized a barge on the Nile River in Upper Nile State on 26 October that was transporting 55,000 litres of fuel to a UN facility. Eighteen UNMISS peacekeepers were detained and released on 29 October; an additional 13 UN contractors were not set free until 2 November. Fuel,

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**UN DOCUMENTS ON SOUTH SUDAN** [Security Council Resolution S/RES/2241](#) (9 October 2015) reauthorised UNMISS until 15 December and added support for transitional security arrangements and for the implementation of the peace agreement to the mandate. [Secretary-General’s Reports S/2015/902](#) (23 November 2015) was the regular UNMISS report. [S/2015/899](#) (23 November 2015) was a report reviewing the mandate of UNMISS and recommending potential future support for the South Sudan National Police Service and the Joint Integrated Police. [Secretary-General’s Letter S/2015/903](#) (23 November 2015) was a letter containing an assessment of the UN’s role in providing support for security to key infrastructure.



## South Sudan (con't)

communications equipment, an inflatable boat and a small number of UNMISS weapons were confiscated during the incident.

In accordance with the peace agreement, between 13 and 18 September the parties held a workshop on transitional security arrangements in Addis Ababa. Among the issues the workshop focused on were establishing demilitarised and cantonment areas and determining the size of forces providing security in Juba, Bentiu, Bor, Malakal and other areas. The SPLM in Opposition did not sign the minutes of the meeting until 26 October—and then with reservations, citing concerns about the government's proposed military presence of 5,000 troops in Juba.

On 3 November, the parties signed an agreement in Addis Ababa on transitional security arrangements for Juba and other key towns. According to the agreement, the total number of forces permitted in Juba during the transitional period of 30 months will be 4,830 (3,420 for the government and 1,410 for the opposition). The parties further agreed to deploy a force of 3,000 joint integrated police (1,500 from each side) in Juba, as well as 800 joint integrated police (400 from each side) in each of Bentiu, Bor and Malakal, for a further total of 2,400. On the day this agreement was signed, the SPLA in Opposition alleged that government troops had attacked their positions in Upper Nile State during the prior two days.

On 2 October, President Kiir issued executive order 36/2015, establishing 28 states—in place of South Sudan's original ten states—within 30 days. Among other things, the stated objectives of the order are:

- to “devolve power and resource[s]” to rural populations;
- to “reduce the size of the national government” in order to allow resources to be directed to state and local governments;
- to “attract, encourage and mobilize national experts to work at the state and county levels”; and
- to “promote social and economic development amongst...rural communities”.

However, this decision has been controversial. Its constitutionality has been questioned, and it complicates implementation of the August peace agreement, which is based on power-sharing formulas pertaining to ten states. Concerns have been expressed that it creates ethnic enclaves that could exacerbate inter-communal tensions, while also

increasing the control of the Dinka—Kiir's ethnic group—over oil-producing areas of the Upper Nile region.

The SPLA in Opposition has said that the executive order violates the peace agreement. This position has been echoed by several international actors, including the EU, the Intergovernmental Authority on Development (IGAD) and the Troika (UK, US and Norway), which have all released statements critical of the executive order.

Council members met on 4 November to discuss the security situation in South Sudan in consultations. Løj and Assistant Secretary-General for Peacekeeping Operations Edmond Mulet spoke during the meeting. Briefing via video teleconference, Løj said that there had been some positive steps regarding implementation of the peace agreement, referring to the 3 November agreement and the fact that Ugandan forces had nearly completed their withdrawal from South Sudan. At the same time, she expressed concern about the deteriorating humanitarian situation in Unity State. Løj spoke about the 26 October seizure of the barge in Unity State and the detention of UN staff on the barge. Mulet said that to enhance the mission's ability to protect itself, 212 military liaison officers would gradually assume positions as military observers, and argued that the deployment of unarmed, unmanned aerial vehicles would help contribute to the protection of mission personnel.

### Human Rights-Related Developments

HRC resolution 29/13 adopted on 2 July stressed the importance of an objective assessment of the human rights situation in South Sudan and called for the deployment of a mission “to monitor and report on the situation of human rights and to undertake a comprehensive assessment of allegations of violations and abuses of human rights with a view to ensuring accountability and in complementarity with the African Union Commission of Inquiry”.

In a 26 October press release, High Commissioner for Human Rights Zeid Ra'ad Al Hussein said the first three members of the ten-person mission had arrived in Juba to conduct an assessment of the human rights violations that have affected civilians since the outbreak of violence in the country in December 2013. According to the statement, the assessment will be preliminary, building on the work done by the human rights division of UNMISS, and a report will be presented to the HRC at its next session in March 2016 with recommendations for ways to improve the human rights situation in the country and to ensure accountability for gross violations.

### Key Issues

The key issue for the Council is how to exert leverage on the parties to ensure that they fulfil their obligations under the August peace deal. Since the signing of the deal, there have been some positive developments, including the 3 November agreement on security and the withdrawal of Ugandan troops from South Sudan. Nonetheless, serious concerns remain, including the ongoing fighting, Kiir's decree establishing 28 states, and indications that the SPLA and SPLA in Opposition are expanding their stockpiles of arms, revealed in the 2 November monthly update by the South Sudan Sanctions Committee Panel of Experts.

Another key issue is how appropriate resources and personnel can be garnered for UNMISS to perform its mandate effectively. Since the troop and police ceilings of UNMISS were first raised in December 2013, the mission has struggled to attract the authorised number of peacekeepers. Additional troops and police will most likely be required for the mission to support transitional security arrangements, but it is unclear how quickly this can be done. The UK government announced in late September that it would contribute 250 to 300 peacekeepers to the effort in South Sudan.

### Options

In renewing the UNMISS mandate, the Council will most likely retain protection of civilians, human rights monitoring and investigation and the creation of conditions conducive to the delivery of humanitarian assistance as core elements of the mandate. This would be in addition to supporting the implementation of the peace agreement and of the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM).

Furthermore, the Council might consider:

- raising the police ceiling to enable UNMISS to help provide security in major towns, such as Juba, Malakal and Bentiu, including in and around UNMISS “protection of civilians” sites, and to provide training to the Joint Integrated Police Units on human rights (including sexual and gender-based violence) and community policing;
- raising the troop ceiling to include forces to protect CTSAMM monitors and military enablers who can build additional infrastructure for the mission; ;



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## South Sudan (con't)

- urging states to contribute peacekeepers to the mission if the troop and police ceilings are raised;
- emphasising the need for child protection advisors to have a presence in all cantonment sites for former combatants; and
- underscoring the need for donors to provide financial aid to support transitional security, justice and governance processes.

Given continuing violations of the ceasefire, the Council could also consider imposing an arms embargo on South Sudan.

### Council Dynamics

There is widespread concern on the Council over the serious security and humanitarian situation, marked by violations of the ceasefire, food insecurity and displacement. Members are also troubled by attacks against

UNMISS personnel and equipment.

Given the ongoing instability in South Sudan, Council members believe that the protection of civilians, human rights monitoring and the facilitation of humanitarian access should remain core elements of the UNMISS mandate. Nonetheless, there are different views among members regarding the Council's approach to South Sudan; some of these differences came up during the negotiations on the last UNMISS mandate renewal resolution, which led to abstentions by Russia and Venezuela during the 9 October vote on resolution 2241. A number of members have supported the idea of using unarmed, unmanned aerial vehicles (UAVs) to support the mission's early-warning activities. However, Russia and Venezuela have expressed reservations about their potential use, in

large part because of the strong objections expressed by the government of South Sudan. UAVs have yet to be used in the country, but resolution 2241 authorises their deployment.

The use of sanctions in South Sudan is another controversial issue. Several Council members have believed that the threat of targeted measures (e.g. assets freezes and travel bans) can play an effective role in pressuring spoilers to comply. Some members have also supported an arms embargo, an option raised by Chile and France during the 4 November consultations. However, Angola, Russia and Venezuela reportedly noted at the same consultations that progress had been made in South Sudan and that the Council should not take steps that could be potentially harmful.

The US is the penholder on South Sudan.

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## UNOCA/LRA

### Expected Council Action

In December, the Security Council will be briefed by Abdoulaye Bathily, Special Representative and head of the UN Regional Office for Central Africa (UNOCA), on the Secretary-General's report on UNOCA and the implementation of the UN regional strategy to combat the Lord's Resistance Army (LRA).

The mandate of UNOCA expires on 31 August 2018.

### Key Recent Developments

Despite the ongoing efforts of the AU-Regional Task Force (AU-RTF), led by Uganda, the LRA continues to be a regional threat. According to the LRA Crisis Tracker (a mapping project created by a partnership of the NGOs Invisible Children and Resolve), the LRA has abducted 47 people since September and killed three. In the period between 17 November 2014 and 16 November 2015, the LRA perpetrated 203 attacks, killing 13 people and abducting 626, with most attacks taking place in the Democratic Republic of the Congo (DRC) and the Central African Republic (CAR). The LRA is also believed to be involved in elephant poaching in Garamba

National Park in north-east DRC, where park rangers and Congolese soldiers have clashed with several rebel groups operating in the park.

A recent decline in activity in the CAR led the US embassy in Kampala to state on 2 October that LRA casualties in the CAR have recently gone down by 90 percent, and defections and abductee releases have increased. US President Barack Obama renewed the mandate of the US anti-LRA advisory force operating in the region on 23 October for another year.

On 29 September, the Washington Post reported that the US has been cooperating with Muslim ex-Séléka rebels in the CAR against the LRA. The US denies assisting the ex-Séléka. In contrast, the May 2015 UNOCA report suggested that the LRA has been cooperating with ex-Séléka and Boko Haram rebels in the region.

Regarding judicial proceedings against the LRA, the confirmation of charges before the ICC against LRA commander Dominic Ongwen is set to take place on 21 January 2016 in The Hague. Ongwen is facing 67 charges of war crimes and crimes against humanity for his actions as an LRA leader. The ICC initially explored the possibility of

conducting the procedure in Uganda, near the scene of the alleged crimes, but eventually decided against it in light of the potential political concerns raised by Uganda, which may hinder the work of the Court.

The Council was last briefed by Bathily on the UNOCA report and the implementation of the regional strategy to combat the LRA on 11 June. The Council then adopted a presidential statement expressing its concern at the grave security situation in parts of Central Africa, in particular the ongoing crisis in the CAR and its regional impact, the continuing threat of the LRA and the terrorist activities of Boko Haram. The Council further welcomed the recommendations in the strategic assessment review conducted by UNOCA in March 2015, in particular the future priorities of the office. The Council requested that the Secretary-General keep it informed through a report on the situation in Central Africa and UNOCA's activities, to be submitted before 30 November 2015 and every six months thereafter. (This is a departure from the Council's recent practice of requesting each report in a separate presidential statement.)

In an exchange of letters in July, the

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**UN DOCUMENTS ON UNOCA/LRA** Security Council Presidential Statement S/PRST/2015/12 (11 June 2015) expressed concern at the grave security situation in parts of Central Africa, in particular the ongoing crisis in the CAR and its regional impact, the continuing threat of the LRA and the terrorist activities of Boko Haram. **Security Council Meeting Record S/PV.7461** (11 June 2015) was on the situation in Central Africa and the activities of UNOCA. **Secretary-General's Report S/2015/339** (14 May 2015) was on the situation in Central Africa and the activities of UNOCA. **Security Council Letters S/2015/554** and **S/2015/555** (16 and 21 July 2015) was the exchange of letters between the Secretary-General and the Security Council in which the mandate of UNOCA was renewed until 31 August 2018.

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## UNOCA/LRA (con't)

Secretary-General and the Security Council agreed that UNOCA's mandate should be extended for a period of three years, until 31 August 2018, instead of previous practice, which was to extend it for a period of 18 months. The Secretary-General's letter argued this was necessary to allow UNOCA to cover the electoral cycles in the sub-region, which will end in 2018. It would also align the periodicity of the mandate of UNOCA with that of other UN regional offices. In addition, the letter contained the draft mandate of UNOCA.

### Key Issues

The key issue for the Council will be to get an updated analysis regarding implementation and effectiveness of the UN's regional anti-LRA strategy and the wider impact of the LRA on the region.

Addressing reports of LRA cooperation

with armed groups active in Central Africa is another area of concern.

### Options

As in the past, an option for the Council is to issue a presidential or press statement that:

- expresses support for UNOCA and encourages member states to contribute more resources toward anti-LRA efforts and regional cooperation, especially in light of the turmoil in countries in the region;
- commends the LRA-affected states for their cooperation and encourages further cooperation in order to overcome the LRA threat once and for all;
- expresses concern over reports of LRA cooperation with rebel groups in the CAR and over the increasing threat of Boko Haram to the region; and
- expresses support for UNOCA's efforts

in addressing the increasing political and security challenges in Central Africa.

### Council Dynamics

Council members are largely in agreement on LRA-related issues and strongly support the UN regional anti-LRA strategy. Council members have also been supportive of UNOCA's continued shift to focus its efforts on the region as a whole, rather than on the LRA as its main objective.

The inclusion of regular reporting in the June presidential statement reflected the view of several Council members that in the absence of particular developments or new concerns, adopting a semi-annual presidential statement on UNOCA is not very productive. Thus, the Council will be less likely to adopt an outcome document following next month's briefing without a new and specific issue to address.

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## Western Sahara

### Expected Council Action

In December, Council members expect a briefing in consultations by Christopher Ross, the Secretary-General's Personal Envoy for Western Sahara. The Special Representative and head of the UN Mission for the Referendum in Western Sahara (MINURSO), Kim Bolduc, may also brief.

MINURSO's mandate expires on 30 April 2016.

### Key Recent Developments

The Council last considered Western Sahara in April prior to unanimously adopting a resolution extending MINURSO's mandate for one year. The resolution contained no significant changes to the mission's mandate in spite of several proposals during negotiations from the three African members—Angola, Chad and Nigeria—supported by Venezuela. One proposal was to heed a recommendation made in the Secretary-General's 2014 MINURSO report that if no progress had occurred by April 2015, the Council ought to engage in a comprehensive review of the 2007 proposed

framework for negotiations. To date, such a review has not taken place. Other proposals included increased Council engagement beyond its twice-yearly meetings, and also addressing the issue of exploration and exploitation of natural resources in Western Sahara.

On 16 April, the Council met with MINURSO troop-contributing countries, and on 22 April, Council members were briefed in consultations by Special Representative Bolduc and Special Envoy Ross. Bolduc informed the Council that the general situation in MINURSO's area of operations remained relatively calm, but that confidence-building measures were not at the required level. Ross announced his intention to continue with bilateral consultations and shuttle diplomacy. He also warned that the worsening security situation in the region, the proximity of criminal, extremist and terrorist groups and the increasing frustration of young people constituted a dangerous nexus that could potentially result in instabilities in the region.

Special Envoy Ross visited the region from 30 August to 10 September and again from 19

to 28 October, meeting with the leaders of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Polisario) in Tindouf, Algeria, as well as with Morocco's Minister of Foreign Affairs and Cooperation and other government officials in Rabat. Following talks with Ross on 25 October, the president of the Saharawi negotiating delegation, Jatri Aduh, said in statements to the press that the Polisario will "continue to cooperate with the efforts of the UN, but in a limited context", underlining that "the international community must take responsibility for any reaction which may result due to the prolongation of the conflict". Ross's visits to the region were followed by consultations in the capitals of the Group of Friends of Western Sahara countries (London, Washington, Paris and Madrid, with an upcoming visit to Moscow). He travelled back to the region at the end of November.

The AU has paid increasing attention to the issue of Western Sahara. At the 25th AU Summit in June, the Assembly's decision on the report of the AU Peace and Security Council (PSC) for the first time called on the

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**UN DOCUMENTS ON WESTERN SAHARA** Security Council Resolution S/RES/2218 (28 April 2015) extended the mandate of MINURSO for a year. **Secretary-General's Report S/2015/246** (10 April 2015) was the Secretary-General's most recent report. **Security Council Letters S/2015/515** (7 July 2015) transmitted the decision on the report of the AU Peace and Security Council, adopted by the AU at its 25th session. **S/2015/804** (19 October 2015) was from the Secretary-General of the Polisario regarding drilling by an Ireland-based mining company in Western Sahara.

## Western Sahara (con't)

UN General Assembly “to determine a date for the holding of the self-determination referendum for the people of Western Sahara”, and on the Security Council “to effectively address the issues of the respect for human rights and the illegal exploitation of the Territory’s natural resources”. The decision was transmitted to the Security Council on 7 July. The PSC issued a communiqué on 26 September, reiterating the AU Assembly’s call.

On the controversial issue of natural resources in Western Sahara, the AU issued a legal opinion in October that set out a number of conclusions and recommendations, including that “Morocco has no right to explore and exploit any natural resources, renewable or non-renewable, located in the occupied territories of Western Sahara or to enter into agreements/contracts with third parties concerning these resources”. The opinion sets out a proposed framework for consideration by the Security Council, including that “[a]ny exploration or exploitation of natural resources in Western Sahara must be for the benefit of the people of Western Sahara and in accordance with their wishes”.

On 19 October, the Council received a letter from the permanent representative of South Africa, transmitting a 16 July letter from the Secretary-General of the Polisario, saying that an Ireland-based company, San Leon Energy, plans to commence onshore drilling in August at a site in the territory of Western Sahara, pursuant to licenses granted by Morocco’s state-owned Office National des Hydrocarbures et des Mines. The company has reportedly conducted exploratory drilling at the site and intends to renew its exploration license.

On 4 November, Secretary-General Ban Ki-moon issued a statement on Western Sahara, noting that the situation after 40 years is “increasingly alarming”, and that at his direction, Special Envoy Ross has intensified his efforts to facilitate negotiations without preconditions and in good faith to achieve a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara. At press time, there

were reports that the Secretary-General may visit the region before the end of the year.

Meanwhile, the deep chasm between the parties’ positions remains. On 6 November, Moroccan King Mohammed VI conducted his first official visit to Western Sahara since 2006. In a televised speech that day from Laayoune, King Mohammed reiterated that Morocco’s autonomy initiative is the maximum that it can offer in terms of negotiation to achieve a final solution to the conflict and that “its implementation will hinge on achieving a final political settlement within the framework of the UN”.

### Human Rights-Related Developments

The Office of the High Commissioner for Human Rights (OHCHR) sent a delegation to Morocco and Western Sahara from 12 to 18 April and to the refugee camps near Tindouf in Algeria from 29 July to 4 August. During these missions, the OHCHR team met with a wide spectrum of interlocutors, including officials, local authorities, civil society representatives and victims. As noted by High Commissioner Zeid Ra’ad Al Hussein on 14 September during his opening remarks of the Human Rights Council’s 30th session, the aim of these missions was to increase understanding of the human rights situation and challenges in both Western Sahara and the refugee camps in Tindouf, and to explore ways for cooperation to ensure effective human rights protection in the region. Respect for the rights of the Saharan population remains essential to settling this long-standing dispute, he said.

### Key Issues

A key issue for the Council will be ascertaining what it can do to break the deadlock between the parties and determining whether an alternative approach ought to be adopted by Ross. Since the Council last met on the issue in April, it remains to be seen what, if any, progress was made during his recent visits.

Human rights monitoring and agreement on a mechanism that is independent, impartial, sustained and comprehensive is an ongoing issue. The question of natural resources in Western Sahara is an additional key issue.

### Underlying Problems

Given the protracted nature of the conflict and the intransigence of the parties, the risk of a

resumption of military hostilities in the longer term cannot be fully ruled out. There is also the threat of popular unrest and the recruitment of frustrated Sahrawi youth by violent extremist or criminal networks proliferating throughout the region. Additionally, there have been concerns that the situation could further fuel the migration crisis in the Mediterranean.

### Options

Options available to the Council could include:

- engaging in a comprehensive review of the 2007 negotiating framework, as recommended in the Secretary-General’s 2014 report;
- undertaking a visit to Western Sahara (which would be the first since 1995);
- taking steps towards introducing a human rights component to MINURSO’s mandate; and
- referring the question of the legality of natural resource exploration and exploitation in Western Sahara to the International Court of Justice.

### Council Dynamics

The Group of Friends of Western Sahara—France, Russia, Spain, the UK and the US, four of which are permanent Council members—and Spain as the former colonial power lead on decisions pertaining to this issue. Generally, most other Council members do not follow the situation closely. However, the three African members—Angola, Chad and Nigeria—have shown increased engagement on the issue this year, with the support of Venezuela. Angola, which is supportive of the Sahrawi position, also maintains diplomatic relations with Morocco, as does Nigeria. Venezuela does not have diplomatic ties with Morocco. Chad and Nigeria will be replaced by Egypt and Senegal in January 2016; the former but not the latter recognises the Sahrawi Arab Democratic Republic.

The US is the penholder on Western Sahara.

# International Criminal Tribunals

## Expected Council Action

In December, the Security Council will hold its semi-annual debate on the ad hoc international criminal tribunals. The presidents of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) are expected to brief. This is the last briefing on the ICTR, which will complete its work by the end of the year. The President of the Residual Mechanism for International Criminal Tribunals will also brief the Council.

A resolution is expected to be adopted on extending the terms of ICTY judges and the ICTY Prosecutor.

## Key Recent Developments

The ICTR has completed cases at the trial level for all 93 accused who were indicted, and only one case remains concerning the appeal of six individuals convicted on 24 June 2011 of various charges of genocide, conspiracy to commit genocide, incitement to commit genocide, crimes against humanity and war crimes for their role in crimes committed against Tutsis during the 1994 genocide. The delivery of the final appeal judgment is scheduled for 14 December, marking the closure of the ICTR. By 1 January 2016, the ICTR will be in its liquidation phase, projected to be completed in the first half of 2016.

The ICTR's Office of the Prosecutor has published a lessons-learned manual for the tracking and arrest of fugitives from international justice and, in collaboration with other prosecution offices, created a guide titled Prosecuting Mass Atrocities: A Compendium of Lessons Learned and Suggested Practices from the Offices of the Prosecutors.

In his address to the General Assembly on 13 October, outgoing ICTR President Vagn Joensen said the ICTR had made substantial progress in the preparation and transfer of its paper, electronic and audio-visual records for preservation and management by the Residual Mechanism. Joensen added that the records, "which are vital to the ICTR's goal of ensuring that the events in Rwanda will never be forgotten, may also serve as roadmaps for the creation of future international tribunals and... can be used to further empower domestic courts." In conclusion, Joensen said, "Two

decades later and on the precipice of closure... the Tribunal, along with many others, assisted in rebuilding the trust between the Rwandan people and the UN, and through justice, as well as through numerous outreach and capacity-building programmes, aided Rwanda in putting the country back together".

The ICTY has concluded proceedings against 147 of the 161 persons indicted, with 80 individuals sentenced, 18 acquitted, 13 referred to a national jurisdiction and 36 whose indictments were withdrawn or who are deceased. Trial proceedings are ongoing against four individuals. Proceedings against one were ordered stayed for an initial period of three months on 26 October, while judgments are expected in the first quarter of 2016 for two of the accused and in November 2017 for the remaining accused. There are ten individuals before the ICTY's Appeals Chamber in three cases, with appeals judgments expected on 15 December, in June 2016 and in November 2017.

Council members received a letter from outgoing ICTY President Theodor Meron on 28 October, requesting extensions of the terms of 17 judges until dates ranging from 31 March 2016 to 30 November 2017, based on projections for the completion of the Tribunal's remaining work (S/2015/825). Judge Carmel Agius (Malta) succeeded Judge Meron as ICTY President on 17 November.

The Residual Mechanism, established in 2010 by resolution 1966, has been mandated to complete the work of the Tribunals by assuming responsibility for their essential functions through two branches, the successor to ICTR in Arusha and the successor to ICTY in The Hague. The two branches were inaugurated in July 2012 and July 2013, respectively. The Residual Mechanism will assume full responsibility for all of the ICTR's continuing functions by the end of this year and for the ICTY by its expected closure in 2017. According to Residual Mechanism President Theodor Meron's address to the General Assembly on 13 October, "the transfer of functions from the ICTR and the ICTY has thus far been seamless and on-schedule", but the Residual Mechanism continues to face two long-standing challenges. The first is to ensure that nine people indicted by the ICTR but not yet arrested are apprehended (the

three most senior individuals are to be tried by the Residual Mechanism and the other six by Rwanda). The second challenge involves the relocation of eight individuals from Arusha whom the ICTR has acquitted or released but who are unable to return to their countries of citizenship.

On 16 November, the Council adopted a presidential statement that requested the Residual Mechanism to present by 20 November a report on the progress of its work since it commenced operations, as requested in resolution 1966. The statement also sets out the process by which the Informal Working Group on International Tribunals should examine the report and present its findings for the Council's consideration in its review of the work of the Residual Mechanism, also requested in resolution 1966, by 21 December.

The presidents and prosecutors of the ICTY, ICTR and Residual Mechanism last briefed the Council on 3 June.

## Key Issues

The immediate issue for the Council will be the request relating to the extension of terms of the ICTY judges and prosecutor.

Another issue is the Council's consideration of the review by the Informal Working Group on International Tribunals of the Residual Mechanism's work.

## Options

The Council could adopt a technical resolution extending the ICTY judges' and prosecutor's terms as requested or extend the terms for a shorter period of time.

The Council could adopt a statement marking the closure of the ICTR.

## Council Dynamics

According to the relevant Council resolutions, the Tribunals were expected to complete their caseload in 2010, or failing which, by end of 2014. However, last December, resolutions were adopted further extending ICTY and ICTR judges' and prosecutors' terms beyond the 2014 envisioned date for completion for one year only, despite requests for extensions until 2017 for the ICTY. As it had in previous years, Russia abstained on the resolution extending ICTY judges' terms, commenting

**UN DOCUMENTS ON INTERNATIONAL CRIMINAL TRIBUNALS** Security Council Resolutions S/RES/2193 and S/RES/2194 (18 December 2014) extended the terms of office of the relevant judges and prosecutors of the ICTY and ICTR, respectively, until 31 December 2015. Security Council Presidential Statement S/PRST/2015/21 (16 November 2015) requested the Residual Mechanism to present its progress report and for the Informal Working Group on International Tribunals to thoroughly examine the report. Security Council Meeting Record S/PV.7455 (3 June 2015) was the most recent semi-annual briefing. Other S/2015/874 (16 November 2015) was the ICTY's completion strategy report. S/2015/884 (17 November 2015) was the ICTR's completion strategy report.



## International Criminal Tribunals (con't)

that the situation regarding the Tribunal's exit strategy had not improved and that costly trial delays continued. Russia is also critical of the ICTY's jurisprudence, claiming that it has not done justice on behalf of Serbian victims of the Yugoslav conflict. It seems that Council members other than Russia are generally supportive of the requested ICTY extensions this December, but again only for a period of one year.

In general all Council members, including Russia, assess the role and work of the Residual Mechanism positively. Regarding the presidential statement adopted on the progress report and review of the Residual Mechanism, some Council members, including Russia and France, were particularly in favour of the process being as substantive as possible, as reflected in the statement. There also seems to be

consensus that the review should include how to best avoid certain challenges faced by the Tribunals, including in completing their functions with efficiency and effective management.

Chile is the penholder and chair of the Informal Working Group on International Tribunals.

## Yemen

### Expected Council Action

In December, the Secretary-General's Special Envoy for Yemen, Ismail Ould Cheikh Ahmed, is expected to brief the Council. OCHA head Stephen O'Brien and the High Commissioner for Human Rights Zeid Ra'ad Al Hussein may also brief. The 2140 Sanctions Committee may receive and consider the Yemen Panel of Experts' final report.

### Key Recent Developments

New momentum towards organising negotiations between the warring Yemeni parties occurred when the Houthis, a Zaydi Shiite rebel group, informed the Secretary-General in a 7 October letter of their commitment to resolution 2216. (Resolution 2216 was adopted in April shortly after the outbreak of full-scale war, imposing a number of demands on the group.) After talks were announced, but not held in September, the Yemeni government called for a Houthi public commitment to implement resolution 2216 before it would participate in negotiations. The General People's Congress—the political party of former president Ali Abdullah Saleh, whose loyalists in security forces have allied with the Houthis—announced a similar commitment. On 23 October, following further discussions with Yemeni transitional president Abdo Rabbo Mansour Hadi, Ould Cheikh Ahmed announced that the Yemeni parties had agreed to direct negotiations. At press time, efforts were still ongoing to organise these talks.

On the ground, fighting across Yemen continued unabated. However, the Saudi Arabia-led military coalition saw its advances stall

after initially driving the Houthis out of much of the south during the summer. Taiz, Yemen's third-largest city, continues to be fiercely contested; Houthi and Saleh forces have maintained a siege of the city and blocked access to humanitarian assistance. On 7 November, Khaled Bahah, Yemen's vice president, indicated that pro-government forces intended to "liberate" Taiz before peace talks.

Aden, which the coalition captured in July, has been beset by lawlessness. Al-Qaida in the Arabian Peninsula (AQAP) is visibly present in parts of the city. On 6 October, suicide bombings, claimed by the Islamic State of Iraq and al-Sham (ISIS), struck a hotel in Aden housing Yemeni government officials and a coalition military base. The attacks killed 15 people. In November, the Houthis reportedly retook some territory, including a strategic hill that overlooks the Al-Anad airbase in Lahj province bordering Aden and a base near the strait of Bab al-Mandab. This followed Sudan's deploying troops to Yemen in mid-October to reinforce coalition ground forces. Some 800 Colombian mercenaries also reportedly joined coalition forces.

The war continues to take a devastating toll on civilians. On 27 October, airstrikes destroyed a Médecins Sans Frontières (MSF) hospital in Sa'dah governorate. Earlier in October, Amnesty International published a report, based on investigations into 13 airstrikes in Sa'dah governorate, in which it asserted that coalition airstrikes have deliberately targeted civilian objects or disproportionately harmed civilians and civilian objects, and have involved serious violations

of international humanitarian law, including war crimes. The violence, together with coalition restrictions on shipping, which have greatly limited essential imports such as food, fuel and medicine, continue to create a severe humanitarian crisis. More than 21 million people (80 percent of the population) are in need of assistance, and the UN has continued to raise warnings about the risk of famine. As of 31 October, the World Health Organisation reported that 5,723 people have been killed and nearly 27,000 wounded since the conflict's escalation in late March.

The humanitarian crisis was compounded when two rare tropical cyclones hit Yemen between 1 and 12 November, killing 26 people and displacing 47,000. The worst-impacted areas were Socotra Island and Shabwah and Hadramawt governorates.

### Sanctions-Related Developments

On 9 October, the Yemen 2140 Sanctions Committee met to consider the Panel of Experts' findings, circulated in a letter, on financial sanctions and international humanitarian law issues. The Panel documented assets belonging to Saleh and his son Ahmed Saleh, both of whom are subject to financial and travel-ban sanctions. It also identified 14 categories of suspected violations of international humanitarian law and international human rights law that Houthi-Saleh forces and the coalition have committed.

Regarding the coalition's military operations, the Panel highlighted violations and concerns regarding proportionality and distinction, finding a "pattern of indiscriminate attacks of civilians and civilian objects in residential, urban and marketplace areas". It cited as a potentially grave violation the coalition's designation of the entire cities of Sa'dah and Maran as military objects. The

**UN DOCUMENTS ON YEMEN** Security Council Resolution S/RES/2216 (14 April 2015) established an arms embargo on the Houthis and forces loyal to former president Saleh. **Security Council Press Statement SC/12096** (23 October 2015) welcomed the announcement by the UN and the Special Envoy about the upcoming talks. **Security Council Meeting Record S/PV.7542** (23 October 2015) was a briefing by the Special Envoy and the chair of Yemen 2140 Sanctions Committee. **Human Rights Council Document A/HRC/RES/30/18** (2 October 2015) requested the High Commissioner of Human Rights to provide Yemen technical assistance in the field of human rights and to assist a national commission of inquiry.

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## Yemen (con't)

letter also raised concerns about the intentional obstruction of humanitarian access and provision of assistance, including commercial shipping.

Among its recommendations, the Panel proposed that the Committee chair approach member states that are conducting military operations in Yemen and relevant parties, to stress their responsibility to respect international humanitarian law and to ask that they cooperate with the Panel in investigating potential cases of obstruction of humanitarian assistance. During the meeting, the US expressed reservations about supporting the recommendation, and the following week Jordan informed members it was putting a hold on the recommendation.

### Human Rights-Related Developments

On 2 October, the Human Rights Council adopted, without a vote, a resolution on technical assistance and capacity-building for Yemen in the field of human rights, submitted by Saudi Arabia. The resolution expresses concern at the serious abuses and violations of international human rights law and international humanitarian law, including the recruitment of children, the abduction of political activists, violations against journalists, the killing of civilians, the prevention of access for relief and humanitarian aid, the cutting of electricity and water supplies and attacks against hospitals and ambulances. It calls upon all parties in Yemen to implement resolution 2216 and requests the High Commissioner for Human Rights, in coordination with the government of Yemen, to provide technical assistance and capacity-building. It specifically requests the Office of the High Commissioner to assist the national independent commission of inquiry. Prior to the resolution's adoption, the Netherlands withdrew a draft resolution on Yemen it submitted to the Human Rights Council on 24 September, which requested the High Commissioner to send a mission to report on abuses and conflict-related crime in Yemen. The US had reportedly signalled its support for the Dutch draft resolution and its call for an international inquiry, but it appears that subsequently the US, the UK and France chose instead to back the Saudi draft resolution.

### Key Issues

Organising negotiations to achieve a ceasefire

and advancing a political process remains a key issue.

Addressing the humanitarian crisis and the war's impact on civilians is an additional critical issue.

Of ongoing concern is the expansion of AQAP and ISIS.

### Options

The Council may monitor developments, continue to encourage the sides to enter negotiations without preconditions and be prepared to support any agreements the Special Envoy might broker.

It may seek to more proactively pressure the sides to enter negotiations and uphold international humanitarian law by adopting a new resolution that:

- demands an immediate cessation of hostilities;
- calls on the parties to engage in UN-brokered negotiations without preconditions;
- demands that all parties provide access for humanitarian assistance and delivery of commercial goods;
- reiterates that inspections of cargo should occur only when there are reasonable grounds to believe it contains prohibited items and that all inspections be reported to the 2140 Sanctions Committee; and
- re-states the Council's resolve to impose sanctions on those who impede humanitarian access or violate international humanitarian law.

The Council could request regular public briefings on the humanitarian situation and civilian casualties.

### Council and Wider Dynamics

Saudi Arabia, despite not being on the Council, has been able to exert strong influence on its decision-making. Resolution 2216 was drafted by Gulf Cooperation Council (GCC)

members with Jordan leading Council negotiations on the draft instead of the UK, the traditional penholder on Yemen. Saudi Arabia played a direct role during these negotiations. More recently, in October, Jordan organised a Council Arria-formula meeting at which Saudi Arabia's director of the King Salman Humanitarian Aid and Relief Centre briefed, along with OCHA's O'Brien, about Saudi Arabia's humanitarian assistance to Yemen. The close relationship that many members have with Saudi Arabia and other GCC countries has made the Council sensitive to Saudi influence and often restrained members' ability to discuss the situation more critically, despite most members' concerns about the prudence of the military intervention and the humanitarian situation.

There have, however, been noticeable areas of divergence. The US, along with other members, have, over recent months, repeated that resolution 2216's implementation can occur over time through a negotiation process, and should not be made a precondition for talks. The recent decision by the Yemen government to enter talks (despite no agreement yet on when they will be held) seems to indicate that they have accepted this view, after previously insisting that before any negotiations the Houthis first implement the resolution's provisions on surrendering heavy weapons and withdrawing from cities. Overall, the Council is dependent on the Special Envoy's mediation efforts to resolve the conflict, and members appear to be hoping for progress on a political process that the Council can then support.

The UK is the penholder on Yemen. Lithuania is chair of the 2140 Yemen Sanctions Committee and has sought to increase the Committee's role in addressing issues that have been politically sensitive to discuss in the Council.

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## Sudan and South Sudan

### Expected Council Action

The Council is expected to renew the mandate of the UN Interim Security Force for Abyei (UNISFA) prior to its 15 December expiration.

### Key Recent Developments

In recent months, the security environment in Abyei, the disputed area straddling the Sudan-South Sudan border, has been quiet. In his 13

November report, the Secretary-General noted that clashes have not "occurred between the Ngok-Dinka and Misseriya communities, with the rainy season contributing to

## Sudan and South Sudan (con't)

keeping...[them]...apart". (The Ngok-Dinka view Abyei as their ancestral homeland and favour the region's becoming part of South Sudan; the Misseriya are a transitory community who would prefer Abyei to remain part of Sudan and whose annual migration through Abyei to graze their cattle has in the past caused friction with the Ngok-Dinka.)

On 7 October, representatives of the Ngok-Dinka and Misseriya communities met in Todach in central Abyei to discuss the possibility of establishing a joint market, as a means of promoting trade and building trust between the two communities. They could not reach agreement on the location of the market, with the Dinka wanting the market to be in the northern Abyei region and the Misseriya preferring that it be in Abyei town, which is situated in the south-central part of the region. Nonetheless, UNISFA continues to engage with the Ngok-Dinka and the Misseriya separately in an effort to bridge the gap between them. The 7 October meeting represented the first time the two communities had held face-to-face talks since the assassination of the Ngok-Dinka paramount chief Kuol Deng Kuol by a Misseriya assailant in May 2013.

On 6 October, the AU Commissioner for Peace and Security, Smail Chergui, convened the fourth meeting of the AU Joint Boundary Commission, which is intended to focus on demarcating the Sudan/South Sudan border. Sudan and South Sudan were represented by State Minister of the Presidency El-Rashid Haroun and Minister of Information and Broadcasting Michael Makuei, respectively. The parties agreed to develop a plan for the border demarcation, produce a budget for the process and expedite the creation of an account to fund it.

The Joint Political and Security Mechanism (JPSM), the instrument employed by Sudan and South Sudan to discuss security matters of mutual concern, convened on 14 October in Addis Ababa. At the conclusion of the meeting, Sudan and South Sudan agreed to accept the centre line proposed by the AU High-Level Implementation Panel (AUHIP) for the Safe Demilitarised Border Zone (SDBZ), a buffer zone along the Sudan-South Sudan border. With an agreed centre line, the boundaries of the SDBZ are established.

Obstacles remain in making the Joint Border Verification and Monitoring Mechanism (JBVMM) along the border fully operational.

South Sudan continues to deny landing permission to some of the planes monitoring the border. It also has refused landing permission for UNISFA peacekeepers to travel to Gok Machar in Northern Bahr el-Ghazal state to provide force protection for JBVMM monitors. Meanwhile, Sudan continues to prevent building materials from reaching Abyei to build the Anthony airfield, which "will...be critical for the proposed fixed-wing reconnaissance patrols, in support of the JBVMM", according to the Secretary-General's recent report. (It appears that Sudan has been concerned that the Anthony air base could be used to benefit South Sudan in the future, rather than just UNISFA, as the Abyei area is a disputed territory.)

On 24 November, Council members held consultations on Sudan/South Sudan and UNISFA. Haile Menkerios, Special Envoy for Sudan and South Sudan, briefed (via video teleconference from Addis Ababa) on Sudan/South Sudan, while Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed on UNISFA. Members agreed to press elements in which, among other things, they welcomed agreements reached by Sudan and South Sudan on the border and urged them to implement them.

### Key Issues

One key issue is how to induce Sudan and South Sudan to cooperate with UNISFA in a more meaningful way. Delays in issuing visas, restrictions on the shipment of construction materials into Abyei for the Anthony air base and the denial of permission for flights monitoring the JBVMM are examples of how the parties hinder the effectiveness of the mission.

Another key issue is what role the Council can play in fostering dialogue between Sudan and South Sudan—as well as between the Ngok-Dinka and Misseriya communities—to address mutual concerns with regard to border security and Abyei. The reconvening of the JPSM and the 7 October meeting of Ngok-Dinka and Misseriya representatives are encouraging signs; nonetheless, progress remains limited in resolving fundamental differences among the parties in Abyei.

### Options

The most likely option is to renew UNISFA's mandate for an additional four to six months. In renewing the mandate, the Council could:

- urge Sudan and South Sudan to enhance their cooperation with the mission (e.g. by issuing visas in a more timely fashion, providing flight clearances and not restricting the transfer of supplies for infrastructure projects);
- express support for recent dialogue between the parties and emphasise the importance of convening a reconciliation meeting among traditional leaders in Abyei, which was scheduled for 24 June but was ultimately cancelled, and a meeting of the Abyei Joint Oversight Committee, which is designed to provide administrative and political oversight for the Abyei Area but has not met since March;
- reiterate that the ongoing presence of 80 to 110 Sudanese oil police in the Diffra oil facility violates several Council resolutions and the 20 June 2011 agreement, which specifies that Sudanese and South Sudanese forces should redeploy from Abyei Area; and
- request a greater focus on human rights issues in the Secretary-General's reporting to the Council, while strengthening the language on human rights monitoring.

### Council Dynamics

Concerns expressed by some members when UNISFA was first established in 2011 that the mission could have a front row seat to a "frozen conflict" grow in relevance with each passing mandate cycle. UNISFA was intended to be an interim force that would create space for negotiations to resolve outstanding issues, but the negotiations have had limited success. However, developments with regard to border security, including the decisions taken at the recent meetings of the AU Joint Boundary Commission and the JPSM, are viewed as encouraging signs by some members.

It was unclear at press time whether there would be differences of perspective with regard to the appropriate length of the UNISFA mandate. When UNISFA was last reauthorised in July, the US initially proposed a mandate renewal of four months, rather than the six months recommended by the Secretariat, in an apparent effort to pressure the parties to step up their negotiations on outstanding issues. Russia preferred deferring to the Secretariat's recommendation. As a compromise, the mandate was renewed for five months.

The US is the penholder on UNISFA.



# Central African Republic

## Expected Council Action

In December, Special Representative Parfait Onanga-Anyanga will brief the Council on the forthcoming report on the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).

MINUSCA's mandate expires on 30 April 2016.

The chair of the 2127 CAR Sanctions Committee, Raimonda Murmokaitė (Lithuania), will also brief the Council on the Panel of Experts' final report, before she leaves the Council at the end of the year.

## Key Recent Developments

The situation in the Central African Republic (CAR) has continued to deteriorate since extensive violence erupted in Bangui on 26 September, when the discovery of the body of a Muslim man led to violence between Muslims and Christians and attacks by armed gangs on civilians. More than 40 people were killed and thousands displaced in the violence that ensued.

Council members were briefed on the situation in the CAR by Under-Secretary-General for Peacekeeping Operations Hervé Ladsous under "any other business" on 7 October. Council members adopted a presidential statement on 20 October signalling the Council's willingness to consider adding to the sanctions list individuals who are responsible for the latest violence and who are undermining stability and peace in the CAR. The statement reiterated the "critical importance and urgency" of holding the referendum on the adoption of a draft constitution and the first round of free and fair presidential and legislative elections by the end of the year. It also called on MINUSCA troop contributors to expedite upgrading their troops' capabilities in order to meet UN standards.

However, the security situation has continued to deteriorate. In a set of particularly troubling attacks against internally displaced persons (IDPs), rebel fighters entered the Batangafo camp on 10 November and killed five people, reportedly to avenge the killing of two young Muslim men earlier that day in the same camp. Some 5,500 people fled the camp and a Cameroonian peacekeeper was later killed in an attack on a MINUSCA checkpoint. Council members issued a press

statement condemning these incidents on 11 November and called on the CAR authorities to swiftly bring the perpetrators to justice. On 12 November, armed men believed to be ex-Séléka fighters (the Muslim-dominated alliance of groups that staged the March 2013 coup) attacked an IDP site in Bambari, killing three people.

The deterioration in the security situation prompted the interim government to cancel the presidential and parliamentary elections scheduled for 18 October. The constitutional referendum that was scheduled for 4 December has now been set for 13 December and the first round of elections for 27 December, with a second round on 31 January if necessary.

In MINUSCA-related developments, new reports surfaced on 11 November of alleged sexual exploitation and abuse by MINUSCA peacekeepers against five women, reportedly including three minors. (In August, because of high number of similar incidents, the Secretary-General asked for the resignation of the then-head of MINUSCA, Babacar Gaye.)

Ladsous and Under-Secretary-General for Humanitarian Affairs Stephen O'Brien briefed Council members in consultations on 16 November. Ladsous presented a request to strengthen MINUSCA temporarily during the election period through inter-mission cooperation, deploying 300 Senegalese troops from the rapid reaction force currently serving in Côte d'Ivoire.

O'Brien, who visited the CAR from 20 to 23 October, said that since the end of September, 65,000 IDPs have joined the existing 400,000. He reported on his visit to the PK5 neighbourhood in Bangui, from which 25,000 Muslims cannot exit out of fear for their lives. He described the sexual exploitation of some women from PK5 who are allowed to fetch basic needs in exchange for sexual favours. In addition, he said that the UN has assisted 3,800 victims of sexual violence, and a total of 16,900 incidents of such violence were reported between August and October.

In elements to the press read out after consultations, the UK ambassador said that the increasingly inter-communal nature of the violence is of particular concern. He added that Council members were also alarmed by new reports of sexual exploitation and abuse

committed by MINUSCA peacekeepers. He then said that Council members are supportive of the request for inter-mission cooperation on a temporary basis.

## Sanctions-Related Developments

On 20 November, the 2127 CAR Sanctions Committee met with its Panel of Experts to discuss their annual report. The report takes the view that prospects for peace and security in the CAR are still remote. Taking advantage of the lack of state authority, the anti-Balaka and ex-Séléka rebel groups continue to run parallel administrations in the west and east respectively, taxing goods and profiting from natural resources. Rebels move freely to and from neighbouring countries, and weapons circulate both from within and without CAR.

During the meeting, the Panel of Experts presented the Committee with a list of four names and one entity to be listed. The Committee then proceeded to adopt the recommendations contained in the report.

In December, the 2127 Committee and the Working Group on Children and Armed Conflict may hold a joint meeting, during which they will be briefed by the Special Representative for Children and Armed Conflict, Leila Zerrougui.

## Human Rights-Related Developments

On 2 September, High Commissioner for Human Rights Zeid Ra'ad Al Hussein delivered the opening statement at the International Seminar on Combatting Impunity, held in Bangui and organised jointly by MINUSCA and the UN Human Rights Office. He called for justice and accountability for all human rights violations, including the prompt establishment of the national Special Criminal Court. In a press conference in Bangui on 4 September, Zeid remarked that security in the country was still extremely poor in some places, particularly where armed groups act as de facto local authorities while killing civilians and looting property with impunity. He called for a more robust approach towards these groups and said that MINUSCA needs to be reinforced with personnel and materiel to fulfil its Chapter VII mandate. The states that have failed so far to provide promised UN peacekeeping troops and police and vital equipment, such as attack helicopters, should step up their efforts to do so. He added that disarmament should be an absolute priority.

## Key Issues

Monitoring the security situation and the political developments closely and reconfiguring MINUSCA's operations and priorities accordingly will be an ongoing issue.

Ensuring successful elections, ending the

**UN DOCUMENTS ON THE CAR Security Council Resolution S/RES/2217** (28 April 2015) renewed MINUSCA's mandate at current authorised troop levels until 30 April 2016. **Security Council Presidential Statement S/PRST/2015/17** (20 October 2015) reiterated the importance of holding the constitutional referendum and first rounds of presidential and legislative elections by the end of 2015. **Security Council Press Statement SC/12116** (11 November 2015) condemned attacks on IDPs and MINUSCA peacekeepers. **Security Council Letter S/2015/85** (29 January 2015) was from the Secretary-General requesting a troop increase for MINUSCA.



## Central African Republic (con't)

transition period, beginning necessary measures of institutional reforms and expanding state authority to the whole country will remain important issues.

### Options

Options for the Council include adopting a statement that:

- emphasises the importance to the future of the CAR of holding fair and free elections;
- condemns incidents of sexual exploitation and abuse by peacekeepers and calls for accountability measures by troop-contributing countries for such acts;
- requests MINUSCA to develop a strategic long-term plan for its presence in the CAR post-transition; and
- stresses the Council's long-term commitment to the CAR's stabilisation and

rebuilding.

An option for the 2127 Committee is listing further individuals and entities whose names were given to the Committee by the Panel.

### Council and Wider Dynamics

Before the new electoral calendar was released, there were some differences among Council members as to the immediate priorities of MINUSCA. France, which has troops stationed in the CAR, emphasised the need to complete the transition period, warning that otherwise the situation was likely to become further destabilised. Some other countries took the view that MINUSCA must act to stabilise the security situation while a clear and realistic timeline for elections was established. It seems that currently there is a general

consensus that, barring extraordinary events, the elections must take place without further delays and the transitional period must end.

Council members are of the view that after the elections MINUSCA should focus on disarmament, demobilisation and reintegration and security sector reform programs, accountability measures and re-establishing state authority and institutions, including incarceration facilities and judicial institutions.

With regard to sanctions, the 2127 Committee last listed three individuals and one entity on 20 August, the first additions to the sanctions list since 9 May 2014. It seems likely that in order to counter the actions of spoilers in the electoral process, there may be movement towards further listings near the election period.

France is the penholder on the CAR.

## Sudan (Darfur)

### Expected Council Action

In December, ICC Prosecutor Fatou Bensouda is expected to provide the semi-annual briefing on the Court's work regarding Darfur.

### Key Recent Developments

Darfur remains mired in a security and humanitarian crisis, with ongoing inter-communal violence and widespread impunity and displacement. There are currently 2.5 million displaced people in the region. On 16 November, OCHA's Khartoum office confirmed that at least 100,000 people had been displaced in Darfur in 2015.

Intense fighting took place between Sudanese government forces and rebels between December 2014 and June 2015, which weakened the rebel forces. However, such clashes declined after June as government forces "maintained an operational pause during the rainy season", according to Assistant Secretary-General for Peacekeeping Operations Edmond Mulet in his 28 October briefing to the Council on the AU/UN Hybrid Operation in Darfur (UNAMID). (Mobility is inhibited during the rainy season, making it more difficult to undertake military operations.)

Sudanese President Omar al-Bashir—who has been indicted by the ICC for war crimes, crimes against humanity and genocide—attended the AU Summit in South Africa, a state party to the Rome Statute establishing the ICC, from 13 to 15 June without being apprehended. When civil society organisations filed a motion in court for his arrest and extradition to the ICC, the High Court of South Africa issued an interim order that he could not leave the country while the issue was pending. Nevertheless, the government allowed Bashir to hastily depart the country. As a state party to the ICC Statute, South Africa had the obligation to arrest Bashir.

Bensouda last briefed the Council on the court's work regarding Darfur on 29 June. She emphasised that investigations by her office into the alleged crimes in Darfur continued, although "not at the pace or intensity we would have liked", due to limited resources and the heavy caseload of the court. Bensouda reiterated that there was "lack of support and follow-up from the Council" for her office's work on Darfur, a point she had made in prior briefings. She noted that at present her "Darfur team's activities have had to be

limited to monitoring and documenting incidents as they occur and to conducting witness interviews where possible and necessary".

### Human Rights-Related Developments

The UN Committee on Economic, Social and Cultural Rights published its concluding observations on the second periodic report of Sudan on 27 October (E/C.12/SDN/CO/2). The Committee's findings note with concern that the National Human Rights Commission is not in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights; that significant revenue gained from the exploitation of natural resources has not led to tangible progress in the realisation of economic, social and cultural rights; and that discriminatory provisions affecting women, religious minorities and lesbian, gay, bisexual, transgender and intersex persons are still in force. The findings also highlighted the plight of internally displaced persons, particularly limited access to basic services, including in camps.

### Key Issue

The underlying issue is the Council's inability to follow up on its referral of the situation in Darfur and to pressure relevant states to abide by their obligations to cooperate with the Court. The Council's gridlock on

**UN DOCUMENTS ON DARFUR** Security Council Resolutions S/RES/2228 (29 June 2015) renewed the mandate of UNAMID for one year. S/RES/1593 (31 March 2005) referred the situation in Darfur to the ICC. **Secretary-General's Report S/2015/729** (25 September 2015) was on UNAMID. **Security Council Meeting Record S/PV.7545** (28 October 2015) was a briefing on Darfur. **S/PV.7478** (29 June 2015) was a briefing by the ICC Prosecutor. **S/PV.7337** (12 December 2014) was a briefing by the ICC Prosecutor. **Security Council Letter S/2015/202** (9 March 2015) contained the ICC notice of non-compliance against Sudan that was submitted to the Council.

## Sudan (Darfur) (con't)

this issue led Bensouda to say during her 12 December 2014 briefing to the Council: “In the almost ten years that my Office has been reporting to the Council, no strategic recommendation has ever been provided to my Office, and neither have there been any discussions resulting in concrete solutions to the problems we face in the Darfur situation”.

### Options

There are several options that the Council could consider with respect to the ICC, including:

- formally acknowledging the ICC’s finding of non-compliance by Sudan from March (as well as responding to the other outstanding communications from the ICC to the Council);
- threatening appropriate measures against Sudan and against relevant state parties for a failure to adhere to their obligations under the Rome Statute; and
- holding an informal interactive dialogue or an Arria-formula meeting with the Office of the Prosecutor to constructively discuss next steps.

Another option would be for the Council to consider a one-year deferral of the Darfur

situation under article 16 of the Rome statute, in keeping with the AU’s longstanding position on this matter. It could be argued that the Council’s unwillingness to follow up on the implementation of the ICC warrants to date has amounted to a de facto deferral of the situation in Darfur.

### Council Dynamics

There are strong differences of perspective among Council members regarding the work of the ICC in Darfur, which makes it difficult for the Council to take constructive action on this issue. The P3—including the US, which is not a state party to the ICC—and several others have been very supportive of the Court’s efforts in Darfur, while expressing strong concerns about impunity in region. Conversely, other Council members, such as Angola, Russia and Venezuela, have argued that the ICC’s pursuit of Bashir has undermined the search for peace and reconciliation in the region.

Ten Council members have ratified the Rome Statute—Chad, Chile, France, Jordan, Lithuania, New Zealand, Nigeria, Spain, the UK and Venezuela—although this includes African members, wary of what they believe is the ICC’s targeting of African states. Five

members—Angola, China, Malaysia, Russia and the US—have not ratified the Rome Statute.

Perceptions of the government of Sudan and the situation in Darfur vary among Council members. Several are highly critical of the government of Sudan for contributing to the instability in Darfur, frequently referring to human rights violations committed by government forces, the impunity for these violations and the lack of cooperation by the government with UNAMID. Countries such as Chad, China and Russia tend to be less critical of the government. In a meeting on Darfur under “any other business” on 14 October, Chad reportedly cautioned against systematically blaming Sudan for the problems in the region. China and Russia often note the ways they believe that Sudan tries to promote reconciliation in Darfur. Furthermore, Russia has argued in favour of debt relief and an end to bilateral economic sanctions against Sudan, which it believes creates economic instability in the region, thus fuelling the conflict.

The UK is the penholder on Darfur, while Venezuela is the chair of the 1591 Sudan Sanctions Committee.

## Subsidiary Bodies

### Expected Council Action

In December, the subsidiary body chairpersons from countries that will be finishing their two-year terms on the Council are expected to brief about their work and experiences chairing sanctions committees and working groups.

Ambassador Mahamat Zene Cherif (Chad) will brief on the 1636 Lebanon Sanctions Committee and the Working Group on Peacekeeping Operations.

Ambassador Cristián Barros Melet (Chile) will brief on the 1572 Côte d’Ivoire Sanctions Committee, the 2206 South Sudan Sanctions Committee and the Informal Working Group on International Tribunals.

Ambassador Dina Kavar (Jordan) will brief on the 1521 Liberia Sanctions Committee and the 1533 Democratic Republic of

Congo Sanctions Committee.

Ambassador Raimonda Murmokaitė (Lithuania) will brief on the 1373 Counter-Terrorism Committee, the 2127 Central African Republic Sanctions Committee, the 2140 Yemen Sanctions Committee and the 1566 Working Group on Counter-terrorism.

Ambassador U. Joy Ogwu (Nigeria) will brief on the 1518 Iraq Sanctions Committee and the 2048 Guinea-Bissau Sanctions Committee.

### Background

In an annual practice dating back to 2002, the subsidiary body chairpersons from outgoing Council members have, in their personal capacity, briefed the Council. The briefing seems to serve three principal functions. First, it has provided an opportunity for subsidiary

body chairpersons to convey to fellow Council members developments within their committee or working group. Second, some chairpersons have also critically analysed the work of the subsidiary body, acknowledging successes and failures while identifying areas for improvement. Third, building on this analysis, chairpersons have occasionally also provided specific recommendations for reforms, which could either concern general UN institutional aspects or a specific sanctions regime or thematic area.

### Key Recent Developments

On 20 October, the Council held its annual open debate on working methods, during which several Council members addressed issues relating to subsidiary bodies. Angola—speaking on behalf of six Council members,

**UN DOCUMENTS ON SUBSIDIARY BODIES** Security Council Presidential Statement S/PRST/2015/19 (30 October 2015) was a presidential statement on working methods. **Security Council Meeting Records** S/PV.7539 and Resumption 1 (20 October 2015) was an open debate on working methods. S/PV.7331 (9 December 2014) was a briefing by chairs of subsidiary bodies whose countries were finishing their two-year terms as elected members on the Council. **Notes by the President of the Council** S/2014/393 (5 June 2014) encouraged the early appointment of subsidiary body chairs and specified steps to facilitate the transition from outgoing to incoming subsidiary body chairs. S/2014/268 (14 April 2014) stated that “any member of the Security Council may be a penholder” and affirmed a commitment to the participation of all Council members in drafting documents. S/2012/937 (17 December 2012) supported the participation of all Council members in appointing the chairs of subsidiary bodies in a “balanced, transparent, efficient and inclusive way”.

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## Subsidiary Bodies (con't)

including 2015 outgoing members Chile and Jordan—advocated changing the penholder system. (Once appointed as a subsidiary body chair, much of their work deals with implementing resolutions drafted by penholders who often do not consult them in the initial design of the resolution.) Chad suggested that the method for appointment of subsidiary body chairs requires reform. Lithuania called for greater transparency, including public briefings by sanctions committee chairs, and advocated other practices relating to sanctions committees, such as better outreach to regional states, increased field visits by chairs and further cooperation and coordination among subsidiary bodies. Nigeria and Venezuela also called for more transparency in the Council, including among subsidiary bodies. On 30 October, the Council adopted a presidential statement encouraging subsidiary bodies to make further progress toward enhancing effectiveness and transparency.

### Key Issues

Some of the issues that could be raised at the briefing in December by the outgoing chairs of sanctions committees and working groups include:

- the need for more transparency in the working methods of subsidiary bodies and more public briefings in the Council by

subsidiary body chairs;

- the lack of input by elected members into the appointment of subsidiary body chairs and uneven transitions from one subsidiary body chair to another;
- the need for improved interaction between subsidiary body chairs and penholders, particularly more consultation of the former by the latter;
- insufficient outreach by sanctions committee chairs and how this can be mitigated by more active engagement with regional states;
- the need to facilitate a more effective working relationship with states targeted by sanctions, including through visits by sanctions committee chairs; and
- inadequate cooperation and coordination among subsidiary bodies.

### Council Dynamics

Two interrelated issues with significant implications for subsidiary body chairs are the process by which they are appointed and their subsequent working relationship with the relevant penholder for their committee or working group. A note by the president of the Council issued on 5 June 2014 encouraged the early appointment of subsidiary body chairs so they could have enough time to prepare for the upcoming year. As indicated by

Chad at the working methods open debate on 20 October, elected members are generally in favour of reforming the appointment process; and as Angola stated on behalf of six Council members, there is considerable support among elected members for greater participation in the penholder system, which could also have significant implications for the work of subsidiary body chairs. These topics are likely to come up again in some form during the briefing in December.

There has been some progress toward transparency in the Council and its subsidiary bodies, but this has also been subject to reversals in certain cases. In 2014, fewer than half—43 percent—of the briefings by sanctions committee chairs included a public component. In 2015, more than half—54 percent to date—of the briefings by sanctions committee chairs have included a public component. However, the trend has been uneven regarding some sanctions committees, such as the 1591 Sudan Sanctions Committee, whose consultations in November 2014 were accompanied by a public briefing which has not been repeated. Ambassadors Barros and Murmokaité, who made it standard practice to brief the Council publicly as sanctions committee chairs, could address this issue in December.

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## UNDOF (Golan Heights)

### Expected Council Action

The Council is expected to extend for six months the mandate of the UN Disengagement Observer Force (UNDOF), which expires on 31 December. A representative of the Department of Peacekeeping Operations will brief Council members in consultations on the UNDOF report, due on 8 December.

UNDOF was established in 1974 to monitor the ceasefire between Israel and Syria.

### Key Recent Developments

Due to the spillover of the Syrian civil war into UNDOF's area of operations, the majority of UNDOF peacekeepers relocated from the Bravo (Syrian) side to the Alpha (Israeli) side of the ceasefire line in September 2014.

The UNDOF command moved its headquarters to Damascus and some peacekeepers remain on the Syrian side at Mt. Hermon. Mt. Hermon is strategically important to Israel, which could feel compelled to man the position itself if there were no UNDOF security presence there. This would be an especially difficult challenge to regional security and the 1974 disengagement agreement.

The civil war in Syria continues to adversely affect UNDOF's ability to function, and increases the possibility of escalating tensions not only between Israel and Syria but also between Israel and Lebanon due to the overt presence in the Golan of Hezbollah—the Tehran-backed Lebanese militia fighting on the side of the Syrian regime.

The September UNDOF report detailed a 20 August rocket attack from Syria into the Israeli-occupied Golan Heights. Israeli airstrikes then targeted Syrian regime forces, which Israel considers responsible for attacks launched from Syrian territory. The next day, Israel continued the airstrikes, claiming to target Tehran-backed Palestinian militants of Islamic Jihad. Islamic Jihad denied involvement. In the months since, most incidents have been minor and limited to errant rocket fire from the Syrian side, with Israel returning fire.

Russia commenced airstrikes in Syria in support of President Bashar al-Assad on 30 September. However, as early as 21 September, Israel and Russia held “de-confliction” talks in Moscow to avoid clashes of their

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**UN DOCUMENTS ON UNDOF** Security Council Resolution S/RES/2229 (29 June 2015) renewed UNDOF for six months. **Secretary-General's Report S/2015/699** (10 September 2015) was the latest UNDOF report. **Security Council Letters S/2015/715** (11 September 2015) and **S/2015/659** (21 August 2015) were from Iran and Israel, respectively, regarding the 20 August rocket attack.

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## UNDOF (Golan Heights) (con't)

respective forces operating in Syrian airspace.

The December Secretary-General's report is expected to highlight that Syrian forces have recaptured some positions from armed opposition groups in the Golan, resulting in a somewhat calmer situation in the central and northern areas of UNDOF's area of operations. However, clashes between government forces and armed opposition groups have increased in the southern part of the mission's area of operations, including an intensification of airstrikes. In late October, media reports indicate that Russian airstrikes targeted rebel positions in the southern province of Dera'a, near the Golan Heights.

On 9 November, Israeli President Benjamin Netanyahu met with US President Barack Obama and raised the issue of recognition of Israel's annexation of the Golan Heights. (Israel captured the Golan Heights from Syria in the 1967 six-day war and unilaterally annexed it in 1981. This annexation has not been recognised and the Golan Heights is occupied territory under international law.) The US reiterated its position that it will not recognise Israeli sovereignty over the Golan Heights.

### Key Issues

The primary concern for the Council remains the increasing ceasefire violations. The presence of Syrian armed forces and heavy weapons in the mission's area of separation, Syrian airstrikes, Israeli airstrikes and artillery

fire over the ceasefire line are all violations of the Disengagement of Forces Agreement. No military forces other than those of UNDOF are allowed in the area of separation.

Considering the deteriorating security situation in the Golan, the full return of UNDOF to the Syrian side seems unlikely in the foreseeable future, significantly constraining the mission's ability to carry out its monitoring tasks. In this respect, an issue for the Council is whether Israel should be asked to allow UNDOF more mobility for its patrolling tasks on the Israeli side of the ceasefire line, especially access to hilltops for enhanced observation.

### Options

UNDOF was established as a Syria-based mission. How it operates is subject to the disengagement agreement, and any changes require agreement by Israel and Syria, which is unlikely to be forthcoming. The majority of personnel are now based on the Alpha (Israeli) side, resulting in restricted mission mobility and operational capacity.

In the resolution renewing the UNDOF mandate, the Council could:

- urge Israel and Syria to agree to establish more UNDOF crossing points between the Alpha and Bravo sides, since the Quneitra crossing was lost in September 2014 (UNDOF personnel now transit through Lebanon to reach the Bravo side);
- urge Israel to allow UNDOF to establish

more temporary observation posts on the Alpha side, given the mission's limited mobility there, in particular access to elevated sites; and

- urge Syria to allow UNDOF to reinforce Mt. Hermon, in particular by enabling the position to be supplied from the Bravo side (Mt. Hermon has to be supplied now via Damascus).

### Council and Wider Dynamics

Israel and Syria value UNDOF's presence and want to see the return of the mission to the Bravo side. However, the security situation is not conducive to the mission's full redeployment back to the Syrian side of the ceasefire line.

Council members are concerned about armed clashes in the area of operations, as well as the tension between Israel and Syria along the armistice line, which has been exacerbated by the presence of Hezbollah.

The Council has always generally agreed that UNDOF contributes to stability in the region in the absence of a peace agreement between Israel and Syria. However, its liaison function is particularly important now in order to avoid further negative security implications for the region.

Though the US is the penholder on the Golan Heights, resolutions renewing UNDOF have been jointly authored with Russia since June 2012.

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## Iran

### Expected Council Action

In December, the chair of the 1737 Iran Sanctions Committee, Ambassador Román Oyarzun (Spain), is due to brief the Council on the Committee's work.

### Key Recent Developments

On 15 October, the IAEA confirmed that Iran had completed all the activities set out in the road map for the clarification of past and present outstanding issues regarding its nuclear programme, as required under the JCPOA. The road map was agreed on the

same day as the JCPOA, as a follow-up to the November 2013 framework for cooperation between Iran and the IAEA. On 21 September, the IAEA submitted a preliminary report to the Council on Iran's implementation of the road map, noting that the agency's Director-General had visited Parchin, a military site to which it had previously been denied access. A final report is due by 15 December.

On the JCPOA's adoption day on 18 October (defined as 90 days after the adoption of resolution 2231), the EU announced it had adopted the legislative framework necessary

for the lifting of all nuclear-related sanctions, while the US approved conditional sanctions waivers for Iran. Also on 18 October, the IAEA said Iran had confirmed that starting on implementation day, and pending ratification by its parliament, it would provisionally apply the additional protocol to its safeguards agreement, as required under the JCPOA to strengthen international monitoring.

The joint commission charged with monitoring implementation of the JCPOA—Iran and the P5+1 (China, France, Germany, Russia, the UK and the US)—held its first

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**UN DOCUMENTS ON IRAN** Security Council Resolution S/RES/2231 (20 July 2015) was on the implementation of the JCPOA. Security Council Meeting Record S/PV.7522 (15 September 2015) was the most recent briefing by the chair of the Sanctions Committee. Other GOV/215/65 (18 November 2015) was the latest regular IAEA report on Iran. A/C.3/70/L.45 (2 November 2015) was the draft General Assembly resolution on Iran. A/70/411 (6 October 2015) was the report of the special rapporteur on the situation of human rights in Iran. S/2015/728 (21 September 2015) was the special IAEA report on implementation of the 14 July 2015 road map.



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## Iran (con't)

meeting in Vienna on 19 October. Participants discussed organisational aspects of the commission's work and reviewed progress towards implementation.

In its 18 November report on implementation of the NPT safeguards agreement and relevant provisions of Council resolutions in Iran, the IAEA confirmed that Iran had started removing and storing enrichment centrifuges and taken other steps required under the JCPOA. On 22 November, it was announced that Iran and the P5+1 had agreed on a document outlining their expected roles with regard to the redesign and reconstruction of Iran's Arak nuclear reactor.

Meanwhile, Iran test-fired a new long-range, precision-guided ballistic missile on 11 October, in apparent violation of the provision in resolution 1929 banning it from engaging in any activity related to ballistic missiles capable of delivering nuclear weapons, including launches. Iran said the missile was for deterrence purposes only and denied any intention of aggression.

The US immediately condemned the launch as a violation of resolution 1929, as did other Council members, but also said that it did not violate the JCPOA. Subsequently, at the request of the US, Council members discussed the missile launch under "any other business" during consultations on 21 October. That same day, France, Germany, the US and the UK sent a letter to the Sanctions Committee describing the missile as "inherently capable of delivering a nuclear weapon" and calling for appropriate action to be taken in response to the launch.

At press time, the Committee was scheduled to meet on the afternoon of 24 November to discuss the missile launch. Also on the agenda was the Panel of Experts' mid-term report, which was circulated to Council members on 6 November. The Committee has not met since 1 September, when it

discussed implementation of resolution 2231.

In other developments, on 29 October Iran attended for the first time international talks aimed at solving the crisis in Syria and also participated in a subsequent meeting on 14 November. On 9 November, Russia announced that it was moving ahead with a contract worth \$800 million to deliver sophisticated surface-to-air missiles to Iran. The contract was first signed in 2007 but was suspended in 2010 following the imposition of additional UN sanctions against Iran.

### Human Rights-Related Developments

The General Assembly's Third Committee considered the report of the special rapporteur on the situation of human rights in Iran, Ahmed Shaheed, on 28 October. The report welcomes the conclusion of the Iran nuclear deal and its potential beneficial multiplier effect on the human rights situation in the country, especially on the enjoyment of economic and social rights. At the same time, it expresses alarm over the rate of executions; restrictions on freedom of expression; the exclusion of individuals from standing for public office; and restrictions on the rights of religious and ethnic minorities. On 19 November, the Third Committee adopted its annual resolution on the human rights situation in Iran.

### Key Issues

An immediate issue is how to respond at this stage to reported sanctions violations, such as the missile launch or alleged violations of the conventional arms embargo and the travel ban.

A wider issue is how to organise the Council's future work on Iran following the expected termination of the Sanctions Committee and its Panel of Experts on implementation day. As outlined in resolution 2231, the Council will be charged with a number of new tasks to be carried out in close coordination with the joint commission. It is understood, however, that any mechanism perceived to function as a de facto sanctions committee would be unacceptable to Iran.

A further issue is how best to provide

guidance to member states on their new obligations under resolution 2231.

### Options

With regard to possible sanctions violations committed by Iran, one option for the Sanctions Committee is to do nothing.

Another option, if the Panel of Experts determines that a violation has taken place, is to write to Iran with the findings, inviting it to respond, as the Committee did in response to Iran's July 2012 missile launches. A further option is to consider additional sanctions.

Yet another option is to start discussions on the Council mechanism that will be set up following the termination of the Sanctions Committee.

### Council Dynamics

As was clear from their responses to Iran's missile launch, Council members continue to have different views on how vigorously to pursue sanctions implementation at this stage. While the US and like-minded Council members characterised the launch as a clear violation that would require a response, Russia said publicly that a careful approach was needed and that the Committee must first look into technical details and take into account "political circumstances". China also said that further consideration was needed to determine whether a violation had taken place. During the consultations on 21 October, there was no opposition to the matter being looked into by the Committee and Panel of Experts, but China, Russia and like-minded Council members emphasised the importance of preserving the JCPOA and avoiding any measures that could complicate its implementation.

With regard to the question of what will replace the Sanctions Committee, it seems that discussions involving all Council members have yet to begin.

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## 1540 Committee

### Expected Council Action

In December, the chair of the 1540 Committee, Ambassador Román Oyarzun (Spain), is scheduled to brief the Council on the work

of the Committee, which deals with the non-proliferation of weapons of mass destruction.

Ahead of the briefing, the Committee will hold a retreat to discuss aspects of the

comprehensive review of the implementation of resolution 1540 currently under way, as mandated by resolution 1977.

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**UN DOCUMENTS ON THE 1540 COMMITTEE** Security Council Resolution S/RES/1977 (20 April 2011) renewed the mandate of the 1540 committee for ten years. Security Council Presidential Statement S/PRST/2005/34 (20 July 2005) was on the counter-terrorism committee briefings. Security Council Meeting Record S/PV.7463 (16 June 2015) was the chair's most recent briefing. Security Council Press Statement SC/11929 (16 June 2015) was on the comprehensive review.

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## 1540 Committee (con't)

### Key Recent Developments

Oyarzun last briefed the Council on 16 June in a joint meeting with the chairs of the two other counter-terrorism related committees, the 1267/1989 Al-Qaida Sanctions Committee and the 1373 Counter-Terrorism Committee. The main focus of his briefing was the comprehensive review. He noted that the review aims to improve implementation of resolution 1540 by recommending practical actions and analysing the operation of the Committee with a view to recommending adjustments if necessary. It would be organised along the Committee's four main areas of work, namely national implementation, assistance, cooperation with international organisations and transparency and outreach.

In a press statement on the comprehensive review following the briefing, Council members welcomed the chair's presentation of the review process, noting that it started on 28 April when the modalities were formally approved by the Committee, and must be completed before 30 November 2016. They invited all member states, relevant international organisations and civil society representatives to engage actively in the process and announced the holding of formal open consultations in New York in the summer of 2016.

The Committee held meetings on 2 and 18 September. At the 18 September meeting, Oyarzun highlighted the goal of achieving universal reporting and said he had engaged in

bilateral consultations with most of the remaining 18 non-reporting states. There was also an informal meeting that same day with the chair of the missile technology control regime, a group of 34 countries seeking to coordinate national export licensing efforts aimed at preventing the proliferation of missile delivery systems.

On 26 October, Zambia submitted its first national implementation report to the Committee, thus bringing the number of non-reporting states down to 17.

The Committee and its chair participated in several major outreach events. On 11 September, China hosted the first-ever training course for national points of contact for the implementation of resolution 1540 in the Asia-Pacific region. From 27 to 29 October, Morocco and Spain conducted a joint maritime exercise aimed at strengthening national capabilities in securing radioactive material in transport in line with resolution 1540, with the support of the IAEA and participation of observers from more than 20 countries. From 19 to 20 November, Germany organised a two-day conference in Wiesbaden with industry representatives to discuss their role in enhancing implementation of resolution 1540. It was the fourth of a series of conferences hosted by Germany.

### Council Dynamics

While the 1540 resolution was initially somewhat controversial, it now enjoys the general

support of Council members as well as the wider UN membership. It seems, however, that the timing and appropriate format for the chair's briefing have been subject to discussion. While the Council, until recently, would regularly hold semi-annual joint briefings with the chairs of the three counter-terrorism committees, there now appears to be less interest in having such joint briefings, due to the growing number of other Council meetings relating to the work of the 1267/1989 Al-Qaida Sanctions Committee and the 1373 Counter-Terrorism Committee. No joint briefing was therefore included in the Council's programme of work for either November or December, which would normally have been the case given that the last such briefing was in June. It seems, however, that Spain felt it was important for the Council to consider the work of the 1540 Committee before the end of the year and insisted on having a separate briefing added to the programme of work. In a 2005 presidential statement on the counter-terrorism committee briefings, the Council asked the three committees to report to the Council "at regular intervals" and "if appropriate, in a coordinated manner." Nothing therefore dictates that these briefings have to happen jointly or on a semi-annual basis.

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## DPRK (North Korea)

### Expected Council Action

In December, it is possible that the Council will hold a meeting on the human rights situation in the Democratic People's Republic of Korea (DPRK), with briefings by High Commissioner for Human Rights Zeid Ra'ad Al Hussein and Under-Secretary-General for Political Affairs Jeffrey Feltman. This would be the second formal Council meeting on the human rights situation in the DPRK, following its 22 December 2014 decision to add "the situation in the DPRK" to its agenda as an item separate from the non-proliferation issue. At press time, it

seemed a procedural vote on whether to hold the meeting was expected.

### Key Recent Developments

Over the past year, efforts have continued to maintain the attention of the international community to the human rights situation in the DPRK and ensure follow-up to the February 2014 report of the Human Rights Council commission of inquiry. The report concluded that crimes against humanity had been committed in the DPRK and called on the Security Council to take action.

At its session in March 2015, the Human

Rights Council renewed its condemnation of human rights abuses committed in the DPRK and welcomed the Security Council's decision to add the situation to its agenda and hold a debate. It renewed the mandate of the special rapporteur, Marzuki Darusman, for one year, and urged the DPRK to cooperate fully with him and to engage in technical cooperation with the Office of the High Commissioner for Human Rights (OHCHR).

A significant new development was the opening on 23 June of OHCHR's new field office in Seoul, mandated by the Human Rights Council. The office is authorised to

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**UN DOCUMENTS ON THE DPRK** Security Council Meeting Record S/PV.7353 (22 December 2014) was the first Council meeting on the human rights situation in the DPRK. Other A/C.3/70/L.35 (30 October 2015) was the draft General Assembly resolution on the DPRK adopted on 19 November. A/70/393 (25 September 2015) was the Secretary-General's report to the General Assembly on the human rights situation in the DPRK. A/70/362 (8 September 2015) was the report to the General Assembly of the special rapporteur on the situation of human rights in the DPRK. A/HRC/25/63 (7 February 2014) was the commission of inquiry report on the DPRK.

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

strengthen monitoring and documentation of the human rights situation in the DPRK; promote accountability; enhance engagement and capacity-building in cooperation with key stakeholders; and maintain the visibility of the human rights situation.

At its most recent session last September, the Human Rights Council held a special panel discussion on the DPRK with Michael Kirby, who chaired the commission of inquiry, as moderator. The meeting focused in particular on abductions, enforced disappearances and detentions, but also included an update on the activities of the Seoul office.

The international community's widespread condemnation and repeated calls for action so far seem to have had little impact on Pyongyang's behaviour according to recent reports to the General Assembly. In an 8 September report to the General Assembly, the special rapporteur concluded that there had been no improvement in the human rights situation, with grave violations continuing on a large scale, and regretted the DPRK's refusal to meet with him or otherwise engage. He called on the international community to step up its efforts to address the situation, based on a two-track strategy involving measures to ensure accountability while at the same time seeking continued engagement with DPRK authorities. He urged the Security Council to hold regular briefings on the situation in the DPRK and to consider a referral to the ICC or other measures aimed at ensuring accountability.

A 28 September Secretary-General's report to the General Assembly on the DPRK also noted the lack of progress on any of the key human rights issues and, among other things, highlighted the impact of sanctions on UN agencies operating in the DPRK. In particular, he said that both UN and unilateral sanctions had an unintended and indirect negative impact on the population by causing operational constraints, such as transport delays and the inability to import certain items, and by making it more difficult to raise funds. He therefore called on the international community to secure adequate humanitarian funding and minimise the adverse effects of sanctions.

On 19 November, the General Assembly's Third Committee adopted its annual resolution on the DPRK by a vote of 112 in favour, 19 against and 50 abstentions. The resolution reiterated the condemnation of "long-standing and ongoing systematic, widespread and gross violations of human rights" in the DPRK and encouraged the Security Council

to continue considering the recommendations of the commission of inquiry and take appropriate action to ensure accountability, including a referral to the ICC or the imposition of targeted sanctions against those found to be responsible for crimes against humanity.

On 23 November, the special rapporteur began a five-day visit to the Republic of Korea. In announcing the visit, he said the aim was to assess the latest developments in the DPRK and discuss with relevant stakeholders ways to ensure accountability.

### Sanctions-Related Developments

On 10 November, the chair of the 1718 DPRK Sanctions Committee, Ambassador Román Oyarzun (Spain), briefed Security Council members in consultations on the work of the Committee. No new incidents of violations had been reported to the Committee since his previous briefing on 26 August. While some Council members stressed the need for continued vigilance, others welcomed the absence of any new provocations as an opening for renewed engagement with Pyongyang.

### Key Issues

A key issue for the Council is the impact of the human rights violations in the DPRK on international peace and security, and in particular any links between these violations and Pyongyang's ability to carry out its proliferation activities.

A further issue is the DPRK's continued rejection of any meaningful interaction with the international community, including with the Special Rapporteur and the OHCHR, and its repeated threats against the office in Seoul, as reported by the media. OHCHR recently confirmed that Zeid had been invited to visit the DPRK to discuss technical cooperation but it remains to be seen if this will lead to anything, as the details of the visit still have to be agreed.

### Options

In the short term, the main option for the Council is to hold a meeting in December as currently envisaged. A further option would be to also invite Darusman, who will be able to share impressions from his 23-27 November visit, or a victim of the human rights abuses committed in the DPRK. Alternatively, an Arria-formula meeting could be convened ahead of the formal Council meeting to hear from a wider range of briefers.

In the longer term, options for the Council include:

- seeking to engage the DPRK in a New York-based dialogue to support the special

rapporteur and the OHCHR and address the threats against the office in Seoul;

- requesting a report from the Secretary-General on the humanitarian situation in the DPRK with more details about the impact of sanctions;
- holding more frequent Council meetings under the agenda item "the situation in the DPRK";
- considering whether to expand the designation criteria in the DPRK sanctions regime to include violations against international humanitarian and human rights law; and
- discussing alternative approaches to ensuring accountability for crimes against humanity committed in the DPRK, given the fact that any attempt at referring the situation to the ICC or expanding the sanctions criteria will likely be blocked by China in the foreseeable future.

### Council Dynamics

China has made clear that it remains strongly opposed to any Security Council discussion on the human rights situation in the DPRK. Its position seems to be the same as when it objected to the meeting last year, stating that the Council was not mandated to consider human rights issues and that adding the situation to the Council's agenda would do more harm than good.

Although the situation in the DPRK is now formally on the Council's agenda, China can still try to prevent the Council from discussing the human rights situation, either by informally voicing its opposition before any meeting is scheduled or by objecting to the adoption of the meeting agenda, as it did last year, thus triggering another procedural vote.

At last year's procedural vote, there was a clear majority of 11 Council members voting in favour of adding the situation in the DPRK to the agenda, but it is less clear this time what the outcome of such a vote would be. It is understood that Chile, France, Jordan, Lithuania, New Zealand, Spain, the UK and the US support having another meeting and that China, Russia and Venezuela are opposed, but the positions of other members are less clear. Chad and Nigeria abstained last year and are therefore seen as likely to do the same again, with Angola possibly joining them. This seems to leave Malaysia as the crucial "swing vote" that may provide the nine-member majority needed to win a procedural vote.

The US is the penholder on the DPRK.

## Notable Dates for December

REPORT DUE	REPORTS FOR CONSIDERATION IN DECEMBER	REQUESTING DOCUMENT
6 November	Mid-term report of the 1737 Iran Sanctions Committee's Panel of Experts	S/RES/2224
20 November	Residual Mechanism Progress Report	S/PRST/2015/21
30 November	ICTY completion strategy report (S/2015/874)	S/RES/2193
30 November	ICTR completion strategy report (S/2015/884)	S/RES/2194
23 November	SG report on UNMISS (South Sudan)	S/RES/2241
25 November	OPCW report on the implementation of resolution 2118 (Syrian chemical weapons)	S/RES/2118
30 November	SG report on UNOCA/LRA (Central Africa)	S/PRST/2015/12
1 December	SG report on MINUSCA (Central African Republic)	S/RES/2217
8 December	SG report on UNDOF (Golan Heights)	S/RES/2229
14 December	SG report on UNAMA (Afghanistan)	S/RES/2210
14 December	SG report on the humanitarian situation in Syria	S/RES/2139

MANDATES EXPIRE	RELEVANT DOCUMENT
15 December	UNMISS (South Sudan) S/RES/2241
15 December	UNISFA (Abyei) S/RES/2230
31 December	UNDOF (Golan Heights) S/RES/2229

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