

Monthly Forecast

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Overview

Senegal will have the presidency of the Council in November and has planned three meetings to discuss [peace operations](#): an open debate on the challenges of asymmetric threats to peace operations; a debate on UN-AU cooperation; and a briefing on UN policing.

The Security Council is expected to undertake a visiting mission to the [Democratic Republic of the Congo](#), and Senegal has organised a briefing on the Great Lakes Region to be held prior to the visit.

Other centrepieces of the November presidency will include an open debate on the issue of [water, peace and security](#) and a briefing on [cooperation between the UN and the Organisation of Islamic Cooperation](#).

Council members will be closely following developments in [Syria](#) and [South Sudan](#) this month. Regarding [North Korea](#), the chair of the 1718 DPRK Sanctions Committee will brief in consultations. In addition, it is possible that the Council will adopt a resolution in response to the DPRK's 9 September nuclear test.

There will be discussion on several other African issues this month:

- [Burundi](#), consultations on the

Secretary-General's Burundi report and the Special Adviser's recent meetings in the region;

- [Libya](#), the semi-annual briefing from the ICC Prosecutor;

- [Somalia](#), the renewal of the sanctions regime and counter-piracy measures; and
- [Sudan/South Sudan](#), the renewal of UNISFA in Abyei.

Other Middle East issues that will be considered this month are:

- [Iraq](#), on the activities of UNAMI;
- [Israel/Palestine](#), the monthly briefing; and
- [Lebanon](#), the implementation of resolutions 1559 and 1701.

Regarding European situations, the Council will hold its semi-annual debate on [Bosnia and Herzegovina](#) and will adopt a resolution renewing the authorisation of the EU-led multinational stabilisation force there. The Council will also have its quarterly briefing on the activities of UNMIK in [Kosovo](#).

The 15 current Council members and the incoming five (Bolivia, Ethiopia, Italy, Kazakhstan and Sweden) will participate in the annual "Hitting the Ground Running" workshop outside of New York City, organised by Finland.

In Hindsight: A New Process for Selecting a New Secretary-General

On 13 October, António Guterres was appointed as the ninth Secretary-General of the United Nations. The General Assembly has appointed eight other Secretaries-General, but the road to this decision was a very different one from previous years, when the selection of the Secretary-General was opaque and tightly controlled by the permanent members. This time, active involvement of civil society and members of the General Assembly in insisting on greater transparency and a more clearly defined selection process led to

substantial changes that allowed both the General Assembly and elected members of the Security Council to play significant roles in the process.

Resolution 69/321 adopted by the General Assembly in September 2015 called for the Security Council and General Assembly presidents to start the Secretary-General appointment process through a joint letter. The Security Council's initial involvement in the selection process was in discussing the joint letter in November 2015 during the UK's presidency. This was the beginning

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In Hindsight: A New Process for Selecting a New Secretary-General (con't)

of an unusual collaborative process between the Council and the General Assembly—albeit one that was not without its tensions. After about a month of discussion among Council members and several revised drafts, which included inputs from the Office of the President of the General Assembly, the joint letter was issued on 15 December 2015.

As part of a more clearly defined process, the presidents of the Council and the General Assembly jointly notified member states when candidates were formally nominated by circulating letters from the nominating countries. The curriculum vitae of each candidate, along with vision statements on how they would address the most pressing issues facing the UN, were posted on a dedicated webpage set up by the president of the General Assembly. This more open selection process saw the largest field of candidates formally nominated, with eight from Eastern Europe, the region which was laying claim to the position, and seven women, more than double the total number of women candidates who had ever before made it to the ballot. The candidates were: Irina Bokova (Bulgaria), Helen Clark (New Zealand), Christiana Figueres (Costa Rica), Kristalina Georgieva (Bulgaria), Natalia Gherman (Moldova), António Guterres (Portugal), Vuk Jeremić (Serbia), Srgjan Kerim (former Yugoslav Republic of Macedonia), Miroslav Lajčák (Slovakia), Igor Lukšić (Montenegro), Susana Malcorra (Argentina), Vesna Pusić (Croatia) and Danilo Türk (Slovenia).

The most significant change to the selection process was the participation of all the candidates in the informal dialogue sessions, generally referred to as hearings, in the General Assembly. Hearings for the first nine candidates were held in April, and for the four later candidates shortly after they were nominated, in June, July and October respectively. Candidates were thus exposed to the larger membership, as well as to a worldwide audience through the UN webcasts, as well as a Global Townhall meeting organised by the President of the General Assembly in July and broadcast live on Al Jazeera TV, in which ten candidates participated. This transparency is in stark contrast to the early decades of the selection of the Secretary-General, where there was no

public record of who was being considered for the position, and names were simply suggested, almost always by permanent members. These hearings provided an insight into member states' expectations of the next Secretary-General, as well as an opportunity to assess the approach of each candidate to the challenges facing the UN. In addition, for the first time all Council members met with each candidate in an informal setting, allowing them further interaction. While considerations of realpolitik were presumably not absent in the selection process, it seems that exposure to the candidates in these different settings was a key factor in shaping Council members' positions.

In the first three months of the year, the Council appeared content to await the General Assembly's initial role in the selection process. However, since April, Council members, including in particular the elected members, began discussing the Council's next steps that would follow the General Assembly hearings. Council members had informal discussions on the issue either at the monthly breakfasts attended by permanent representatives to discuss the programme of work, or as an "any other business" item in consultations. There was also a series of meetings among the ten elected members, as well as meetings among smaller groups of Council members who had taken a particular interest in this issue, such as the UK, or who had upcoming presidencies. Japan, Malaysia and New Zealand were keenly aware that they were going to be president of the Council in months where the straw polls were likely to be conducted. Several papers on the procedure of the selection process were circulated. Egypt and Spain produced a paper on informal guidelines for the process, and Russia circulated a paper on the procedure for straw polls. In early June, soon after it took on the Council presidency, France circulated a comprehensive paper on the procedure for the 2016 selection process, which included an annex on the practice related to straw polls. Although there seemed to be agreement that straw polls would follow the same process as the 2006 election, there were questions about the timing of the first straw polls and when to move to colour-coded ballots to reveal the votes and potential vetoes of permanent members.

Eventually, between 21 July and 5 October, six straw polls were held, with the first five being undifferentiated between permanent and elected members, and the final one colour-coded. While the straw polls were conducted as secret ballots with members either "encouraging", "discouraging" or expressing "no opinion", the results were promptly and widely publicised in the media. It was therefore clear that there was one candidate—Guterres—who was the clear leader in every straw poll, receiving no "discourages" in the first straw poll and either two or three thereafter. Moreover, Guterres was the only candidate who was consistently receiving the nine or more votes needed in a formal vote. Several elected members pushed for not moving to colour-coded straw polls early, and it appears that this may have given elected members the opportunity to shape the process more strongly than if colour-coded ballots had been used early on. The five undifferentiated straw polls showed that there was a front runner with the consistent support of at least twelve members, and in the sixth colour-coded ballot no permanent member voted to "discourage" him. There were few withdrawals during the polls, with only three candidates—Pusić, Lukšić and Figueres—taking themselves out of the race after the first, second and fourth straw polls respectively.

At the start of the selection process there had been some concern among elected members that a weak candidate might be chosen as a result of the competing vetoes of the permanent members. It is a testimony to the success of a more open process that the candidate who was finally selected was indeed the one whom the majority of Council members, influenced by the views of non-members after the General Assembly hearings, had seen as the strongest. Following the sixth straw poll, US Ambassador Samantha Power gave voice to these sentiments when she attributed the agreement of the Council on Guterres as the candidate they would recommend to the General Assembly to "... a much more transparent process, where I think the General Assembly's will and the kind of zeitgeist out of the General Assembly's sessions actually translated also into results in the many straw polls that led up to today."

Status Update since our October Forecast

Mali

On 4 October, Council members issued a press statement condemning the multiple terrorist attacks against MINUSMA, during which two peacekeepers from Chad were killed and others injured (SC/12542). On 6 October, the Council was briefed on the absence of concrete progress in implementing the peace agreement and the deteriorating security environment in Mali by Under-Secretary-General for Peacekeeping Operations Hervé Ladsous (S/PV.7784). Ladsous also briefed on the latest MINUSMA report (S/2016/819). Atul Khare, Under-Secretary-General for Field Support, stressed how MINUSMA is missing key capabilities needed to operate safely and effectively in the current environment.

Yemen

In a 4 October press statement, Council members strongly condemned an attack by Houthi forces on a UAE vessel operating near Bab al-Mandeb strait on 1 October (SC/12541). It further noted that members take threats to shipping around the passage extremely seriously. The US subsequently informed members of missile strikes it conducted on radar facilities following Houthi cruise missile launches at US Navy warships on 9 and 12 October around Bab al-Mandeb (S/2016/869). Following the 8 October attacks on a funeral in Sana'a, which according to initial UN figures killed over 140 people, the UK circulated a draft press statement that would have strongly condemned the attack. Russia broke a silence procedure on the text, believing the statement was not strong enough. The UK subsequently informed members on 13 October that it would prepare a new resolution that would include a call for a cessation of hostilities but at press time it had not been circulated. On 31 October, Special Envoy Ismail Ould Cheikh Ahmed briefed the Council on his recent efforts to reach a cessation of hostilities in Yemen (S/PV.7797). In the Yemen 2140 Sanctions Committee, the Panel of Experts submitted preliminary analysis on 17 October that the 8 October attacks on the funeral in Sana'a were the result of at least two aircraft bombs, and that evidence suggested that the Saudi Arabia-led coalition violated its obligations under international humanitarian law.

Sudan (Darfur)

On 4 October, Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed the Council (S/PV.7781) on the most recent UNAMID report (S/2016/812). Ladsous noted that fighting continued in the Jebel Marra region between government forces and the Sudan Liberation Army–Abdul Wahid rebel group. In reference to the late September allegations by Amnesty International that government forces had used chemical weapons in the Jebel Marra area, Ladsous said that without further information or evidence being made available, it is not possible at this stage for the OPCW to draw any conclusions. In the consultations following the briefing, there was reportedly widespread agreement that there needed to be additional investigation of Amnesty International's findings. At press time, the 1591 Sudan Sanctions Committee was planning to hold a meeting with the recently appointed Panel of Experts on 28 October.

Maintenance of International Peace and Security

On 6 October, the Council adopted resolution 2312 with the abstention of Venezuela. This resolution renewed the provisions of resolution 2240 aimed at disrupting human trafficking and the smuggling of migrants on the high seas off the coast of Libya (S/PV.7783). Prior to the adoption, the Council had received the Secretary-General's report on implementation of resolution 2240 (S/2016/766).

Central African Republic

On 10 October, Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed the Council (S/PV.7787) on the MINUSCA report (S/2016/824). The Chair of the Central African Republic configuration of the Peacebuilding Commission, Abderrazak Laassel (Morocco), also briefed.

Haiti

On 11 October, the Council held a debate on Haiti with a briefing via VTC by the head of MINUSTAH, Special Representative Sandra Honoré (S/PV.7789), who presented the most recent Haiti report (S/2016/753). The impact of Hurricane Matthew, which struck Haiti on 4 October, and the postponement of the elections originally scheduled for 9

October were among the main issues discussed. On 13 October, the Council adopted resolution 2313 renewing the mandate of MINUSTAH for six months while maintaining its authorised troop strength at 2,370 military personnel.

Counter-Terrorism

On 13 October, Under-Secretary-General for Political Affairs Jeffrey Feltman briefed the Council on the Secretary-General's third report (S/2016/830) on the threat posed by the Islamic State in Iraq and the Levant (S/PV.7791).

Israel/Palestine

On 14 October, elected member Malaysia, along with Angola, Egypt, Senegal and Venezuela, hosted an Arria-formula meeting entitled "Illegal Israeli Settlements: Obstacles to Peace and the Two-State Solution". On 19 October, Special Coordinator Nickolay Mladenov and OCHA head Stephen O'Brien briefed the Council at its regular quarterly open debate on the Middle East, with a focus on Israel/Palestine (S/PV.7792).

Colombia

On 18 October, Council members met in consultations with the Secretary-General's Special Representative and head of the UN Mission in Colombia, Jean Arnault, and the mission's chief observer General Javier Perez Aquino. The meeting was the first Council discussion on Colombia following the 2 October referendum, in which a narrow majority of 50.2 percent of voters rejected the 24 August peace agreement between the Government of Colombia and the FARC-EP.

Western Sahara

On 18 October, Special Representative and head of MINURSO Kim Bolduc and Personal Envoy of the Secretary-General Christopher Ross briefed Council members in consultations. The meeting focused particularly on the situation in Al Guergarat, in the southern part of the territory within the buffer strip controlled by Frente Polisario, where Morocco is attempting to build a road connecting its position at the berm with the Mauritanian border.

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

1540 Committee

The Committee met on 19 October to discuss the draft report on the comprehensive review of the status of implementation of resolution 1540. The final report, which has to be agreed by consensus, is due for submission to the Council by 31 October. At press time it was unclear, however, if agreement would be reached by that time.

Guinea-Bissau

On 20 October, the Secretary-General's Special Representative to Guinea-Bissau briefed Council members in consultations on developments in the inclusive dialogue held in Guinea from 11 to 14 October to resolve the longstanding political crisis. After the briefing, Council members issued a press statement welcoming the initiative and the Conakry agreement that resulted from these talks (SC/12560). Among other points, members encouraged Guinea-Bissau's president to proceed to the nomination of the consensual prime minister as soon as possible.

Afghanistan

The 1988 Afghanistan Sanctions Committee

met on 24 October with the head of the Shanghai Cooperation Organization to discuss counter-narcotics efforts in Afghanistan, and on 27 October with the Mission of Afghanistan to the UN to discuss reconciliation efforts in the country.

Women, Peace and Security

On 25 October, the Secretary-General and the head of UN Women, Phumzile Mlambo-Ngcuka, briefed the Council at the annual open debate on women, peace and security (S/PV.7793) where member states considered the Secretary-General's latest report on the issue (S/2016/822). Rita Lopidia, who heads the Eve Organization for Women's Development in South Sudan, participated as a civil society briefer. Russia circulated a concept note ahead of the debate asking member states to focus their interventions on implementation of the recommendations from last year's Global Study on resolution 1325 (S/2016/871). No outcome was adopted.

International Court of Justice

On 26 October, the Council convened for a private meeting to receive a briefing from the

President of the ICJ, Judge Ronny Abraham (France) (S/PV.7794). Abraham discussed the annual report of the ICJ (A/71/4) and the overall activities of the Court, including an overview of pending contentious cases.

UN Cooperation with Regional Organisations

On 28 October, the Council held a debate on cooperation between UN and regional and sub-regional organisations in maintaining international peace and security focusing on cooperation with: the Collective Security Treaty Organization (CSTO), Shanghai Cooperation Organization (SCO) and Commonwealth of Independent States (CIS). Prior to the debate, Russia circulated the concept note outlining the main objectives for the debate (S/2016/867). In addition to UN Secretary-General Ban Ki-moon, briefers included: Rashid Alimov, the Secretary General of the SCO; Nikolai Bordyuzha, the Secretary General of the CSTO; and Sergey Ivanov, Vice-Chair of the Executive Committee of CIS.

Democratic Republic of the Congo

Expected Council Action

In November, the Security Council is expected to undertake a visiting mission to the Democratic Republic of the Congo (DRC).

The Council will also be briefed by the Special Envoy to the Great Lakes Region, Said Djinnit, followed by consultations, on the implementation of the Peace, Security and Cooperation Framework Agreement (PSC Framework) and other developments in the region.

The mandate of the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) expires on 31 March 2017.

Key Recent Developments

On the political front, the presidential election originally scheduled for 27 November continues to be a deeply divisive issue in the DRC, given that it will now not be held before the second and—according to the Constitution—final term of President Joseph Kabila ends on 19 December. On 17 October, the Constitutional Court granted a petition of the Independent National Electoral Commission (CENI) to postpone elections to 2018 in order to perform the necessary updates to the voter registry.

Meanwhile, on 18 October, participants in the “national dialogue” on elections signed an agreement on a new electoral calendar. According to the proposed agreement,

provincial, parliamentary and presidential elections would be held in April 2018, and local elections would be held simultaneously or within half a year from the other elections. According to the agreement, Kabila would remain in office until the installation of a newly elected president, and a prime minister from the opposition will be appointed in the interim.

The dialogue between the government and opposition groups is being boycotted by several of the main opposition groups, which have formed a coalition called “Rassemblement”. The “Rassemblement” has vowed to organise popular protests to pressure Kabila to step down on the 19th day of every month until the formal end of Kabila's term on 19

UN DOCUMENTS ON THE DRC Security Council Resolutions S/RES/2293 (23 June 2016) renewed the DRC sanctions regime and the mandate of the Group of Experts. S/RES/2277 (30 March 2016) renewed the mandate of MONUSCO for a year. **Security-General's Reports** S/2016/840 (4 October 2016) was on the implementation of the Peace, Security and Cooperation Framework for the DRC. S/2016/833 (3 October 2016) was on MONUSCO. **Security Council Meeting Record** S/PV.7788 (11 October 2016) was a briefing on the latest MONUSCO report and on the activities of the DRC Sanctions Committee.

OTHER RELEVANT FACTS **Special Representative of the Secretary-General** Maman Sambo Sidikou (Niger) **MONUSCO Force Commander** Lieutenant General Derick Mbuyiselo Mgwebi (South Africa) **MONUSCO Size, Composition and Cost of Mission** Strength as of 31 August 2016 16,735 troops (including 478 military observers and 1,407 police), 816 international civilian personnel, 2,654 local civilian staff and 364 UN volunteers. **Approved budget** (1 July 2016–30 June 2017): \$1.23 billion **Mission duration** July 2010 to present

Democratic Republic of the Congo (con't)

December. The nationwide demonstrations on 19 September turned violent, with several dozen protesters and some police killed. On 19 October, a general strike took place in Kinshasa. According to media reports, many of the capital's 10 million residents adhered to the strike and streets were largely empty, with little traffic.

Maman Sambo Sidikou, the Special Representative of the Secretary-General, and Ambassador Amr Aboulatta (Egypt), the chair of the DRC Sanctions Committee, briefed the Council on 11 October, followed by consultations. Sidikou stressed that the DRC has entered a period of extreme fragility and that the only way forward is for all parties to re-engage in an inclusive dialogue. He noted that MONUSCO is making the necessary contingency plans, but if widespread violence erupts due to the electoral impasse, MONUSCO will not have the capabilities to successfully protect civilians. During consultations, several Council members reiterated their positions, some that the political tensions are essentially an internal issue, and others stressing the need to pressure the government and the opposition to find a political solution.

On the Great Lakes, the Secretary-General recommended in a 4 October letter to the Council that the role of the Special Envoy be expanded beyond issues relating to the PSC Framework. In response, the Council said that it welcomed further discussions on the recommendations in the coming weeks, as several Council members felt that the proposals required further elaboration as to their financial and organisational ramifications. The briefing on the Great Lakes comes at the request of the Secretariat in order to have a discussion on the region separate from that on the DRC, including on the prospective role of the Special Envoy.

The visiting mission to the DRC will be co-led by Angola and France. Council members are expected to begin their trip in Kinshasa, where they will meet with key political actors, followed by a visit to Beni and Goma in the east. From there they will travel to Luanda for an update on the 26 October

summit of the International Conference on the Great Lakes (ICGLR) by Angolan President José dos Santos, who is currently chair of the ICGLR. Council members started discussing the possibility of such a mission in early October and decided to hold the visit prior to the planned 19 November protests and the 27 November constitutional deadline for the election in an attempt to promote a message of stability and compromise among all political stakeholders.

Sanctions-Related Developments

The DRC Sanctions Committee met on 10 October with the countries of the region to discuss improved implementation of the sanctions regime, following Aboulatta's visit to the region from 1 to 6 August.

In his briefing to the Council on 11 October, Aboulatta identified the security situation in the east, political tensions and the illicit exploitation of natural resources as key impediments to implementation of the sanctions regime.

Human Rights-Related Developments

On 30 September, the Human Rights Council (HRC) adopted, without a vote, a resolution on technical assistance and capacity-building for human rights in the DRC (A/HRC/33/L.26). The resolution strongly condemns recent deadly clashes in Kinshasa and elsewhere in the country. It also calls on the government to ensure equitable political participation and to create without delay the necessary conditions for holding free, transparent, inclusive and peaceful elections. The resolution requests the Office of the High Commissioner for Human Rights to prepare a report on the situation of human rights in the DRC during the electoral period, to be presented during an enhanced interactive dialogue at the HRC's 36th session in September 2017.

A UN Joint Human Rights Office report released in October, covering the period from 1 January 2014 to 31 March, concluded that, despite progress made by the authorities in holding perpetrators of human rights abuses accountable, a very low number of state agents, especially senior officers and leaders and combatants of armed groups, are prosecuted and convicted compared to the high number of violations reported.

Key Issues

A key issue for the Council is resolving the political tensions and potential for widespread violence surrounding the electoral calendar.

The continued violence by rebel groups in the east remains a serious threat to peace and security. The violence in the east may further worsen if the political situation destabilises western DRC.

Options

On its visiting mission, the Council could:

- apply pressure and offer some incentives to Kabila to announce that he would not seek another term and seek to ensure that elections are held before 2018;
- encourage the "Rassemblement" coalition to engage with the government in order to reach agreement and resolve the political crisis; and
- threaten to impose sanctions on actors, both in the government and the opposition, who destabilise the DRC by contributing to electoral violence or inciting violence.

On the Great Lakes, the Council may decide to expand the role of the Special Envoy after receiving further clarifications on this issue from the Secretary-General.

Council Dynamics

Council members all have similar concerns over the potential destabilisation of the DRC due to the political crisis and hope that a visiting mission will provide an opportunity for the Council to pressure the relevant actors to engage and reach an agreement to hold timely elections and resolve other political issues. (The Council visited the DRC annually from 2000 through 2010; its most recent mission to the country was in 2013.) Council members will strive to present a united front towards the various stakeholders during their visit, although they continue to have diverging views on the nature of the crisis and what may or may not constitute undue interference in internal constitutional matters by the Council and other international actors. However, there seems to be consensus about the need to apply pressure on both the government and the opposition to compromise and find middle ground to end the political impasse.

Sudan and South Sudan

Expected Council Action

In November, members of the Security Council will hold consultations on the UN Interim Security Force for Abyei (UNISFA) and on Sudan/South Sudan issues more generally. The Council expects to renew the mandate of UNISFA prior to its 15 November expiration.

Key Recent Developments

On 5 June, Sudan and South Sudan convened a ministerial-level meeting in Khartoum of the Joint Political and Security Mechanism (JPSM), the instrument employed by the two states to discuss political and security matters of mutual concern. The parties agreed during the meeting to reactivate the Joint Border Verification and Monitoring Mechanism (JBVMM). The JBVMM is intended to monitor the Sudan-South Sudan border, but the Secretary-General has cited in past UNISFA reports a lack of cooperation by the parties in implementing this mechanism, whose operation UNISFA is mandated to support. However, it remains unclear whether the parties have followed through on their commitment made at the meeting to remove their forces from the Safe Demilitarised Border Zone, which the JBVMM is intended to monitor.

At the 5 June meeting, Zewda Belay Malefiya, a brigadier general serving in UNISFA, reportedly noted that the mission had been able to conduct only 37 percent of its aerial patrols along the border as a result of poor weather conditions, insecurity and troop rotations. Aerial patrols have also been limited because the government of South Sudan has denied landing rights to planes expected to monitor the border as a part of the JBVMM.

Between April 2015 and September 2016, Sudan delayed renewing the visas of police officers in UNISFA and providing new visas to police meant to rotate into the mission. This led to significant understaffing of the mission's police component. In his 12 October UNISFA report, the Secretary-General noted that only eight police officers were serving in UNISFA, which is authorised to have 50 police officers. Nonetheless, the Secretary-General welcomed "the fact that, on 6 October, the Government [of Sudan] issued 14 entry visas and travel permits for the UNISFA police component".

In June, a joint market was established in

Amiet, just north of the town of Abyei, for the Ngok-Dinka and Misseriya groups. The market is intended to promote peaceful relations between the two groups. However, violence at the market caused its temporary closure. UNISFA helped organise three meetings between Ngok-Dinka and Misseriya leaders in July and August in Todach to discuss the security and administration of the joint market. The leaders from both groups reached an agreement to reopen the market in Amiet as a temporary site until the end of the calendar year. They further "affirmed their commitment to peaceful coexistence, payment of compensation for past cases of criminality and measures to end the insecurity surrounding the common market by establishing a joint traditional court", according to the Secretary-General's recent UNISFA report. Historically, there have been tensions in Abyei between the Ngok-Dinka, who view Abyei as their ancestral homeland, and the Misseriya, who migrate through the region to graze their cattle.

Taban Deng Gai, first vice-president of South Sudan, met with high-level Sudanese officials, including President Omar al-Bashir, during a 21-22 August visit to Khartoum. Both states committed to expel rebels who had sought refuge on each other's territory within 21 days.

Sudanese Ambassador Omer Dahab Fadl Mohamed addressed the Council on 12 May following the adoption of resolution 2287 extending the UNISFA mandate. He maintained that Abyei, a disputed region straddling the Sudan-South Sudan border, is a part of Sudan and that its status "can be amended only by a referendum mutually agreed with the government of South Sudan". The referendum on Abyei's status was supposed to take place in conjunction with the referendum on South Sudan's independence in January 2011; however, it was not conducted because Sudan and South Sudan could not agree on the criteria for voter eligibility.

Key Issues

The key issue for the Council is to ensure that Abyei remains calm, especially given the lack of progress made by the parties for the past several years in determining the area's final status and, as an interim measure, in

establishing temporary administrative and legal institutions in the area.

On Sudan/South Sudan issues more broadly, another key issue is whether the two states can be induced to address security and political issues of mutual concern—for example, border monitoring and demarcation and agreeing on the status of the disputed areas along the border other than Abyei—given that both countries are dealing with their own domestic crises.

Options

The most likely option for the Council is to adhere to the Secretary-General's recommendation to renew the mandate of UNISFA for an additional six months. In doing so, the Council could consider:

- urging Sudan to issue visas in a timely fashion for police personnel serving in the mission, while recognising that some visas were provided in October;
- urging South Sudan to end its restrictions (i.e. the denial of landing permissions) on aerial monitoring of the JBVMM; and
- demanding that both countries commit to withdrawing forces from the Safe Demilitarised Border Zone.

An option for the Council on Sudan/South Sudan relations more generally would be to adopt a statement that encourages continued dialogue between the two states on mutual security and political issues, including through the Joint Political and Security Mechanism.

Council Dynamics

The Council has not focused on Abyei in several months as its attention to Sudan/South Sudan issues has been absorbed by the crises in South Sudan and, to a lesser extent, Darfur. While there is recognition that Sudan and South Sudan face their own domestic crises, members have long been frustrated by the lack of progress by the parties in resolving their differences with regard to Abyei or with respect to other mutual security concerns. UNISFA, which was meant to be an interim mission designed to provide time for a political solution to the Abyei situation, has now been deployed for more than five years, and there are no indications that the final status of the region will be resolved in the near or even medium term.

The US is the penholder on UNISFA.

UN DOCUMENTS ON ABYEI Security Council Resolution S/RES/2287 (12 May 2016) renewed the UNISFA mandate until 15 November. **Security Council Meeting Record S/PV.7691** (12 May 2016) was the meeting at which resolution 2287 was adopted and included a statement by Sudan. **Secretary-General's Report S/2016/864** (12 October 2016) was on the situation in Abyei.

Peace Operations

Expected Council Action

In November, Council members will hold three meetings to discuss its work in mandating and overseeing peace operations. These include an open debate on the challenges of asymmetric threats to peace operations; a debate on UN-AU cooperation; and a briefing on UN policing.

Background

Asymmetric Threats

Senegal has organised an open debate under the title “Peace operations—facing asymmetric threats”. The meeting is expected to provide an opportunity for the wider membership to discuss one of the key challenges of peace operations. So far in 2016, 30 peacekeepers have been killed in action as a result of “malicious acts”—25 of them having been deployed with the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

The Secretary-General’s report on the recommendations of the High-Level Independent Panel on Peace Operations (HIPPO) observed that UN peace operations are not “designed or equipped to impose political solutions through sustained use of force”, and concurred with the HIPPO’s recognition that UN peace operations “are not the appropriate tool for military counter-terrorism operations”. However, they increasingly deploy in violent and asymmetric threat environments and must be capable of operating effectively and as safely as possible therein. The open debate is expected to highlight the challenges of delivering on Council mandates in these contexts as well as addressing how agile field support, deployment of force enablers (such as helicopters and hospitals), intelligence capabilities and use of new technologies can improve the safety and security of peacekeepers facing asymmetric threats. The challenges faced by special political missions deployed in places such as Libya, Iraq and Afghanistan are also expected to feature in the debate, including the obstacles to engagement with communities and to maintaining the political space for UN good offices and mediation tasks in non-permissive environments.

The potential for complementarity between counter-terrorism bodies and

peacekeeping operations is also expected to feature in the debate. Following up on a 24 June meeting on that same issue of the Working Group on Peacekeeping Operations (chaired by Senegal), the meeting is expected to consider the potential synergies between peacekeeping operations deployed in contexts where violent extremist groups are active, and other tools within the Council’s purview, such as the Counter-Terrorism Committee and its Executive Directorate (CTED). Fragile states hosting peace operations exhibit several risk factors for terrorism. As the CTED’s 18 January global implementation surveys of resolutions 1373 and 1624 highlight, porous borders, weak governance and high poverty levels, limited control over territory, long-standing local disputes, interstate rivalries and socioeconomic challenges provide terrorist groups with fertile ground upon which to increase their ranks, spread their messages and undermine recognised state authorities.

UN-AU Cooperation

The debate on UN-AU cooperation organised by Senegal is expected to highlight the key partnership of the AU with the UN on peace and security issues. The establishment of the first AU-UN hybrid operation in Darfur in 2007, the funding for logistical support to the AU Mission to Somalia (AMISOM) through UN assessed contributions and the transitions from AU to UN operations in Mali and the Central African Republic, illustrate the broad range of ad hoc modalities for AU-UN cooperation on peace operations in the last decade.

However, while acknowledging that a pragmatic and case-by-case approach is needed for cooperation with regional organisations, the Secretary-General in his HIPPO implementation report recognised a need to “move away from improvisation in how we work together”, and to build on previous experience to establish standing arrangements and procedures that can be applied flexibly when operations are established.

The debate is expected to focus in particular on the issue of funding of Council-authorised AU peace operations, which has become one of the most contentious aspects of AU-UN cooperation. The lack of flexible, sustainable

and predictable funding for AU peacekeeping operations authorised by the Security Council is raised frequently in the Council, mostly by African members. Building on the work of a 2008 joint AU-UN panel, known as the Prodi Report, the HIPPO report recommended the use of UN assessed contributions on a case-by-case basis to support AU peace operations authorised by the Council, including the costs associated with deployed uniformed personnel, to complement African funding. In January 2015, the AU Assembly agreed to contribute up to 25 percent of the cost of AU peace and security efforts, including peace support operations, to be fully achieved by the year 2020, envisaging that the other 75 percent of the cost of such missions would be provided by the UN through assessed contributions. A proposal by Donald Kaberuka, the AU’s High Representative for the Peace Fund, was adopted at the AU summit in Kigali, Rwanda in July to institute a levy of 0.2 percent on eligible imports, in order to fulfill the 2015 commitment of the AU Assembly.

In addition to financing, forging common purpose and coordinating regional and international engagement remain challenges, as well as issues such as ensuring accountability and strengthening civilian capacities (including with respect to the human rights and protection of civilians mandates of the peace operations concerned).

UN Policing

Also in November the Council will receive a briefing by Under-Secretary-General for Peacekeeping Operations Hervé Ladsous and four police commissioners: Bruce Munyambo (UN Mission in South Sudan), Priscilla Makotse (AU-UN Mission in Darfur), Brigadier General Georges-Pierre Monchotte (UN Stabilization Mission in Haiti) and Issoufou Yacouba (MINUSMA). It is expected that heads of police components will raise a broad range of issues of interest to the Council including on the implementation of protection of civilians’ mandates, the role of police components in developing the capacities of states hosting UN peace operations and issues related to conduct and discipline. Resolution 2185 of 20 November 2014 on UN policing expressed the Council’s intention to consider

UN DOCUMENTS ON PEACE OPERATIONS Security Council Resolution S/RES/2185 (20 November 2014) was the first standalone resolution on UN policing. **Security Council Presidential Statement S/PRST/2015/22** (25 November 2015) took note of the recommendations of the HIPPO report and the Secretary-General’s report on its recommendations. **Secretary-General’s Report S/2015/682** (2 September 2015) was on the recommendations of the High-level Independent Panel on Peace Operations. **Security Council Letters S/2015/446** (17 June 2015) transmitted the report of the High-level Independent Panel on Peace Operations. **S/2008/813** (24 December 2008) forwarded the AU-UN panel report on how to support AU peacekeeping operations established under a UN mandate, known as the Prodi Report.

Peace Operations (con't)

holding a meeting annually with the heads of police components, and this will be the third consecutive year that such a briefing is held.

The HIPPO report saw a need to review the roles and responsibilities of the police division in order to improve UN police capabilities, including to provide support to building host-state capacity. The Secretary-General in his subsequent report instructed the division to undertake an external review of its functions, structure and capacity, and this was commissioned in January 2016. The review team, co-chaired by Hilde F. Johnson and Ambassador Abdallah Wafy, submitted its report in May. Among other recommendations for member states' consideration, it supported the implementation of sequenced and prioritised mandates "providing the basis for context-specific and tailor-made mandates in the policing area, preferably refraining from mandating numbers of police officers to be deployed at the outset without an in-depth assessment". In addition to emphasising the importance of focusing on required capabilities rather than numbers, it called for more clarity on protection and capacity development mandates, and for better engagement of the police division and heads of police components with relevant Council discussions.

Key Issues

Maintaining the momentum for reform and advancing the implementation of recommendations of the peace operations review is an overarching issue.

Monitoring the limitations of field support mechanisms, particularly regarding the provision of key capabilities to missions deployed in environments where asymmetric threats exist, is a key issue for the Council.

A key issue is to ensure that the partnerships are effective at the strategic, operational and tactical level, and for the Council to promote consultative decision-making and appropriate common strategies with the AU based on comparative advantage, including a solution to the issue of sustainable financing of Council-authorised operations.

Ensuring that the Council mandates peace operations in a sequenced and prioritised manner, tailored to the context in which they are going to be deployed, capability-driven and results-oriented (rather than numbers-driven), is a key issue for effective delivery, including of policing mandates.

Council Dynamics

The discussions that will take place in November constitute an opportunity for

the Council to discuss issues that have been difficult for Council members. Both in the General Assembly and the Council, member states continue to diverge on the use of force and posture of UN peace operations. Nevertheless, in June the Council unanimously requested MINUSMA to move to a more proactive and robust posture to carry out its mandate, focusing particularly on delivery of its protection of civilians' mandate and ensuring the safety and security of peacekeepers.

At their tenth informal consultative meeting in May, Council members were unable to reach agreement with members of the AU Peace and Security Council on a joint communiqué, among other things because of language regarding the funding of AMISOM.

The Council took note of the recommendations of the HIPPO and of the Secretary-General's report in a 25 November 2015 presidential statement in support of sequenced and prioritised mandates, and the exertion of the Council's collective leverage. However, those exhortations have arguably not led to new approaches or greater consensus in country-specific situations, as shown by the limitations of the Council's recent engagement on South Sudan and Burundi.

Bosnia and Herzegovina

Expected Council Action

In November, the Council is expected to hold its semi-annual debate on Bosnia and Herzegovina (BiH) and to renew the authorisation of the EU-led multinational stabilisation force (EUFOR ALTHEA). High Representative Valentin Inzko is expected to brief on his office's latest report to the Council.

The current authorisation for EUFOR ALTHEA expires on 10 November.

Key Recent Developments

Tensions between Bosniaks, Croats and Serbs have worsened, in particular over a referendum in the Republika Srpska (RS)—the predominantly Bosnian Serb entity of BiH—on whether to celebrate "Republika Srpska Day" on 9 January. BiH's Constitutional Court ruled in November 2015 that the holiday's

celebration on that date was discriminatory and unconstitutional, as 9 January falls on an Orthodox holiday and marks the day that Bosnian Serbs declared the creation of RS and its secession from the Yugoslav republic of BiH in 1992. Defying this ruling, on 15 July, the RS National Assembly voted to hold a referendum on 25 September on whether to continue observing the holiday.

Western governments and the High Representative opposed the referendum, arguing that it violated the General Framework Peace Agreement (GFAP), which ended BiH's 1992-95 war, since the Constitutional Court's decisions are final and binding. On 17 September, the Constitutional Court approved a temporary ban on the referendum pending final decisions on motions filed by Bosniak leaders against the vote. The government of

Serbia said it opposed the referendum but would not interfere to stop it. On 22 September, three days before the scheduled vote, RS entity president Milorad Dodik met with President Vladimir Putin in Moscow, which was widely viewed as indicating Russia's support. RS went ahead with the referendum on 25 September. Turnout was reported at 55.67 percent, with 99.81 percent voting to continue recognising 9 January as RS day.

On 26 September, the BiH prosecutor opened an investigation into the referendum. Dodik was summoned to Sarajevo but refused to attend, citing concerns over his safety.

In other developments, long-awaited results of a census that was conducted in 2013 were released on 30 June. RS leaders objected to the methodology for processing census data and rejected the results. The first

UN DOCUMENTS ON BIH Security Council Resolution S/RES/2247 (10 November 2015) renewed the authorisation of EUFOR ALTHEA. Security Council Meeting Record S/PV.7688 (5 May 2015) was a debate on BiH.

Bosnia and Herzegovina (con't)

census since 1991, it revealed a nearly 20 percent decrease in BiH's population. Regarding the country's ethnic makeup, the Bosniak population increased to 50.11 percent (up from 43.47 percent), with decreases in the Serb population (down from 31.21 percent to 30.78 percent) and Croat population (down from 17.38 percent to 15.43 percent).

Local elections were held across BiH on 2 October. Results strengthened ruling nationalist Bosniak, Croatian and Serbian parties. Mostar, the divided Bosniak and Croat city, failed for a second time to hold municipal elections due to its not having changed its electoral laws as required by a 2010 Constitutional Court ruling. Municipal elections were last held there in 2008.

Further highlighting ethnic divisions, Dragan Čović, the Croat member of BiH's tripartite presidency, increased calls for creating a Croatian entity by reorganising the Federation of BiH (FBiH), the predominantly Bosniak and Croat entity.

Regarding EU accession, Republika Srpska agreed to measures for an EU coordinating mechanism. This cleared the way for the EU to accept BiH's membership application on 20 September.

Key Issues

Ethnic divisions among Bosniaks, Croats and Serbs and divisive rhetoric by RS officials, along with recent referenda initiatives challenging the GFAP (which have included whether to accept the authority of the High Representative

and state-level judicial institutions, and a possible vote on secession), remain key issues.

Socio-economic and governance problems—such as political gridlock, corruption and high unemployment, which led to violent protests in February 2014—are important issues, which the BiH political class is seen as seeking to divert attention from by focusing on ethnic divisions.

Options

When re-authorising EUFOR ALTHEA, the Council could stress BiH parties' continued obligations to implement the GFAP.

The resolution could also be updated to reflect recent developments, including a call for leaders of all sides to avoid divisive actions and rhetoric, condemnation of the 25 September referendum as violating the GFAP and an emphasis on the importance of socio-economic reforms to improve the lives of BiH citizens.

Council and Wider Dynamics

Most members express concern about BiH's political gridlock and the divisive rhetoric from RS officials usually chronicled in the High Representative's reports. They view such rhetoric and recent referenda initiatives as challenging the GFAP and BiH's sovereignty and territorial integrity. Russia, on the other hand, supports the positions of RS, arguing that it is unfairly blamed for BiH's problems and that political dysfunction and provocations in the FBiH are overlooked.

Such dynamics play out within the Peace

Implementation Council Steering Board (PIC SB), composed of states responsible for guaranteeing the GFAP's implementation. Russia, which is a member, has frequently not joined PIC SB statements, including recent ones opposing the RS referendum. Russia, however, continues to emphasise its support for BiH's territorial integrity and the GFAP. Another challenge that the international community faced in responding to the recent referendum is the inability of the High Representative to enforce his authority, provided by his mandate, to strike down decisions or remove politicians who violate legal obligations.

Once relatively straightforward, since 2014, negotiations on the Council resolution to reauthorise EUFOR ALTHEA have been difficult. All members support the presence of the force. Recent difficulties, though, have revolved around previously agreed language related to Euro-Atlantic integration and broader political issues, which Russia has sought to reduce or remove. Russia's role as penholder during last year's negotiations resulted in many of these elements being removed from the final text.

The Contact and Drafting Group, consisting of France, Germany, Italy, Russia, the UK, the US and elected Council members from the Western European and Others Group and the Eastern European Group, drafts decisions on BiH. Its penholder rotates monthly in English alphabetical order. In November the penholder will be the UK.

Syria

Expected Council Action

Council members expect to receive the regular monthly briefings on the political, humanitarian and chemical weapons tracks but could not rule out other activity, given the urgent nature of the Syrian crisis.

It seemed possible that the mandate of the UN-OPCW Joint Investigative Mechanism (JIM), the body instructed to determine responsibility for the use of chemical weapons in Syria, would be renewed prior to its

expiry on 31 October. However, at press time, a draft resolution to renew the JIM had yet to be circulated. It was less clear how the Council might react in November to the JIM's findings that the Syrian regime used chemical weapons against its civilian population.

Key Recent Developments

Since 19 September, the Syrian government and Russia have carried out a sustained military onslaught against opposition-held

eastern Aleppo following the rupture of the cessation of hostilities, agreed between Russia and the US only ten days earlier.

The military escalation against rebel-held eastern Aleppo has been described as a "slaughterhouse" by the Secretary-General. The High Commissioner for Human Rights has said these attacks constitute war crimes, and if found to be deliberate, may constitute crimes against humanity. OCHA has designated eastern Aleppo as a besieged area,

UN DOCUMENTS ON SYRIA Security Council Resolutions S/RES/2268 (26 February 2016) endorsed the cessation of hostilities. S/RES/2254 (18 December 2015) was on a political solution to the Syrian crisis. S/RES/2235 (7 August 2015), S/RES/2209 (6 March 2015) and S/RES/2118 (27 September 2013) were on chemical weapons. **Secretary-General's Reports** S/2016/873 (18 October 2016) was on the humanitarian situation. S/2016/825 (29 September 2016) was on chemical weapons. **Security Council Meeting Records** S/PV.7795 (26 October 2016) was on the humanitarian situation. S/PV.7785 (8 October 2016) was the vote on the two competing draft resolutions on Aleppo. **Security Council Draft Resolutions** S/2016/847 (8 October 2016) was the Russian draft resolution on Aleppo. S/2016/846 (8 October 2016) was the French and Spanish draft resolution on Aleppo.

Syria (con't)

reporting that 275,000 civilians, including 100,000 children, are trapped. Special Envoy Staffan de Mistura has said that Aleppo could be destroyed by the end of the year if the offensive continues.

It was against this backdrop, as well as the US formally suspending its bi-lateral engagement with Russia on Syria on 3 October, that France and Spain circulated a draft resolution demanding an end to military flights over Aleppo. Council negotiations were acrimonious. Russia was clear that it was not open to having any demand placed on it to cease military operations. The draft resolution was put to a vote on 8 October and was vetoed by Russia. The vote was 11-2-2 with Venezuela also voting no and Angola and China abstaining. This was Russia's fifth veto on a Syria resolution, but it was the first time China refrained from casting a veto alongside Russia on a Syria draft resolution.

Immediately after the veto, the Council voted on a competing Russian draft resolution. The draft was almost identical to the French-Spanish draft, except that it placed greater emphasis on the counter-terrorism aspects of the conflict, in particular separating Al Nusra Front from other armed opposition groups, and did not include the demand to cease aerial bombardment. The vote was 4-9-2. China, Egypt, Russia and Venezuela voted yes and Angola and Uruguay abstained. Nine Council members, including the P3, voted no. Because the Russian draft did not get the 9 positive votes to be adopted, the negative votes by the P3 were not considered a veto.

Special Envoy de Mistura briefed Council members twice in October on his "Aleppo initiative". He reported that the implementation of the initiative would require an immediate and total halt to the bombing of eastern Aleppo followed by the evacuation of Al Nusra fighters. De Mistura underscored the need to keep the local administration intact, and called for some sort of international presence. Many Council members have expressed scepticism about the feasibility of this initiative. However, others have noted that it has managed to slightly shift the dynamic by calling attention to Russia's and Syria's use of Al Nusra's limited presence in eastern Aleppo as a justification for the assault that has had such a devastating toll on civilians.

In an attempt to broker an Aleppo truce, Russian Foreign Minister Sergey Lavrov and

US Secretary of State John Kerry met, along with regional actors Egypt, Iran, Iraq, Qatar, Saudi Arabia and Turkey, on 15 October in Lausanne. There was no breakthrough.

Following the Lausanne talks, Council members began negotiations on another Syria focused draft resolution, this time put forward by New Zealand. This draft sought to stop aerial bombardment, to get humanitarian aid flowing and to address the need to separate terrorist fighters from other armed opposition groups. Nonetheless, after several rounds of difficult negotiations, particularly on language calling for an end to attacks on civilians and civilian objects, neither the P3 nor Russia were satisfied. The P3 preferred stronger language regarding military flights over Aleppo while Russia did not want to agree to language that could constrain its military action in Syria. New Zealand sought a document that would, at best, have practical effect on the ground, and, at the very least, would change the divisive dynamic among Council members. However, after negotiations made clear that consensus would not be reached, New Zealand decided not to table the draft for a vote.

Separately, on 20 October, the Secretary-General and Special Envoy de Mistura briefed the General Assembly, following a request by Canada for a meeting on Syria with the intention to see whether there was enough support to call for an emergency special session as a possible next step. The request was made on behalf of 69 member states, including the P3 and elected Council members Egypt, Malaysia, New Zealand, Spain, Ukraine and Uruguay, noting the failure of the Security Council to carry out its responsibilities for the maintenance of peace and security in Syria, and that the General Assembly also had responsibilities in that regard.

Russia announced a unilateral pause in hostilities for eastern Aleppo that went into effect the same day as the General Assembly meeting and lasted three days. However, during that time no aid entered the besieged part of the city nor were any medical evacuations possible. The UN stood ready to evacuate critically injured people, but in the end could not do so as the requisite security guarantees were not forthcoming.

OCHA head Stephen O'Brien briefed the Council on 26 October and expressed his "incandescent rage" at the unparalleled

humanitarian catastrophe, saying that eastern Aleppo had become a "kill zone". He also described leaflets that had been dropped over eastern Aleppo by Russian and Syrian aircraft that read "This is your last hope....save yourselves. If you do not leave these areas urgently, you will be annihilated...You know that everyone has given up on you. They left you alone to face your doom and nobody will give you any help." He exhorted all Council members with operational military assets in Syria to halt the aerial bombardment of civilian areas and to allow the UN to deliver humanitarian assistance to those in need. Finally, he told the Council if it didn't take action, if it didn't take the right path, then there would be no Syria to save, that would be the Council's legacy and the shame of a generation.

On chemical weapons, Acting High Representative for Disarmament Affairs Kim Won-soo and Virginia Gamba, the head of the JIM, briefed Council members on 27 October. The JIM's four reports have concluded that of the nine cases investigated, the Syrian regime used chlorine gas against its own population in three cases and that ISIL used mustard gas in one case. There was insufficient evidence to make a determination in the remaining five cases.

While Aleppo remains the epicentre of the Syrian crisis, fighting continues elsewhere in Hama, Idlib, northwest Syria, the suburbs of Damascus and Deir Ez-Zour.

Turkish and opposition forces have pushed ISIS from Jarabulus and Dabiq in northwest Syria and have announced they will continue south to ISIL-held Al Bab. Turkey's "Operation Euphrates Shield" has created a 20 kilometre-deep buffer zone, which seems to have as much to do with blocking Kurdish control of contiguous areas in Syria along the Turkish border as it does with countering ISIL.

Meanwhile, Moadamiyeh, a suburb of Damascus, was surrendered by the opposition in mid-October after years of a government-imposed siege. The surrender of Moadamiyeh has been characterised by the opposition as a forced population transfer disguised as a "local truce". Other evacuations, under almost identical circumstances, occurred in the opposition-held Al Waer neighbourhood of Homs in September and in Daraya, another suburb of Damascus, in August.

In other developments, the Board of Inquiry appointed by the Secretary-General

Syria (con't)

to investigate the 19 September attack on a humanitarian convoy began its work on 24 October and is expected to deliver its report in early December. It will not be public, but the Secretary-General is expected to release a summary of the findings.

Human Rights-Related Developments

On 30 September, the Human Rights Council adopted a resolution strongly condemning the military offensive on eastern Aleppo by forces loyal to the Syrian authorities (A/HRC/33/L.30). It was adopted with a vote of 26 in favour, seven against (including Security Council members China, Russia and Venezuela and incoming member Bolivia) and 14 abstentions.

On 4 October, the High Commissioner for Human Rights urged the Security Council to adopt criteria to restrain members from using the veto when there are serious concerns that war crimes, crimes against humanity or genocide may have been committed, so that it can refer Syria to the ICC.

On 21 October, at the request of the UK, the Human Rights Council held a special session on Aleppo. The High Commissioner said indiscriminate airstrikes by government forces and their allies across eastern Aleppo are responsible for the overwhelming majority of civilian casualties and constitute war crimes, and that responsibility for halting the Syrian crisis rests primarily with the Security Council. A resolution was adopted that urges the immediate implementation of the cessation of hostilities; demands that the Syrian regime and its allies end immediately all aerial bombardments of, and military flights, over Aleppo; and requests the Commission of Inquiry to conduct an inquiry into the events in Aleppo and present a report to the Human Rights Council in March (A/HRC/S-25/L.1). The resolution was adopted with a vote of 24 in favour, seven against (including Security Council members China, Russia and Venezuela and incoming member Bolivia) and 16 abstentions. Before the vote on the resolution, five amendments tabled by Russia were rejected, one of which called for separation of terrorists from the opposition.

As with the preceding Human Rights Council resolutions adopted on 1 July and 30 September, the 21 October resolution did not contain a request to transmit all reports and oral updates of the Commission of Inquiry to relevant UN bodies, including the Security Council, as was done in 2015 resolutions.

Key Issues

With Syria in the fifth year of a war that has exacted a death toll of 470,000, left 860,000 living under siege and displaced half of the Syrian population, including nearly 4.8 million refugees, the essential issue for the Council is to exert effective leadership in supporting a cessation of hostilities and efforts to reach a political solution.

Regarding chemical weapons, the JIM's findings mean that the Council is in a position to consider whether Syria is in breach of resolutions 2118, 2209 and 2235.

Options

While the Council has many tools at its disposal—such as imposing an arms embargo or targeted sanctions, referring Syria to the ICC or authorising a no-fly zone to deter Syria from using its aerial capacity—P5 divisions have made it impossible for the Council to fulfil its role in maintaining international peace and security in the case of Syria.

In this context, the Council could vote to refer Syria to the General Assembly under the “Uniting for Peace” procedure, so that the General Assembly might recommend collective action. This would be a procedural vote and therefore could not be vetoed, requiring only nine affirmative votes. A “Uniting for Peace” resolution by the General Assembly can confer legitimacy on international collective action, but it would carry no binding obligation for such action. (Alternatively, the General Assembly itself could choose to take the initiative to adopt a “Uniting for Peace” resolution.)

Regarding chemical weapons, if the Council is able to determine that Syria has violated resolutions 2118, 2209 and 2235, it has the option to pursue the “further measures” cited in all three resolutions, commonly understood to be an implicit threat of sanctions.

Council Dynamics

The quick collapse of the cessation of hostilities agreement has led Council members to conclude that the chances for a

near-term political solution have been severely diminished.

Several Council members are of the view that the government's offensive in eastern Aleppo confirms the regime's preference for prolonged armed conflict over a negotiated settlement. There is also broad recognition that if fighting in Syria cannot be controlled, particularly in Aleppo, it will be close to impossible for UN mediation between the government and the opposition to resume.

Many Council members are aware that a diplomatic approach to resolve the crisis has become simultaneously ever more untenable and ever more urgent amidst signs that the conflict will likely see further military escalation. The US has held internal discussions on its Syria options, including military ones, though no Council member expects the US to exercise such an option. More likely the US will opt to increase support to armed opposition groups. Meanwhile, Russia has reached an agreement with Syria for indefinite use of its Hmeimim air base, has moved significant air defence capabilities to Syria, and has announced plans for a permanent naval base in Tartous, while NATO reports that eight Russian warships are headed for the eastern Mediterranean.

With Russia and the US publicly displaying the depth of their disagreement over Syria, most members are of the view that it is impossible to break the Council's deadlock. These members expect that the next display of this animosity might be in early November if the US presses for sanctions against Syria over its non-compliance with resolutions 2118, 2209 and 2235 on chemical weapons. At press time, it was too early to gauge how broad the support might be for pursuing sanctions, but most Council members are convinced that if such a draft is tabled for a vote then Russia would cast its sixth veto on a Syria resolution.

Four of the P5 members (France, Russia, the UK and the US) are involved militarily in the Syrian war to varying degrees.

Expected Council Action

In November, the Council is expected to adopt a resolution on Somalia and Eritrea sanctions that will address the partial lifting of the arms embargo, authorisation for maritime interdiction of illicit arms imports and charcoal exports, and the humanitarian exemption, which all expire in November. The 120-day briefing by the chair of the 751/1901 Somalia and Eritrea Sanctions Committee, Rafael Darío Ramírez Carreño (Venezuela), is expected, and the final reports of the Monitoring Group are due. The mandate review of the monitoring group is also due in November. Finally, the Council is scheduled to adopt a resolution renewing counter-piracy measures.

Key Recent Developments

On 27 September, Special Representative of the Secretary-General Michael Keating and Special Representative of the Chairperson of the AU Commission and head of the AU Mission in Somalia (AMISOM) Francisco Caetano Jose Madeira briefed the Council. Keating briefed on the latest report of the Secretary-General but largely focused on developments that had transpired within the preceding 24 hours, namely that Somalia's Federal Indirect Electoral Implementation Team had announced that the electoral process would require an additional 30 days, culminating in the election of a new president by the end of November.

Keating said that the renewed delay raises a number of fears, including that the process is being politically manipulated and that it may only be one of yet further rolling delays. He said he believed that the delay had not been orchestrated by any actor seeking immediate political benefit, but warned that it was critical that the extension not create additional space for manipulation or disruption by spoilers. He also noted that under the constitution, the mandate of President Hassan Sheikh Mohamud was to have ended by 10 September and stressed that this should be a de facto caretaker period, with no major

decisions or declarations by any of the existing institutions.

Keating also reported that the Islamist militant group Al-Shabaab has continued to mount spectacular attacks against soft targets, notably in Mogadishu, which underscore the urgency of defeating the group and addressing the conditions that allow it to survive. On the repatriation of an unprecedented number of Somalis from Dadaab refugee camp in Kenya, he said there were concerns about Somalia's ability to absorb returnees, given an internally displaced population already estimated at more than one million. Concerns are also increasing about the growing number of people—close to five million—suffering from malnutrition and food insecurity, he said, reporting that only 32 percent of the humanitarian response plan has been funded.

The election of members of the Upper House began on 16 October, and of the Lower House on 23 October, ahead of the presidential election in late November. The Upper House is selected by state assemblies, while the lower house will be made up of 275 members who are elected by 14,025 delegates; these delegates were selected by 135 clan elders.

The UN, AMISOM, EU, Inter-Governmental Authority on Development, Ethiopia, Italy, Sweden and the UK on 20 October welcomed the successful conclusion of the state-formation process for the newly-formed HirShabelle Administration and congratulated President Ali Abdullahi Osoble and Vice President Ali Abdullahi Hussein as they took up their heavy responsibilities.

On 11 October, media reports said that guns imported by the Somali government with UN approval are being resold by arms dealers on the black market in Mogadishu in violation of the partial lifting of the arms embargo on Somalia introduced by resolution 2111 in 2013. This exempted government weapons imports from UN sanctions, required the Somali government to notify the UN of each arms shipment, forbade weapons from being resold, and required the government to report every six months on efforts to make sure the

exempted arms are kept secure and to create a system to keep track of them. According to the reports, diplomatic sources revealed that between 35 to 40 percent of automatic rifles and other small arms on sale on the Mogadishu black market were imported by the government under the exemption. They also noted that since 2013, between 15,000 and 20,500 light arms had been imported; however, only 6,000 weapons had been stamped with identifying markings under a joint UN-Somali government program that began in 2014. The report explained that poorly paid soldiers are known to sell their arms to buy food to feed their families.

On 17 October, the government of Somalia sent its final report on the arms embargo to the Council, following up on its first report submitted in April, which provided a baseline of all weapons and ammunition that the government has imported since the partial lifting of the embargo.

The report of the Secretary-General on the situation with respect to piracy and armed robbery at sea off the coast of Somalia was published on 7 October. The report, submitted pursuant to paragraph 33 of resolution 2246, covers major developments from 12 October 2015 through 30 September 2016. It said the Secretary-General welcomed the significant progress made by Somalia and the international community in fighting piracy and noted in particular the milestones achieved in deterring attacks against large commercial vessels. He noted with appreciation the ongoing efforts to revise the Somali Maritime Code and to establish a maritime administration department, as well as a ministry of ports and marine transport.

However, the Secretary-General expressed concern over continuing attacks against smaller vessels and the resilience of the criminal networks behind piracy. He also highlighted the importance of tackling the root causes of piracy off the coast of Somalia, particularly poverty in coastal areas, and noted that many Somalis remain sympathetic to piracy, which may again receive increased

UN DOCUMENTS ON SOMALIA [Security Council Resolutions S/RES/2297](#) (7 July 2016) extended AMISOM's authorisation until 31 May 2017. [S/RES/2246](#) (10 November 2015) renewed counter-piracy measures for Somalia. [S/RES/2244](#) (23 October 2015) renewed the partial lifting of the arms embargo, maritime interdiction of illicit arms and charcoal, the humanitarian exemption and the mandate of the Monitoring Group. [Security Council Presidential Statement S/PRST/2016/13](#) (19 August 2016) noted the National Leadership Forum's consensual decision to extend the current mandates of the federal institutions to respect the electoral calendar adopted in early August. [Secretary-General's Reports S/2016/843](#) (7 October 2016) was on the situation with respect to piracy and armed robbery at sea off the coast of Somalia submitted pursuant to paragraph 33 of resolution 2246. [S/2016/763](#) (6 September 2016) covered developments in Somalia between 1 May and 31 August 2016. [Security Council Meeting Record S/PV.7778](#) (27 September 2016) was a briefing by Keating and Madeira. [Security Council Press Statement SC/12538](#) (28 September 2016) expressed regret at the 26 September announcement by the Federal Indirect Election Implementation Team that the timetable for the 2016 electoral process required a further extension. [Sanctions Committee Document S/2016/827](#) (29 September 2016) contained the report of the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator on the implementation of paragraphs 23 and 24 of resolution 2244 on the delivery of humanitarian assistance in Somalia.

Somalia (con't)

support should economic prospects remain dismal. The Secretary-General reiterated his call to the Federal Government of Somalia to become a state party to the UN Convention against Transnational Organised Crimes.

On 29 September, Chair of the 751/1907 Somalia and Eritrea Sanctions Committee Rafael Darío Ramírez Carreño transmitted the report of the Assistant-Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator on the implementation of paragraphs 23 and 24 of resolution 2244 on the delivery of humanitarian assistance in Somalia. The report stated that delivering aid remained extremely difficult, costly and unsustainable. It concluded that the elimination of impediments, including checkpoints, to improve road access was required to enable humanitarian partners to deliver assistance effectively. Humanitarian organisations continued to advocate that AMISOM strengthen the implementation of its mandate to secure key supply routes, including to areas recovered from Al-Shabaab and in particular those essential to improving the humanitarian situation. The report concluded with a recommendation by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator for the Council to renew the humanitarian exemption provided in paragraph 23 of resolution 2244.

Human Rights-Related Developments

The Human Rights Council (HRC) considered the report of the independent expert on the situation of human rights in Somalia during its 33rd session in September (A/HRC/33/64). The report highlighted progress made in political, security, national and state-building processes as Somalia prepares for the 2016 elections, and identified the challenges encountered by the Federal Government in this regard; identified security and economic development as key elements of democratic processes and the protection of human rights; noted that the

respect for the rights of women, children, persons with disabilities and minorities was a major challenge; and emphasised the need for ongoing support from the international community.

On 29 September, the HRC adopted without a vote a resolution on assistance to Somalia in the field of human rights (A/HRC/33/L.11/Rev.1). The resolution renewed the mandate of the independent expert for one year and called upon the Federal Government, with the support of the international community, to prepare for and hold a credible, transparent and inclusive election process in 2016, in accordance with the agreed framework and electoral model, and to continue work to establish independent, accountable and efficient judicial institutions.

Key Issues

On sanctions, the key issue in November will be assessing the findings and recommendations of the Monitoring Group on Somalia and Eritrea and determining how to proceed with the renewal of the Somalia and Eritrea sanctions regimes and whether to renew the partial lifting of the Somalia embargo.

Relatedly, the Council will need to consider the Somalia and Eritrea Monitoring Group mandate review in light of the mandate's expiration in December.

Another pressing issue is ensuring that Somalia adheres to the revised timeline for the limited 2016 electoral process. The Council has repeatedly stressed that Somalia must avoid delaying the electoral timeline, while also emphasising the importance of conducting a transparent, inclusive, fair and credible process, which has proven difficult to fulfil under an ambitious schedule.

Likewise, progress must be made towards the constitutional review process and completion of the federal state formation, with support from UNSOM.

On security concerns, a main priority is strengthening the Somali national security

forces and enhancing their ability to work with AMISOM in the fight against Al-Shabaab, particularly in light of AMISOM's plan to begin transitioning out of Somalia in October 2018.

Options

With respect to sanctions, the most probable option would be for the Council to renew the Somalia and Eritrea sanctions as well as the partial lifting of the Somalia arms embargo, maritime interdiction and the mandate of the Monitoring Group.

Given the reports that a significant number of government arms are being diverted to the black market, the Council could consider adding further requirements to enhance the Somali government's performance on notifications and arms and ammunition management.

Concerning piracy, a likely option is to reauthorise counter-piracy measures initially authorised by the Council in 2008.

Council Dynamics

On sanctions, the Council is divided between those members who believe it should consider lifting the measures against Eritrea, such as Angola, China, Russia and Venezuela, and those who remain concerned about Eritrea's other activities in the region and seem to view cooperation with the Monitoring Group as a precondition for any changes in the sanctions regime. Venezuela has also called on the Council to heed Somalia's appeal for the lifting of sanctions on Somalia, as requested by the Somali president during a briefing to the Council in April and by the AU Peace and Security Council in its June communiqué.

The UK is the penholder on Somalia, and Venezuela is the chair of the 751/1907 Somalia/Eritrea Sanctions Committee.

Iraq

Expected Council Action

In November, Special Representative Ján Kubiš will brief the Council on the UN Assistance Mission for Iraq (UNAMI) and provide an update on the campaign to retake

Mosul from the Islamic State of Iraq and the Levant (ISIL).

UNAMI's mandate expires on 31 July 2017.

Key Recent Developments

On 15 July, Kubiš briefed the Council on Iraq's deepening political crisis and challenges to Prime Minister Haider al-Abadi's reform efforts, as well as on projected

UN DOCUMENTS ON IRAQ Security Council Resolution S/RES/2299 (25 July 2016) renewed UNAMI. **Secretary-General's Report S/2016/592** (5 July 2016) was the most recent UNAMI report. **Security Council Letter S/2016/870** (17 October 2016) was from Iraq objecting to the Turkish incursion into Iraqi territory. **Security Council Meeting Record S/PV.7738** (15 July 2016) was Kubiš's most recent briefing.

increased humanitarian needs in the context of counter-ISIL operations.

On 17 October, Iraqi government forces launched the campaign to retake Mosul from ISIL, supported by Kurdish troops and Sunni tribal fighters with the US-led anti-ISIL coalition providing air support. This will be the last major offensive to restore government control over territory that ISIL has held since the fall of Mosul in June 2014. After the campaigns to retake Ramadi and Fallujah earlier this year, ISIL holds only about 10 percent of Iraqi territory.

The Shi'a militia Hashd al-Shaabi, which constitutes the popular mobilisation forces (PMF), nominally under the command and control of the government, have also announced their participation in the Mosul offensive. As during the Fallujah campaign, the PMF is expected to operate mostly on the perimeter of Mosul in deference to the US position that Iraq's use of Shi'a militias in Sunni areas stokes sectarian tension and deepens the distrust of the Shi'a-led government among Sunni leaders. Nevertheless, some government forces have reportedly flown flags displaying Shi'a symbols, despite Abadi's promises that the Mosul offensive would be a national effort.

The PMF has announced that it will take Tal Afar, to cut off the escape route of ISIL fighters from Mosul to Syria. However, PMF presence along escape routes can also interfere with civilians trying to flee Mosul, particularly in the context of the PMF's "security screenings". The PMF has been accused of abusing Sunnis in the aftermath of past anti-ISIL campaigns. In July, the UN reported that 640 Sunni men and boys had been abducted by the Shi'a militia during security screenings when fleeing Fallujah and another 50 had been summarily executed or tortured to death. On 18 September, a bloc of 70 parliamentarians announced their plans to introduce a draft law that would grant immunity to the PMF.

UN officials anticipate that the humanitarian consequences of a campaign to dislodge 5,000 ISIL fighters from Mosul, which has a current estimated population of between 1.2 and 1.5 million, will be significantly worse than the Fallujah exodus. OCHA has said that ISIL, as in Fallujah, could hold the civilian population as human shields or forcibly expel large numbers of

civilians in the face of an attack by Iraqi forces. In a worst-case scenario, almost a million people could be displaced. While OCHA and humanitarian partners are preparing 250,000 shelter units, their response plan for the worst-case scenario remains severely underfunded.

The government's campaign to retake Mosul comes amid ongoing challenges to Abadi's leadership and his cabinet. In April, Abadi put forward a cabinet of technocrats to counter corruption and curtail the power of political actors opposed to reform efforts. It continues to be stalled in parliament, while other appointments have been rolled back. The parliamentary bloc of former Prime Minister Nouri al-Maliki, who is widely believed to be seeking to regain the premiership, has instigated investigations that led to the 25 August dismissal of Sunni Defense Minister Khalid al Obeidi and the 21 September dismissal of Kurdish Finance Minister Hoshiyar Zebari. In July, Abadi was forced to accept the resignation of Shi'a Interior Minister Mohammed al Ghabban following a string of terrorist attacks in Baghdad. All three posts remain vacant. Foreign Minister Ibrahim al Jaafari was subject to questioning by parliament on 6 October. Meanwhile, on 10 October, the Iraqi Federal Court declared unconstitutional Abadi's August 2015 decision to eliminate the three vice-presidencies (of which Maliki holds one).

This political discord in Baghdad will make it harder for the government to focus on the re-stabilisation needs of areas liberated from ISIL, in particular to address the disastrous conditions which internally displaced persons face. UN officials have repeatedly flagged their concerns about lagging re-stabilisation efforts. UNAMI has said that for military advances against ISIL to hold, the government, in cooperation with the UN, would have to work quickly to restore the rule of law and basic services. This is particularly important in relation to the Sunni provinces, which have a strained relationship with the Shi'a-led government in Baghdad.

In other developments, there has been heightened rhetoric between Ankara and Baghdad following Turkey's 1 October decision to renew its presence in northern Iraq for a further year. Turkey maintains that its presence in the Ba'shiqa region near Mosul is to counter the activities of ISIL and the

Kurdistan Workers' Party (PKK) in northern Iraq. Turkey also wants to play a role in the Mosul offensive, which Baghdad opposes. Media reports indicate that Iraq wants a commitment from Turkey that it will withdraw after Mosul is liberated. On 17 October, Iraq sent a letter to the Security Council objecting to the Turkish incursion into Iraqi territory.

On 12 October, Council members were briefed on northern Iraq as part of a situational awareness briefing presented by the Executive Office of the Secretary-General. Council members heard that the presence of the PMF, the PKK and Turkey was a challenge to a cohesive military strategy to liberate Mosul from ISIL. The competing interests of these forces risked prolonged conflict with the potential to trigger a regional war.

On 18 October, the 2242 Informal Expert Group on Women, Peace and Security met on the rapidly unfolding humanitarian crisis in Iraq that has been caused by ISIL and the counter-insurgency operations launched against it. During that meeting Council members heard that ISIL is targeting women from minority communities as well as women who engage in professional work, activists, or any who do not conform to their idea of gender norms. Beyond ISIL, women may also be the subject of retaliation by local militias who suspect them of having collaborated with ISIL, or may be separated from their husbands or male family members as they are "screened" by security forces. Meanwhile, the escalation of the crisis has coincided with the increased political marginalization of women in decision-making, both at the national and the local level, and this will likely not be a consideration in local governance plans for Mosul when it is liberated. There is not a single woman in the various command cells administering the return of population to liberated areas and the lead government entity for women was abolished and has not been replaced.

Finally, as per resolution 1958, the indemnification period for the "oil-for-food" programme ends on 31 December 2016. The UN has yet to conclude an agreement with Iraq to protect the UN from liability resulting from the oil-for-food programme. Without such an agreement, the issue may have to revert to the Security Council.

Iraq (con't)

Developments in the Sanctions Committee

Since August 2016, the 1518 Iraq Sanctions Committee has removed 26 entities from its list as part of an initial push to wind down the Committee (SC/12523, SC/12507, SC/12498 and SC/12476).

Key Issues

The immediate issue for the Council is how to address the impact of the anti-ISIL military campaign on the human rights, humanitarian and security situations in Iraq.

Another key issue is promoting a genuinely inclusive government accountable to the Iraqi people. A related issue is determining how the Council and UNAMI can support Prime Minister Abadi's reform process and encourage greater cooperation on financial, security and humanitarian issues between Abadi's dominant Shi'a Dawa party and Kurdish and Sunni parliamentarians.

Options

Options seem limited since the security

response to ISIL is happening outside the Council's purview. However, the Council could adopt a statement:

- calling on all parties to strictly adhere to international human rights and international humanitarian law and take every step possible to protect civilians;
- calling on the government to screen civilians fleeing conflict areas in strict accordance with international human rights and international humanitarian law, underscoring that such screening should not be conducted by paramilitary groups;
- calling on the government to work towards enhanced security and humanitarian coordination with Kurdish and Sunni leaders and for UNAMI to support the government in that effort; and
- calling on the government to cooperate with UNAMI in areas that may require enhanced mission activities, such as human rights, rule of law, security sector reform, stabilisation activities in areas liberated from ISIL and best practices for

child protection and gender policies.

Council Dynamics

Council members uniformly support the UN's role in Iraq and UNAMI's mandate, which they believe is broad enough and flexible enough to allow Kubiš to fulfil the mission's good offices role.

However, except through the lens of counter-terrorism, Council members have been unwilling to approach the connected crises in Iraq and Syria holistically. Similarly, the Council has not directly grappled with the underlying political divisions among Iraq's Shi'a, Sunni and Kurdish populations except for bland calls for an inclusive government. It has shown little willingness to address Iraq's relationship with neighbouring Turkey, instead exhibiting preference for the two member states to resolve the issue bilaterally and to keep the disagreement out of the Council.

The US is the penholder on Iraq.

Libya

Expected Council Action

In November, ICC Prosecutor Fatou Bensouda will deliver her semi-annual briefing on recent developments concerning cases in Libya.

Key Recent Developments

Governing authority in Libya continues to be contested. The Presidency Council of the Government of National Accord (GNA) has yet to agree on a new cabinet list to submit to the Tobruk-based House of Representatives for its endorsement, following the rejection of a previous list on 22 August. Despite some engagement by boycotting members of the Presidency Council, key divisions remain among its members. In addition to the political deadlock and the Presidency Council's failure to deliver basic services, the situation has been further polarised following the attempt to seize the headquarters of the State Council by Khalifa Ghwell, who became the prime minister of a Tripoli-based government supported by the General National Congress in 2015.

Several counter-terrorist operations,

conducted by different armed groups with external support, are reinforcing the positions of key actors in the conflict and may be undermining efforts to reach a political solution. Briefing the Council on 13 September, the Special Representative of the Secretary-General and head of the UN Support Mission in Libya Martin Kobler noted that he has sought to engage with General Haftar, an influential figure who leads military operations to take over Benghazi in the east, to no avail.

ICC-Related Developments

A court in Tripoli sentenced Saif Al-Islam Qaddafi, son of deposed leader Muammar Qaddafi, to death in absentia on 28 July 2015 for serious crimes during the 2011 revolution. On 30 July 2015, Bensouda requested that the Pre-Trial Chamber order Libya to refrain from carrying out Qaddafi's sentence and surrender him to the Court. On 20 August 2015, Libya's delegate to the ICC proceedings (who had concurrent mandate to be Libya's representative by the House of Representatives and the General National Congress) responded that Qaddafi's judgment was not final, given that he was tried in absentia, and stressed

that he could not be surrendered to the ICC because he was not in the custody of the Libyan government. The response also stated that until a unified Libyan government can be established, there is no authority that can properly make and implement a decision in respect of the situation of Qaddafi, including negotiations for his transfer.

Briefing the Council on 25 May, Bensouda said that, upon confirmation that Qaddafi was being held in Zintan in the custody of the Abu-Bakr al-Siddiq Battalion commanded by Al-'Ajami Al-'Atiri, her office had filed a request with Pre-Trial Chamber I for an order directing the ICC Registry to transmit directly to Al-'Atiri the request for arrest and surrender of Qaddafi. In a report to the Council circulated ahead of the meeting, she said that if Al-'Atiri refused to cooperate, the Security Council must give serious consideration to imposing sanctions on him and his battalion. On 1 June, the Pre-Trial Chamber I issued a decision asking Libyan authorities whether there is any recent coordination or liaison between them and the battalion; whether the Libyan authorities would agree that a request for arrest and surrender of Qaddafi be addressed to the battalion; and, if so, whether they would either facilitate the transmission to the relevant local authorities in Zintan of such request or, alternatively, agree for a direct transmission by the Court.

Libya (con't)

On 3 June, the African Court on Human and Peoples' Rights determined that Libya violated the rights to liberty and fair trial by holding Qaddafi in secret detention since 2011. An opinion of the Working Group on Arbitrary Detention of the UN Human Rights Council (HRC) issued in April had considered Qaddafi's detention as arbitrary and requested the government of Libya to provide adequate remedy by releasing him.

In 2013, the ICC concluded that Libya was not unwilling or unable to carry out its proceedings regarding the case against former intelligence chief Abdullah Al-Senussi, which was before the ICC, thus making it inadmissible before the Court. However, the Office of the Prosecutor continues to collect and analyse relevant information in relation to Al-Senussi's case.

In her 25 May briefing, Bensouda said that her Office was evaluating newly acquired evidence of serious crimes committed in Libya since 2011 and that it was likely the Office would apply to the Court for one or more additional warrants. Security and budgetary constraints, among other things, appear to be hampering these efforts.

Human Rights-Related Developments

On 31 August, representatives of the cities of Misrata and Tawergha signed a reconciliation agreement that had been facilitated by UNSMIL's human rights division, providing for the return of those who were displaced in 2011. On 27 September, Deputy High Commissioner for Human Rights Kate Gilmore provided an oral update on Libya during the 33rd session of the HRC, pursuant to resolution 31/27 adopted on 24 March. According

to the update, heavy weaponry continues to be deployed in residential areas across Libya, armed groups act with complete impunity and thousands of people are held arbitrarily in detention centres. In addition, migrants, refugees and asylum seekers are arbitrarily detained, with numerous reports indicating patterns of abuse perpetrated against migrants, such as summary killings, torture and other ill-treatment, sexual abuse, extortion, and forced labour; and human rights defenders and media professionals face abductions and attacks. Gilmore concluded the update by calling on the HRC to consider establishing a mandate for an independent expert on Libya to report on the situation of human rights and on progress made towards accountability.

Key Issues

Ensuring accountability for international crimes committed in Libya since 2011 and exerting pressure on the parties that conduct hostilities to do so respecting international humanitarian law are key issues.

The overarching issue is to ensure a solution to the political deadlock that consolidates governing authority in Libya, by exercising leverage on internal and external actors involved in Libya to encourage engagement in the political process.

Options

Options on Libya include:

- holding an informal interactive dialogue with Bensouda to discuss options for follow-up of ICC decisions on Libya;
- reiterating in a resolution the call for the GNA to hold accountable those responsible for violations of international humanitarian law and violations and abuses of human rights and to co-operate fully with and provide any necessary assistance to the ICC and the prosecutor; and
- calling on member states to ensure adequate funding to support the ICC in investigating serious violations of human rights and international humanitarian law.

Although unlikely, Council members could use sanctions to ensure compliance with ICC decisions.

Council and Wider Dynamics

The semi-annual briefings by Bensouda on Libya have had limited impact, given the reluctance of the Council to follow up regarding the difficulties in implementing ICC decisions. Council members have often reverted to general exhortations rather than addressing non-compliance in a more forceful and effective way.

The UK is the penholder on Libya. Ambassador Ramlan Ibrahim (Malaysia) chairs the 1970 Libya Sanctions Committee.

Lebanon

Expected Council Action

In November, Special Coordinator for Lebanon Sigrid Kaag and a representative of the Department of Peacekeeping Operations will brief Council members in consultations on the Secretary-General's report on the implementation of resolution 1701, which called for a cessation of hostilities between the Shi'a militant group Hezbollah and Israel in 2006. The Council will also receive the semi-annual briefing on the latest report on the implementation of resolution 1559.

The mandate of the UN Interim Force in Lebanon (UNIFIL) expires on 31 August 2017.

Key Recent Developments

In recent months, the situation along the Blue Line, the border demarcation between Lebanon and Israel, has been generally calm, but progress has remained limited on each party's outstanding obligations under resolution 1701. There has been no headway towards a permanent ceasefire, and violations of resolution 1701 continue to occur regularly.

On 19 September, Lebanon sent a letter to the Council containing a summary of alleged Israeli violations of resolution 1701 committed during the month of August. The letter accuses Israel of committing 22 land violations, 29 sea violations and 79 air violations during the month.

Six Arab Israeli citizens were indicted on 6 October for smuggling explosives from Lebanon into Israel in cooperation with a Hezbollah plot to plant bombs in the Haifa area, according to the Israel security agency Shin Bet. Also, in September, Shin Bet, Israeli police and the Israel Defense Forces arrested several residents of the Alawite village of Ghajar for allegedly assisting Hezbollah by smuggling explosives and gathering intelligence.

Lebanon continues to face challenges to its stability and security, both internally and along its borders with Syria, including from extremist groups and arms smugglers. The activities of Lebanese and non-Lebanese

UN DOCUMENTS ON LEBANON Security Council Resolutions S/RES/2236 (21 August 2016) extended the mandate of UNIFIL for one year. S/RES/1701 (11 August 2006) expanded UNIFIL by 15,000 troops and expanded its mandate. Security Council Presidential Statement S/PRST/2016/10 (22 July 2016) stressed the importance of Lebanon's electing a president by May 2017 in order to maintain stability. Secretary-General's Report S/2016/572 (24 June 2016) was on the implementation of resolution 1701.

Lebanon (con't)

militias along the border continue to pose a threat to the stability of the region.

On 16 October, Hezbollah fighters attacked militants of the Sunni terror group Al Nusra Front who were stationed on the outskirts of the northeastern Lebanese border town of Aarsal, targeting them with artillery shells. Militants belonging to Al Nusra and the Islamic State of Iraq and the Levant who are hiding in the rugged border region in the northeast are targeted by the Hezbollah and the Lebanese Armed Forces on a near-daily basis.

Meanwhile, Lebanon has not yet elected a president to fill the vacancy left by Michel Sleiman, whose term ended on 24 May 2014. However, on 20 October, Lebanon's leading Sunni politician and former prime minister Saad al-Hariri announced that he would back Michel Aoun, a Hezbollah ally, to be president, a move that could help resolve the crisis if it wins support from all main factions. Hariri and Aoun must garner enough support to attain a two-thirds quorum of parliament members in a vote scheduled for 31 October. At press time, this meeting had yet to take place.

The Council renewed UNIFIL's mandate for an additional year on 30 August in resolution 2305 without any major changes and requested the Secretary-General to conduct a strategic review of UNIFIL by February 2017. Negotiations on the resolution's text, drafted by France, were straightforward. A few Council members sought the addition of information on the scope and objectives of

the strategic review, expressing concern that the review ought not to distract the mission from its tasks. However, the final text did not specify the scope of the review.

On 11 October, Indonesia announced that it is set to deploy 850 peacekeeping soldiers to UNIFIL in December. The team will include 18 women. Indonesia is the largest contributor to UNIFIL among the 40 participating countries, with a total of 1,296 personnel.

On 4 October, Philippe Lazzarini, UN Deputy Special Coordinator and Resident and Humanitarian Coordinator for Lebanon, and Fouad Fleifel, Secretary-General of the Council of Ministers of the Government of Lebanon, signed the UN Strategic Framework for Lebanon (UNSF). The UNSF represents the UN's cooperative framework for support to Lebanon for the period 2017-20, outlining the vision of the UN in Lebanon in support of Lebanon's security, political, human rights, development and humanitarian priorities.

Key Issues

The main issue is that while—ten years after the adoption of 1701—the situation is relatively calm, there has been little progress on its key objectives, as detailed by the Secretary-General in his report.

A central issue is that Hezbollah and other non-state actors continue to maintain weaponry that directly hinders the government's exercise of full authority over its territory, poses a threat to Lebanon's sovereignty

and stability, and contravenes its obligations under resolutions 1559 and 1701. In that context, the ongoing crisis in Syria, with Hezbollah's involvement on the side of the regime, and the flow of arms from Syria to Hezbollah remain of great concern.

Another issue is the inability of Lebanon to elect a president, which has paralysed the country's parliament and rendered it incapable of passing critical legislation. This has in turn impaired Lebanon's ability to address the growing security, economic, social and humanitarian challenges facing the country.

Options

Given that the Council has relatively recently adopted a comprehensive presidential statement outlining various concerns regarding Lebanon, a further Council outcome at this time seems unlikely.

Council Dynamics

The Council has been united in its position that UNIFIL contributes to stability between Israel and Lebanon, especially considering the current Syrian crisis. Council consensus includes support for Lebanon's territorial integrity and security, condemnation of acts of terrorism on Lebanese territory and recognition of the crucial role the Lebanese Armed Forces play in responding to security challenges. The Council has also repeatedly expressed its united concern at the vacancy in the presidency and resulting political paralysis.

France is the penholder on Lebanon.

DPRK (North Korea)

Expected Council Action

In November, the chair of the 1718 Democratic People's Republic of Korea (DPRK) Sanctions Committee, Ambassador Román Oyarzun (Spain), is due to brief Council members in consultations on the Committee's work.

In addition, it is possible that the Council will adopt a resolution in response to the DPRK's 9 September nuclear test.

Key Recent Developments

In the period since the chair's last briefing on 30 August, the DPRK has maintained its defiant posture, while continuing to develop its nuclear and ballistic missile capabilities.

On 5 September, the DPRK successfully test-fired three mid-range Rodong missiles. In response, Council members held consultations on 6 September and in a subsequent press statement strongly condemned the DPRK's actions as a grave violation of

Council resolutions. They expressed "serious concern" that the DPRK had conducted the launches "in flagrant disregard" of the Council's repeated statements. Moreover, they called on member states to redouble their efforts to fully implement sanctions, in particular the new measures in resolution 2270. (This was the resolution adopted on 2 March in response to the DPRK's fourth nuclear test.) They also directed the Sanctions Committee to intensify its work to strengthen

UN DOCUMENTS ON THE DPRK [Security Council Resolution S/RES/2270](#) (2 March 2016) imposed additional sanctions on the DPRK. [Security Council Letters S/2016/775](#) (9 September 2016) was the ROK letter calling for tougher sanctions. [S/2016/771](#) (8 September 2016) was the DPRK letter rejecting the Council's 6 September press statement. [Security Council Press Statements SC/12557](#) (17 October 2016) condemned the 14 October failed missile launch. [SC/12513](#) (9 September 2016) condemned the 9 September nuclear test. [SC/12509](#) (6 September 2016) condemned the 5 September missile launches. [Other A/71/402](#) (26 September 2016) was the report of the special rapporteur.

DPRK (North Korea) (con't)

enforcement of the resolution and assist member states to comply with their obligations, while calling on states to report on implementation as soon as possible. Finally, members expressed their commitment to a peaceful, diplomatic and political solution through dialogue but warned of “further significant measures in line with the Council’s previously expressed determination.”

The DPRK protested the press statement in an 8 September letter to the Secretary-General, affirming its intention to continue to bolster its nuclear force. The following day, 9 September, it conducted a fifth nuclear test, its most powerful so far. Council members again held urgent consultations and, in a press statement strongly condemning the test as a clear threat to international peace and security, expressed their intention to immediately start work on a resolution imposing “appropriate measures under Article 41”. In a 9 September letter to the Council president, the Republic of Korea (ROK) also called for tougher sanctions against the DPRK.

On 14 and 20 October, the DPRK made failed attempts to launch an intermediate-range ballistic missile, the Musudan. The Musudan has a range of between 2,500 and 4,000 kilometres, enough to reach US military bases on the island of Guam. Council members condemned the first launch in a 17 October press statement, which closely followed the language of the 6 September statement. They reiterated their intention to closely monitor the situation and take further significant measures. The DPRK is reported to have conducted eight Musudan launches this year, but according to the ROK and the US only one—in June—was successful. So far this year, the DPRK has conducted a total of 24 ballistic missile launches.

Meanwhile, media reports seem to indicate that countries are responding to the Council’s call for more rigorous sanctions implementation. Recent examples include the freezing of a bank account in Belarus found to have been used to violate the sanctions measures and Uganda’s announcement that it has terminated all of its police-related cooperation with the DPRK and is considering whether to suspend all remaining military cooperation. Also, according to one report, 69 DPRK-owned vessels have been de-registered, as called for in resolution 2270.

In a related development, the US on 26 September announced the imposition of DPRK-related sanctions against a Chinese company and four of its executives. The entity, Dandong Hongxiang Industrial Development Company Ltd, was designated for acting for or on behalf of the Korea Kwangsong Banking Corporation, a DPRK-based business that was listed by the Council in resolution 2270.

Human Rights-Related Developments

On 9 September, the High Commissioner for Human Rights designated two independent human rights experts, Sonja Biserko and Sara Hossain, to support the work of the special rapporteur on the situation of human rights in the DPRK, Tomás Ojea Quintana. The appointment was made in accordance with Human Rights Council (HRC) resolution 31/18 adopted on 23 March, which requested the High Commissioner to designate, for a period of six months, a maximum of two independent experts to support the work of the special rapporteur, with a focus on accountability for human rights violations, in particular where such violations amount to crimes against humanity, and to recommend practical mechanisms of accountability to secure truth and justice for victims, including through the ICC. The report of the independent experts will be presented to the HRC in March 2017.

Meanwhile, at the time of writing, the special rapporteur was scheduled to present his latest report to the General Assembly in the Third Committee on 27 October. The Committee is scheduled to vote in November on its annual resolution on the human rights situation in the DPRK. The resolution is expected to once again call on the Security Council to take appropriate action to ensure accountability for human rights violations.

Key Issues

The fundamental issue for the Council is how to respond to the clear and growing threat to international peace and security posed by the DPRK as Pyongyang continues to develop the country’s nuclear and ballistic-missile capabilities in direct defiance of the Council’s demands.

A related issue is whether the tightening of sanctions will achieve the stated objectives of preventing the DPRK from making further progress and inducing Pyongyang to engage with the international community, or whether a different approach is needed.

A continuing issue is the importance of ensuring effective sanctions implementation by all member states, while avoiding adverse humanitarian consequences or negative

effects on legitimate livelihood activities, as specified in resolution 2270.

Options

The main option for the Council is to adopt a resolution to further strengthen sanctions against the DPRK. This could include removing some of the exemptions to the existing provisions and imposing new measures, such as restrictions on the sale of oil to the DPRK, additional measures targeting DPRK diplomats, a ban on remittances to the DPRK from labour exports and restricting the DPRK’s textile exports. It could also include additional listings.

A further option would be to begin raising the issue of possibly suspending the DPRK’s UN membership in accordance with Article 5 of the UN Charter, which states that a member may be suspended from “the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council”.

With regard to the chair’s briefing, the Council could decide to hold it in a public meeting, perhaps followed by consultations, to provide a forum for Council members to publicly express their concerns about the DPRK’s actions and remind member states about the importance of implementing resolution 2270.

At the Committee level, the main option is to work closely with the Panel of Experts to assist states in implementing new sanctions measures and providing additional guidance, when needed, without delay.

Council and Wider Dynamics

At press time, negotiations on a draft resolution in response to the DPRK’s 9 September nuclear test were underway, but still involving mostly bilateral discussions between China and the US. The US has also been working closely with Japan and the ROK, including a visit by Ambassador Samantha Power (US) to Tokyo and Seoul from 7 to 10 October. Since the nuclear test, the three countries have repeatedly declared their intention to seek a resolution imposing “the strongest possible measures” against the DPRK and to strengthen unilateral measures as well.

Few details have emerged from the negotiations so far, but the focus seems to be on closing some of the loopholes in resolution 2270 by removing exemptions, such as those

DPRK (North Korea) (con't)

allowing the DPRK to export coal and iron ore if the transactions are determined to be exclusively for livelihood purposes. (According to some reports, there has been an increase in the DPRK's export of coal since the resolution was adopted.) During her visit to the region, Power confirmed that closing loopholes was a priority, and described the negotiations as intense.

Although China condemned the DPRK's

nuclear test and has expressed its support for further measures, it remains to be seen how far it is willing to go. It strongly opposes, along with Russia, the deployment in the ROK of the US's Terminal High Altitude Area Defense anti-missile system, which the ROK and the US recently said would move forward without delay. In Council discussions, both China and Russia have characterised the deployment as a provocation. In response to

a recent joint ROK-US naval exercise, China once again called on the two countries not to raise tensions in the region.

In terms of overall Council dynamics, it seems that Russia has signalled that it wants to be more involved in the initial negotiations than was the case in the past.

The US is the penholder on the DPRK.

Kosovo

Expected Council Action

In November, the Council is expected to hold its quarterly briefing on Kosovo. Zahir Tanin, the Secretary-General's Special Representative and head of the UN Interim Administration Mission in Kosovo (UNMIK), will brief on recent developments and the latest Secretary-General's report. Serbia will probably participate at a high level, while Kosovo is likely to be represented by its ambassador to the US.

Key Recent Developments

While the overall security situation has remained stable, the ongoing rift between the government and the opposition parties continues to contribute to political instability within Kosovo. The continuing political tensions arise from the opposition's strong disapproval of the 25 August 2015 agreement between Belgrade and Pristina which, among other things, mandates the establishment of the Association/Community of Serb Municipalities (ASM/CSM) in northern Kosovo. In addition, in recent months, the demarcation of the border between Kosovo and Montenegro has emerged as a serious issue of contention. The opposition claims that the border agreement would deprive Kosovo of part of its territory, while the government led by Prime Minister Isa Mustafa repudiates these claims.

Though ratified by the Montenegro parliament last year, to come into force the demarcation agreement still needs the approval of a two-thirds majority in the Assembly of Kosovo. In attempting to prevent a vote in

the Assembly, some members of the opposition have resorted to the use of smoke bombs in the chamber, which has caused a general disruption in the work of Kosovo institutions. Parallel to these actions in the Assembly, the opposition supporters have staged several demonstrations, sometimes violent, outside the legislature. On 1 September, the government postponed the vote on the agreement, amid protests by the opposition and a boycott by the members of the parliamentary political group representing Kosovo Serbs.

Recently, there has also been some tension in relations between Belgrade and Pristina. On 28 September, Serbia arrested Nehat Thaci, a senior Kosovo police official, at a border crossing between Kosovo and Serbia. Thaci was detained on terrorism charges for his alleged involvement in the Kosovo conflict in the 1990s. On 12 October, the Assembly of Kosovo adopted a resolution calling for Thaci's release and urging the EU to intervene to this end. Thaci has denied all accusations against him. As of this writing, Thaci remains in detention in the Serbian city of Niš.

Tensions rose again on 7 October, when the Assembly of Kosovo voted to take majority control of the Trepca mining complex amid strong objections by Serbia, which also claims ownership of the mine. In an 11 October press conference, Serbian Prime Minister Aleksandar Vučić said that his government would reject the decision of the Kosovo authorities regarding Trepca. However, Vučić said that Serbia would not call for a special meeting of the Security Council because the situation did not pose a threat to peace and security.

The special court that will investigate crimes committed by the Kosovo Liberation Army during the conflict in Kosovo is expected to become fully operational at the beginning of 2017. The EU has already provided initial funding for the Court. International judges will staff the court, which will operate in The Hague under Kosovo law. The Netherlands parliament still needs to ratify the agreement with Kosovo on locating the Court in The Hague before formal operations can begin. On 5 September, David Schwendiman of the US was appointed chief prosecutor of the special court.

Human Rights-Related Developments

On 16 September, the special rapporteur on the human rights of internally displaced persons (IDPs), Chaloka Beyani, released a statement at the end of a five-day visit to Serbia and Kosovo, urging the government of Serbia and the authorities in Kosovo to show leadership and intensify their efforts to achieve durable solutions for those living in protracted displacement for some 17 years. The statement expressed concern that many IDPs, especially those belonging to the Roma, Ashkali and Egyptian communities, are still living in squalid conditions. The special rapporteur emphasised that the situation of IDPs should be addressed as a key issue in the context of the EU accession framework and the Brussels dialogue between Belgrade and Pristina.

Key Issues

The primary issue for the Council is maintaining stability and security in Kosovo amid ongoing political tensions within Kosovo.

Implementation of the existing agreements between Belgrade and Pristina and

Kosovo (con't)

the role UNMIK could play to that end are related issues.

Anticipating the start of the Special Court's operations, an issue for the Council will be to encourage and follow the cooperation of Kosovo authorities with the Court.

Tensions arising from the Kosovo's takeover of Trepca could also be an issue for the Council.

Options

Should the current political tensions escalate further or start posing a risk to overall stability, the Council could consider issuing a statement calling on political actors to resolve outstanding issues through constructive dialogue.

Another option would be for the Council to explore ways in which UNMIK could facilitate the implementation of the existing agreements between Belgrade and Pristina.

The Council could consider the calls by

some members, most notably the P3, to lengthen the reporting cycle and possibly modify UNMIK's mandate.

Council Dynamics

Kosovo has remained an issue of rather low intensity for the Council, especially during the past several years when the Council has been preoccupied with a multiplicity of issues on its agenda considered more pressing. Moreover, other regional organisations such as the EU, NATO and the Organization for Security and Cooperation in Europe play a more prominent role in Kosovo. However, some members with a particular interest in the region still follow the issue closely; these include Russia and the US as well as the EU members of the Council.

The deep divisions among the permanent members have shaped Council dynamics on Kosovo. The P3 members—France, the UK

and the US—recognise Kosovo's independence and are supportive of Kosovo's government, while China and Russia, which do not, strongly support Serbia's position on the issue. Despite the ongoing political tensions in Kosovo, the P3 members have supported lengthening the reporting cycle and thus reducing the frequency of meetings on Kosovo, noting that there are more pressing issues that deserve the Council's closer attention. Russia continues to oppose any change in the reporting cycle or UNMIK's mandate, citing the unstable political and security situation and problems in implementing the agreements between Belgrade and Pristina. The permanent members' longstanding entrenched positions are likely to paralyse any efforts by the Council to change the reporting cycle, and altering UNMIK's mandate is even less likely.

South Sudan

Expected Council Action

In November, the Council is scheduled to hold a briefing, followed by consultations, on the UN Mission in South Sudan (UNMISS) and on the work of the South Sudan Sanctions Committee. It will consider the Secretary-General's monthly assessment, called for in resolution 2304, on the deployment and future requirements of the Regional Protection Force (RPF), on obstacles to setting up the force and on impediments to UNMISS in carrying out its mandate. The Council will also consider the Secretary-General's 90-day report on the implementation of the UNMISS mandate, which expires on 15 December, and the interim report of the Panel of Experts of the Sanctions Committee.

Members may also be interested in discussing the findings of the independent special investigation, called for by the Secretary-General, "into the violence in Juba...in July 2016, and the response of the UN Mission in South Sudan". At press time, the report of the investigation team was being finalised.

Key Recent Developments

The humanitarian and security situation in South Sudan has deteriorated further. There are now 1.6 million internally displaced persons (IDPs) in the country, and more than one million people have sought refuge in neighbouring countries since the start of the civil war in December 2013. More than 200,000 IDPs now live in protection of civilians sites across the country because of the insecurity outside the sites. As of July, food insecurity in South Sudan affected some 4.8 million people, more than one-third of the population.

Fighting continues to be reported across South Sudan, especially in the Equatorias and in the Upper Nile region. On 10 October, unidentified assailants killed 21 civilians travelling in four trucks on the road between Yei and Juba in Central Equatoria. The government accused the Sudan People's Liberation Army in Opposition (SPLA IO) of carrying out the attack, an allegation that the opposition has denied. In mid-October, the Sudan People's Liberation Army (SPLA) and SPLA IO forces clashed near Malakal. The SPLA claimed that 56 opposition fighters were

killed in the clashes. Fighting was reported near Leer, Southern Liech State (formerly Unity State), on 16 October between SPLA and SPLA IO forces. The SPLA IO alleged that it had killed 10 government troops in the fighting.

The political process continues to face major obstacles. From exile in Khartoum, Riek Machar in late September called on his SPLA IO followers to continue their armed opposition to the government of President Salva Kiir. On 15 October, Kiir reiterated that former First Vice President Machar should not serve in the transitional government. He added that he worked better with Taban Deng Gai, who replaced Machar as First Vice President after Machar fled Juba during the violence that gripped the city in July. Machar, who was in Johannesburg at press time reportedly to receive undisclosed medical treatment, said in an interview with Deutsche Welle on 17 October that the peace agreement had collapsed and called on actors "such as the AU and the IGAD [Intergovernmental Authority on Development]...to think seriously of how it can be resuscitated".

The Secretary-General's second

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confidential monthly assessment on the RPF and on impediments to UNMISS in fulfilling its mandate was circulated to Council members on 10 October. The assessment found that UN officials have had good access to South Sudanese government officials regarding the implementation of resolution 2304, which authorised the RPF and demanded that the government cease obstructing the mission from fulfilling its mandate and humanitarian actors from assisting civilians. However, it reported that this access has yet to translate into concrete actions. The government continues to place caveats on the deployment of the force, reflected by Information Minister Michael Lueth Makuei's remarks during a Juba press conference on 7 October reiterating that the government should be able to determine the force's size, composition and equipment. Furthermore, according to the Secretary-General's second monthly assessment report, the government has linked the request for land for the protection force to renegotiation of the UNMISS status of forces agreement, and it has proposed that the force be permitted to protect only UN facilities and compounds. It has further proposed that means of entry to and exit from Juba be jointly patrolled, and that at the airport the protection force be permitted to protect only the UNMISS terminal and installations. Restrictions on the freedom of movement of UNMISS and access for humanitarian actors also remain a problem.

On 15 October, President Kiir issued two presidential decrees. One announced the formation of a high-level humanitarian oversight committee to improve cooperation with humanitarian actors in South Sudan. According to the decree, this committee is expected to consist of seven high-level government officials, one OCHA representative and one UNMISS representative. The second decree instructed the ministerial committee responsible for implementing resolution 2304 and the 4 September joint communiqué agreed between the Council and the government "to expedite and complete its work within 14 days".

On 17 October, Council members held consultations on South Sudan, during which they were briefed by Under-Secretary-General for Peacekeeping Operations Hervé Ladsous. Ladsous reportedly reiterated much of the analysis contained in the

Secretary-General's second confidential monthly assessment, including saying that numerous impediments on the operations of UNMISS continued and that progress had not been made in deploying the RPF. Ladsous also said that he was worried about the increasingly inter-ethnic nature of the conflict.

During the meeting, the US, the penholder on South Sudan, expressed its willingness to move forward with a draft resolution calling for an arms embargo on South Sudan. Some members, however, apparently stated their preference for giving the government at least two more weeks to see whether the ministerial committee described in Kiir's 15 October decree could demonstrate that South Sudan has made progress in adhering to resolution 2304 and in fulfilling commitments made in the joint communiqué. At press time, the US had yet to circulate such a draft resolution.

On 25 October, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein warned "that rising ethnic rhetoric, hate speech and incitement to violence against certain ethnic groups in South Sudan is highly dangerous and could result in mass atrocities if not reined in by community and political leaders at the highest level." The statement refers in particular to letters "with graphic warnings of violence against people from the Equatoria region" that were purportedly drafted by members of the Dinka community and "left outside the gates of humanitarian organisations in Aweil West, in Northern Bahr el Ghazal state...".

Key Issues

The key issue for the Council is what role it can play in preventing South Sudan from descending once again into full-blown civil war marked by inter-communal conflict, given the violence in the country since Machar fled during the July crisis and given the onset of the dry season, when the movement of military forces becomes easier. In this regard, questions can be raised about what aspects of the August 2015 peace agreement can be salvaged and whether a new political framework is needed to bring peace to South Sudan.

Another key issue for the Council is the government's unwillingness to cooperate with the establishment of the RPF as envisioned in resolution 2304 and the continued obstructions on the operations of UNMISS and humanitarian actors.

Options

Options for the Council outlined in resolution 2304 include:

- imposing an arms embargo on South Sudan; and
- targeting key political figures responsible for the ongoing violence with an assets freeze and travel ban.

Another option is for the Council to engage with Special Representative of the Secretary-General Ellen Margrethe Løj and key IGAD and AU officials in an interactive informal dialogue to discuss strategies for convincing Kiir and Machar to use their influence to end the fighting. The meeting could entail a discussion of how to revise the August 2015 peace agreement, in light of the changing political dynamics in South Sudan with the departure of Machar and his pledge to fight against the government.

Given the widespread humanitarian and human rights violations in South Sudan, the Council could request high-level officials from the Office of the High Commissioner for Human Rights and the Office for the Coordination of Humanitarian Affairs to brief along with the Department of Peacekeeping Operations.

Regarding the special investigation of the July violence, the Council could consider requesting a briefing from Major General (retired) Patrick Cammaert, who led the investigation, on how UNMISS can strengthen its operational procedures if faced with similar crises in the future.

Council Dynamics

All members of the Council are deeply concerned about the dire humanitarian and security crisis that continues to unfold in South Sudan. There is also a widespread recognition that the political process needs to be revitalised to bring peace to South Sudan, especially considering that Machar has pledged to continue to fight against the government.

Although there is a shared diagnosis of the problem, there is little consensus on the way forward. It is worth noting that the last three resolutions on the UNMISS mandate have been non-consensual texts and that the most recent one, which authorised the RPF, was adopted with abstentions by China, Egypt, Russia and Venezuela.

There are varying positions on an arms embargo currently being considered by

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members. Some are strongly in favour of an embargo, some are opposed and some occupy a middle ground. The strongest proponents of an embargo appear to be France, the UK and Spain; they believe that the embargo should be pursued regardless of the government's level of cooperation with the planning and deployment of the RPF. The US had long been reluctant to support an arms embargo, but in recent months, it has said that it is prepared to move forward with one if there is government obstruction of UNMISS and the RPF. Given the government's lack of meaningful cooperation under the terms of resolution 2304 and the 4 September communiqué,

it is ready to table a resolution calling for an arms embargo and is currently discussing this option bilaterally with other Council members. At the 15 October consultations, other members, such as Angola, Japan, New Zealand and Senegal, apparently expressed support for the embargo in principle but are concerned about maintaining Council unity on this issue. A final group of members includes Russia, which has publicly voiced its opposition to the embargo, and China, Egypt and Venezuela, which seem wary of pursuing this measure at the current time.

Another possible tool available to Council members is the application of targeted

sanctions (i.e. assets freezes and travel bans on spoilers). In addition to an arms embargo, such sanctions are one of the "appropriate measures" noted in resolution 2304 that could be pursued in case the government continues to obstruct UNMISS or places impediments on the establishment of the RPF. Some members apparently referred to this option during consultations on 4 October.

The US is the penholder on South Sudan, and Senegal chairs the 2206 South Sudan Sanctions Committee.

Burundi

Expected Council Action

In November, the Council will be briefed by the Secretary-General's Special Adviser, Jamal Benomar, on his recent meetings in the region and on the Secretary-General's report on the situation in Burundi.

Key Recent Developments

The situation in Burundi, which developed after April 2015 when incumbent Burundian President Pierre Nkurunziza announced that he would run for a controversial third term, remains dire. While the number of casualties has subsided and the security situation has improved, serious human rights abuses continue on a daily basis with impunity, mainly committed by the government. The overall level of oppression and control over Burundian society has increased, manifested by arbitrary deprivations of life, enforced disappearances, cases of torture and other forms of ill-treatment and arbitrary detention on a massive scale. Furthermore, these actions are taking place in an environment where freedoms of expression, association and assembly are virtually non-existent.

On 23 September, the UN Refugee Agency announced that the number of refugees "fleeing violence, threats, extrajudicial killings, abduction, torture and persecution in Burundi has passed the 300,000 mark", and is likely to continue to rise.

On the political front, there seems to have been no headway in the Inter-Burundian Dialogue, led by the East African Community (EAC) and facilitated by former Tanzanian President Benjamin Mkapa.

In an attempt to address the situation, the Council adopted resolution 2303 on 29 July, authorising a police component with a ceiling of 228 officers to monitor the security situation and support the human rights monitoring of the Office of the High Commissioner for Human Rights (OHCHR), headed by a senior police adviser and under the authority of Benomar's office. The Secretary-General was requested to take the necessary steps for the protection of UN personnel and facilities, including the police component, in consultation with Burundi. Adopted under Chapter VI, the resolution urged Burundi to cooperate fully with the police component, including giving unhindered access to detention facilities. At the same time, the resolution took note of the fact that Burundi had only consented to the deployment of 50 police officers for training the local police.

The resolution further requested the Secretary-General to strengthen the Special Adviser's office with additional political officers, and to report back to the Council within 30 days on proposals to enable the UN to facilitate the deployment of the 200 AU-authorised human rights observers and military experts, and on

ways for the police component to cooperate with the AU deployment.

In a 19 August letter to the Secretary-General responding to the resolution, Burundi rejected both the deployment of any force on its territory and the expansion of the Special Adviser's office, noting that the resolution could not be implemented without its consent. Burundi has continued to maintain this position.

In accordance with resolution 2303, the Secretary-General reported on 19 September that the AU had deployed 47 human rights observers and 23 military experts to Burundi (out of an authorised 200), all of whom were operating in Bujumbura. He added that because of financial and logistical constraints and security concerns, the AU had not been able to operate fully throughout the country and deploy the available additional personnel. Furthermore, little progress had been made towards the signing of a memorandum of understanding (MoU) between the AU and Burundi regarding the terms of deployment, though the AU reported that the movements of those currently deployed had not been restricted. The Secretary-General proposed that the Council authorise him to provide a targeted logistical support package for the AU deployment.

The AU Peace and Security Council discussed Burundi on 6 October. It called for

UN DOCUMENTS ON BURUNDI [Security Council Resolution S/RES/2303](#) (29 July 2016) established a UN police component in Burundi of 228 officers for an initial period of one year. [Security Council Press Statement SC/12554](#) (14 October 2016) called for the implementation of resolution 2303. [Security Council Letter S/2016/799](#) (19 September 2016) contained the report of the Secretary-General on options to enable the UN to facilitate the deployment of AU human rights observers and military experts.

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the resumption of the Inter-Burundian Dialogue under the aegis of the EAC. It further urged Burundi to sign a MoU with the AU Commission for the deployment of the AU human rights observers and military experts in Burundi, as well as to engage with the UN on the deployment of the police component.

Benomar briefed Council members in consultations on 13 October before departing for the region and asked them to express support for his efforts. Council members issued a press statement the following day, calling on Burundi to cooperate with Benomar “to develop, in a consensual manner, a plan and timeline” for the implementation of resolution 2303.

Regarding accountability, Burundi passed a law on 18 October to withdraw from the ICC Statute. According to the Statute, the withdrawal comes into effect a year after notification of termination is given to the Secretary-General. The ICC Prosecutor launched a preliminary investigation into the situation in Burundi on 25 April 2015.

Human Rights-Related Developments

On 20 September, the UN Independent Investigation in Burundi (UNIIB) mandated by the Human Rights Council (HRC) published its final report (A/HRC/33/37). It describes “abundant evidence of gross human rights violations,” possibly amounting to crimes against humanity, by the Burundi government and people associated with it. It recommends setting up an international Commission of Inquiry, reconsideration of Burundi’s HRC membership and the use of Chapter VII of the UN Charter by the Security Council. The Burundi government has rejected the report as exaggerated.

On 30 September, the HRC adopted a resolution creating for one year a commission of inquiry to investigate violations in Burundi since April 2015 to present a final report to the HRC in September 2017 (A/HRC/33/L.31). Security

Council members China, Russia and Venezuela and incoming Security Council member Bolivia voted against the resolution.

The Burundi government decided to suspend all cooperation with the Office of the High Commissioner and declared the UNIIB experts *personae non gratae*. The High Commissioner for Human Rights and the HRC President met with Burundi’s Ambassador to Geneva on 13 and 14 October, respectively, and requested the government to reconsider the decisions.

Key Issues

An immediate issue is ensuring that the situation in Burundi does not descend into chaos and further violence.

On the political front, a main issue is finding an avenue for renewed and productive engagement with Burundi in order to solve the political crisis.

Promoting the deployment of the police component and the AU observers and renewing Burundi’s cooperation with OHCHR are also key issues.

Options

In order to resolve the ongoing crisis in Burundi, the Council may take any of the following steps:

- coordinate efforts with the AU and EAC in engaging with Burundi in order to advance the Inter-Burundian dialogue and facilitate both the UN and AU deployments in the country;
- invite Mkapa to brief it on developments in the Inter-Burundian dialogue;
- adopt a logistical support package or another form of support for the AU deployment in Burundi;
- re-engage with Burundi to seek the deployment—as an interim measure—of

the 50 police officers it agreed to receive before resolution 2303 was adopted; and

- adopt targeted sanctions against spoilers of the political dialogue and those responsible for human rights violations.

Council and Wider Dynamics

With Burundi currently entrenched in its opposition to the implementation of resolution 2303—a position well known prior to the adoption of the resolution—the Council is at an impasse with respect to its engagement with the country. Council members view the current situation as unsustainable. Some, such as the US, France and Spain look to Benomar to make headway with Burundi on the implementation of the resolution, while others, such as Russian and the African members, stress the need to establish a new basis for renewed engagement with Burundi. At the same time, Council members fear that the current state of affairs in Burundi—a relatively stable security environment accompanied by severe human rights violations—could become a “tolerable” status quo for the international community.

On the issue of logistical support for the AU, France, the UK and the US have been consistently against granting such requests over the last few years for financial reasons. During the negotiations on resolution 2303, the issue was left unsettled. Other Council members take the view that at this point, the AU is the only operational international presence in Burundi and should be supported in order to monitor the situation. They hope this issue will be more readily considered if a MoU officially accepting the AU deployment is signed with the government.

The penholder on Burundi is France.

Notable Dates for November

REPORT DUE	REPORTS FOR CONSIDERATION IN NOVEMBER	REQUESTING DOCUMENT
20 September	Humanitarian Coordinator's report on Somalia (S/2016/827)	S/RES/2244
7 October	SG report on piracy off the coast of Somalia (S/2016/843)	S/RES/2246
12 October	SG report on UNISFA (Abyei) (S/2016/864)	S/RES/2287
15 October	Monitoring Group report on Somalia	S/RES/2244
15 October	Monitoring Group report on Eritrea	S/RES/2244
20 October	SG report on the implementation of resolution 1559 (Lebanon)	S/RES/1559
24 October	SG report on Iraq/Kuwait missing persons and property	S/RES/1284
25 October	SG report on UNAMI (Iraq)	S/RES/2299
27 October	OPCW report on the implementation of resolution 2118 (Syria chemical weapons)	S/RES/2118
28 October	SG report on UNMIK (Kosovo)	S/RES/1244
1 November	High Representative's report on Bosnia and Herzegovina	S/RES/2247
4 November	SG report on UNIFIL (Lebanon)	S/RES/2305
10 November	SG report on UNMISS (South Sudan)	S/RES/2304
16 November	SG report on the humanitarian situation in Syria	S/RES/2139

EXPIRY	MANDATE	RELEVANT DOCUMENT
10 November	Authorisation for EUFOR in Bosnia and Herzegovina	S/RES/2247
10 November	Authorisation of anti-piracy measures in Somalia	S/RES/2246
15 November	UNISFA (Abyei)	S/RES/2287
15 November	Somalia and Eritrea sanctions and Monitoring Group (Monitoring Group expires in December, but will likely be renewed in November)	S/RES/2244

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