

# Monthly Forecast

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## Overview

Sweden takes on the presidency of the Security Council in January and has planned a ministerial-level open debate on [conflict prevention and sustaining peace](#), chaired by its foreign minister, Margot Wallström. Incoming Secretary-General António Guterres will present his ideas for how he plans to approach the issue of prevention.

Council members will be closely following developments in [Syria](#), and meetings are planned on the chemical weapons, humanitarian and political tracks. There will also be the quarterly open debate on [Israel/Palestine](#).

Council members will continue to monitor developments in [South Sudan](#). Other African issues that will be considered are:

- [CAR](#), the renewal of the sanctions regime and the mandate of the Panel of Experts;
- [DRC](#), an update on developments in the country following the 19 December expiry of the term of the country's president and the latest

report on MONUSCO;

- [Mali](#), a discussion on MINUSMA;
- [Somalia](#), an update on the activities of UNSOM and AMISOM;
- [Sudan](#), on the activities of UNAMID in Darfur and the work of the 1591 Sudan Sanctions Committee; and
- [UNOWAS](#), update on the activities of the UN Office in West Africa and the Sahel.

Other issues on the January programme of work include:

- [Cyprus](#), the quarterly discussion on UNFICYP and renewal of the mission's mandate; and
- [Iran](#), on the implementation of resolution 2231, which endorsed the Joint Comprehensive Plan of Action (JCPOA) on Iran's nuclear programme

Throughout the month, Council members will be monitoring developments in [Burundi](#), [Guinea-Bissau](#) and [Yemen](#).

## In Hindsight: The Security Council and the International Court of Justice

The UN Charter envisioned a symbiotic relationship between the Security Council and the International Court of Justice (ICJ), the principal judicial organ of the UN. However, the Council has scarcely made use of the ICJ as an instrument, or "tool", in the exercise of its responsibility for the maintenance of international peace and security. In its latest research report on the rule of law of 20 December 2016, Security Council Report examines the relationship between the Security Council and the ICJ, including options for enhancing that relationship to assist the Council in its work.

The ICJ was established in 1945 by the same constitutive instrument as the Security Council, the UN Charter, to act as the principal judicial organ of the UN. The Statute of the Court is

annexed to the Charter itself, meaning that all UN member states are automatically parties to the Statute. The ICJ is mandated to settle contentious legal disputes submitted by states against other states in accordance with international law. Judgments given in contentious cases between states are binding on the parties. The Court also gives advisory opinions to the Council, the General Assembly and other authorised bodies on legal questions referred to it by these entities.

One of the tools available to the Council to peacefully settle international disputes affecting international peace and security is to make use of the ICJ's jurisdiction in such cases (Article 36 (3) of the UN Charter) or to ask it to provide advisory opinions on legal questions that arise in the Council's work (Article 96 (1)). At the same time, the

28 December 2016  
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## In Hindsight: The Security Council and the International Court of Justice (con't)

Charter also gives the Council responsibility for addressing instances of non-compliance by states with the Court's judgments brought before the Council (Article 94 (2)). In addition, the Council—jointly with the General Assembly—elects the judges of the ICJ, and the President of the ICJ briefs the Council in a private meeting annually.

To date, the Council has only recommended that states refer their dispute to the ICJ under Article 36 (3) on one occasion, in the *Corfu Channel Case*—the first proceeding of the ICJ—when on 9 April 1947 in resolution 22 it recommended that Albania and the UK immediately refer their dispute to the Court. The resolution was adopted with eight votes in favour and two abstentions, from Poland and the USSR, while the UK, as a party to the dispute, abstained from voting in accordance with Article 27(3) of the Charter. Similarly, the Council has requested only one advisory opinion from the Court, on 29 July 1970 in resolution 284, when it asked for an advisory opinion on the legal consequences for states of South Africa's continued presence in Namibia. As for non-compliance, the Council has yet to use its powers under Article 94(2) to enforce a judgment. However, one attempt to have the Council exercise that authority was when Nicaragua requested, in a letter to the president of the Council on 17 October 1986, an emergency meeting to consider the failure of the US to execute the ICJ's judgment of 27 June 1986 against it in the *Military and Paramilitary Activities in and against Nicaragua Case*. The US vetoed a draft resolution calling for full and immediate compliance with the ICJ judgment on 28 October 1986.

Over the years, not only the Council but also other member states and the Secretariat have largely refrained from taking advantage of the possible contribution the ICJ could make to the successful execution

of the Council's mandate, in contrast to the potentially fruitful interaction between the two organs envisaged in the UN Charter. The Charter gives much discretion to the Council in how to use the tools at its disposal, including the ICJ, but after more than 70 years it is evident that the Council has failed to effectively resort to the Court or press disputing states to do so, where relevant.

This failure is part of a larger Council dynamic: the Council has been reluctant to resort to other UN organs and external actors that it does not control and whose actions it cannot necessarily predict. Instead, the Council has opted to retain control and decision-making powers at the possible expense of effectiveness while not taking full advantage of its options. From the perspective of the P5, when it comes to the Court more specifically, the Court's jurisprudence has, at times, been perceived as hostile to their interests.

Of course, not every international conflict situation on the Council's agenda could or should be brought before the ICJ. Yet, as a general rule, the Council could make a more concerted effort to use all of the tools at its disposal to resolve and avoid conflicts or, at the very least, consider the utility of these tools when solutions to conflicts are sought. The potential usefulness of the ICJ to the work of the Council should not be overlooked, and interaction with the Court, as envisioned by the UN Charter, could regularly be considered.

The Secretariat and other entities briefing the Council should likewise bear in mind, in their interaction with the Council, the possible role the ICJ could play in assisting the Council in the successful execution of its responsibilities.

The relationship between the Council and the ICJ could also benefit if certain changes occur and decisions are taken outside the Council. One such change concerns the ability of the Secretary-General to

request advisory opinions of the ICJ on legal issues that arise within the Secretariat's work, including work related to matters of international peace and security. At present, the Secretariat is the only principal UN organ not authorised to make such requests. This power could be conferred on the Secretariat by the General Assembly under Article 96(2) of the UN Charter. Various proposals to this effect have been made over the years, including by several Secretaries-General: Trygve Lie, Dag Hammarskjöld and Boutros Boutros-Ghali. The latter included such a proposal in his 1992 report *An Agenda for Peace*. The intention was that the Secretary-General would then be able to use this power to assist his role as mediator and provider of good offices between states.

Requesting an advisory opinion on a specific legal issue between states could help resolve matters that cause an impasse and assist the relevant parties in moving forward to resolve further issues. It could also help the Secretary-General overcome legal uncertainties that might arise in the context of the Secretariat's work while performing tasks given to it by the Council. In addition, the ability of the Secretary-General to request an advisory opinion from the Court would be the equivalent of his power under Article 99 of the Charter to bring issues to the attention of the Council on his own initiative. The fact that the Secretary-General would have the discretion to make such requests, as opposed to needing to obtain agreement from a majority of states in other UN organs, would simplify the request process and remove the politics involved in obtaining a majority in those other organs.

A more prominent role for the Court with respect to the Security Council's work, whether on the Council's initiative or otherwise, would likely strengthen the effectiveness and enhance the legitimacy of the Council as an institution.

## Status Update since our December Forecast

### Colombia

On 1 December, Council members welcomed the ratification by the Colombian Congress of the new Final Peace Agreement between the Government of Colombia and the Revolutionary Armed Forces of Colombia–People’s Army and congratulated all those who worked constructively in the consultations over recent weeks to produce a new Agreement (SC/12606). Also in December, through an exchange of letters with the Secretary-General, the Council noted that the UN Mission in Colombia is proceeding to implement the full range of its mandated tasks as set out in resolutions 2261 and 2307, following the signing, ratification and entry into force of the final peace agreement (S/2016/1063 and S/2016/1070).

### Liberia

On 2 December, the Council met on the situation in Liberia (S/PV.7824) and was briefed by Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations; Mr. Per Thöresson (Sweden), Vice-Chair of the Peacebuilding Commission; and civil society representative Victoria Wollie of the Women in Peacebuilding Network in Liberia. Ladsous presented the Secretary-General’s report of the assessment mission to Liberia which outlined options for the future of UNMIL (S/2016/968). Liberian Ambassador Lewis Garseedah Brown II asked the Council to extend the mandate of UNMIL for another year. At press time, the Council was expected to renew the mission’s mandate before it expired on 31 December.

### Women and Peace and Security

On 5 December, Uruguay chaired an Arria-formula meeting on synergies between Security Council resolutions on women, peace and security and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Yannick Glemarec, UN Women’s Deputy Executive Director for Policy and Programmes; Pramila Patten, Chair of the CEDAW Task Force on General Recommendation 30; and Maria Victoria Cabrera-Balleza, International Coordinator for the Global Network of Women Peacebuilders, briefed.

### Libya

On 6 December, Special Representative

Martin Kobler briefed the Council (S/PV.7827) on the latest Libya report (S/2016/1011). The chair of the 1970 Libya Sanctions Committee, Ambassador Ramlan Ibrahim (Malaysia), briefed the Council as well. After the meeting, Council members issued a press statement expressing deep concern over the challenging political and security context in Libya and reaffirming their full support for the Libyan Political Agreement and calling on all parties to accelerate its implementation (SC/12613). On 13 December, the Council adopted resolution 2323 renewing UNSMIL’s mandate until 15 September 2017.

### Georgia

At the request of Ukraine, Council members met under “any other business” on 6 December to address the situation in Georgia. Ukraine wanted to raise the issue of the 23 November agreement between Russia and Georgia’s region of Abkhazia on the establishment of a joint military force. Ukraine also proposed to issue a press statement reiterating the support for the territorial integrity of Georgia. The statement was not adopted due to an objection by Russia.

### UNOCA (Central Africa)

On 7 December, Acting Special Representative and head of UNOCA, François Louncény Fall, briefed the Council (S/PV.7828) on the Secretary-General’s report on UNOCA and the implementation of the UN regional strategy to combat the Lord’s Resistance Army (S/2016/996).

### International Criminal Tribunals

On 8 December, the Council held a debate on the International Criminal Tribunal for the former Yugoslavia (ICTY) and International Residual Mechanism for Criminal Tribunals in which the presidents and prosecutors of these bodies briefed (S/PV.7829). The meeting focused on the assessment reports of the Residual Mechanism and the ICTY (S/2016/975 and S/2016/976). On 19 December, the Council adopted resolution 2329, the final extension of the ICTY judges’ and the prosecutor’s terms until 30 November 2017 (S/PV.7842).

### DPRK (North Korea)

On 9 December, the Council held a meeting

on the human rights situation in the DPRK, with briefings by Deputy Secretary-General Jan Eliasson and Assistant Secretary-General for Human Rights Andrew Gilmour (S/PV.7830). The meeting was convened in response to a joint request from France, Japan, Malaysia, New Zealand, Spain, Ukraine, the UK, the US and Uruguay conveyed in a 1 December letter to the Council president (S/2016/1034). At the beginning of the meeting there was a procedural vote to adopt the agenda at the request of China, which said that the Security Council was not “a forum for discussing human rights issues, still less for the politicisation of such issues.” The agenda was subsequently adopted by a vote of five against (Angola, China, Egypt, Russia and Venezuela), one abstention (Senegal) and nine in favour. On 2 December, the DPRK sent a letter to the Council (S/2016/1023) rejecting the sanctions resolution adopted on 30 November 2016 (S/RES/2321).

### Counter-Terrorism

On 12 December, the Council adopted resolution 2322 on international judicial cooperation on counter-terrorism at a briefing chaired by Spanish Justice Minister Rafael Catalá (S/PV.7831). Jean-Paul Laborde, Executive Director of the Counter-Terrorism Committee Executive Directorate, Dorcas Agik Oduor, Deputy Director of Public Prosecutions in Kenya, and Robert Strang, Executive Secretary of the International Institute for Justice and the Rule of Law in Malta briefed. To help prepare for the meeting Spain circulated a concept note to frame the discussion (S/2016/1030). Council members condemned several terrorist attacks in December: attacks in Egypt against a Coptic church on 11 December and in Giza on 9 December (SC/12617); in Turkey there was a 10 December attack in Istanbul (SC/12618) and the 19 December assassination of Russia’s ambassador to Turkey (SC/12643); and the 20 December Berlin attack (SC/12649). There were also several counter-terrorism meetings in the Council’s subsidiary bodies. From 30 November to 1 December, the Counter-Terrorism Committee held a special meeting on “Preventing the exploitation of information and communication technologies for terrorist purposes, while respecting human rights and fundamental freedoms”. From 12 to 13 December, the 1267/1989/2253 ISIL

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

(Da'esh) and Al-Qaida Sanctions Committee, the 1373 Counter-Terrorism Committee, and the Financial Action Task Force held a special joint meeting on “Depriving terrorist groups from accessing, raising, and moving funds: practices and lessons learned”.

### Working Group on Children and Armed Conflict

The Working Group on Children and Armed Conflict met on 14 December to adopt its conclusions on the Secretary-General's report on Children and Armed Conflict in the Central African Republic.

### Western Sahara

On 13 December, Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed Council members under “any other business” at the request of Uruguay and Venezuela. Ladsous updated Council members on the situation on the ground in Al Guerarat and on MINURSO's return to full functionality.

### Tribute to the Secretary-General

On 14 December, the Council adopted resolution 2324 paying tribute to Secretary-General Ban Ki-moon (S/PV.7836). Following the vote, the president of the Security Council made a statement in which he conveyed the Council's gratitude for the support provided by the Secretary-General to the Council and cited the Sustainable Development Goals and Paris Agreement on Climate Change as notable successes. In his statement, the Secretary-General highlighted examples of innovative thinking from the Council over the years and concluded that the Council was strongest when united.

### Non-Proliferation (1540 Committee)

On 15 December, the Council held an open debate titled “Preventing Catastrophe: A Global Agenda for Stopping the Proliferation

of Weapons of Mass Destruction to Non-State Actors”, marking the conclusion of the second comprehensive review of the status of implementation of resolution 1540, which seeks to prevent the proliferation of weapons of mass destruction to non-state actors (S/PV.7837). The Council adopted resolution 2325 endorsing the review and noting the findings and recommendations contained in the report of the review, which was agreed by the 1540 Committee on 9 December (S/2016/1038). Ahead of the debate, Spain circulated a concept note outlining key objectives, main findings of the review and suggested topics for discussion (S/2016/1013). The meeting was chaired by Spain's Minister of Foreign Affairs, Alfonso María Dastis with briefings by Deputy Secretary-General Jan Eliasson; Kim Won-soo, the High Representative for Disarmament Affairs; Brian Finley, President of the Stimson Center; and James Min, DHL Express Vice President of International Trade Affairs and Compliance. More than 60 countries, including Council members, and 12 organisations spoke.

### Subsidiary Bodies

On 19 December, the Council held the annual briefing for subsidiary body chairs from outgoing elected Security Council members, which this year were Angola, Malaysia, New Zealand, Spain and Venezuela (S/PV.7845).

### UNDOF (Golan Heights)

On 19 December, the Council adopted resolution 2330 renewing UNDOF for six months after considering the Secretary-General's latest report (S/2016/1037) on the observer mission during 13 December consultations.

### Lebanon

On 19 December, Council members issued a press statement on the announcement earlier that day of the formation of a national unity government in Lebanon and congratulated

Prime Minister Saad Hariri and his Cabinet (SC/12645). The members of the Council stressed the importance of the holding of parliamentary elections by May 2017, in accordance with the Constitution, in order to sustain Lebanon's democratic tradition.

### Afghanistan

On 19 December, the Council held its quarterly debate on Afghanistan (S/PV.7844), during which it considered the Secretary-General's report on UNAMA (S/2016/1049). Special Representative Tadamichi Yamamoto, briefed along with the chair of the 1988 Afghanistan Sanctions Committee, Ambassador Gerard van Bohemen (New Zealand), and Yury Fedotov, Executive Director of the UN Office on Drugs and Crime.

### Human Trafficking

On 20 December the Council held a ministerial-level open debate on trafficking in persons in conflict situations, chaired by Spanish Prime Minister Mariano Rajoy Brey (S/PV.7847). The meeting was organised by Spain which had circulated a concept note in preparation for the debate (S/2016/1031). At the debate, the Council adopted resolution 2331, its first ever resolution on human trafficking, which condemned the phenomenon and stressed how human trafficking can exacerbate conflict and foster insecurity. Secretary-General Ban Ki-moon presented his report on trafficking in persons (S/2016/949) with Yury Fedotov, Executive Director of the UN Office on Drugs and Crime, and Special Representative for Sexual Violence in Conflict Zainab Bangura also briefing. Two Iraqi women of the Yazidi faith also participated: Nadia Murad, who was trafficked by ISIL and is now a UN Goodwill Ambassador for the Dignity of Survivors of Human Trafficking, and Ameena Saeed Hasan, a human rights activist who works to free people captured by ISIL.

# Conflict Prevention

## Expected Council Action

In January, the Council will hold a ministerial-level open debate on “conflict prevention and sustaining peace”. Margot Wallström, Sweden’s Minister of Foreign Affairs, is expected to preside. Newly appointed UN Secretary-General António Guterres will be the sole briefer. At press time, it did not appear that there would be a Council product; however, it is anticipated that Sweden will produce a summary of the debate.

## Key Recent Developments

On 29 June 2015, the Advisory Group of Experts (AGE) submitted its report on the UN’s peacebuilding architecture. The AGE report was a product of the review process mandated by the Security Council and the General Assembly for the tenth anniversaries of the Peacebuilding Commission (PBC), the Peacebuilding Fund (PBF) and the Peacebuilding Support Office (PBSO).

The AGE report’s overarching thesis was that peacebuilding is an activity that happens not only in post-conflict situations but also as a process before, during and after conflict. Peacebuilding should therefore be seen as a responsibility of the entire UN system, and greater emphasis should be placed on conflict prevention. The AGE suggested that a more appropriate term to reflect this broader understanding of peacebuilding could be “sustaining peace”.

The report triggered an intergovernmental review process, led by Angola on behalf of the Council and Australia on behalf of the General Assembly, to consider the findings of the AGE. That culminated in the concurrent adoption by the General Assembly and the Security Council of identical resolutions on the peacebuilding architecture on 27 April 2016. According to the resolutions, sustaining peace includes “activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict ... and should flow through all three pillars of the UN’s engagement [peace and security, human rights and sustainable development] at all stages of conflict”.

New Secretary-General António Guterres’s views on conflict prevention are in keeping with the sustaining-peace agenda.

In his April 2016 vision statement, he called for the development of “a comprehensive, modern and effective operational peace architecture, encompassing prevention, conflict resolution, peacekeeping, peacebuilding and long-term development—the ‘peace continuum’”. Emphasising that prevention is a priority for the UN, he said during his 12 December 2016 swearing-in ceremony that prevention must be integrated into the three pillars of the UN’s work.

The Advisory Group’s review of the peacebuilding architecture was one of three major reviews of the UN’s peace and security work produced in 2015; the others were the report of the High-Level Independent Panel on Peace Operations (HIPPO) and the Global Study on Women, Peace and Security. Like the Advisory Group’s report, the HIPPO report and the Global Study underscored the need for improved conflict prevention. Yet implementation of the recommendations of these reports with regard to conflict prevention has been limited at best.

Guterres takes office at a time when the Security Council and the broader UN community are failing to effectively discharge their prevention mandate under the UN Charter. The number of civilian casualties from warfare has been on the rise in recent years. Also, in large part because of the proliferation of conflicts, there are over 60 million displaced worldwide, the highest number in the post-World War II era.

Sweden has circulated a concept paper in preparation for the debate. The concept note describes the “conflict prevention and sustaining peace” debate as an opportunity for the new Secretary-General to outline his vision for a renewed focus on conflict prevention. It says that the debate will offer member states the chance to discuss how the Council can support the sustaining-peace agenda. The concept note further says that the discussion will explore how the Security Council and the Secretary General can work together more productively on conflict prevention.

As a springboard for the discussion, Sweden has proposed a series of questions for the consideration of member states. Among the issues are how the Council can make better use of its tools to prevent conflict and

sustain peace, how the relationship between the Council and the Secretary-General on conflict prevention can be made more effective and how the Council and the broader UN membership can provide the necessary political leadership to advance the sustaining-peace agenda.

The Council’s last open debate on conflict prevention occurred on 17 November 2015, focusing on “security, development and the root causes of conflict”. A ministerial-level debate at which UK Secretary of State for International Development Justine Greening presided, it featured briefings by Secretary-General Ban Ki-moon; Ambassador Olof Skoog (Sweden) in his capacity as Chair of the PBC; and Ouided Bouchamaoui, President of the Tunisian Confederation of Industry, Trade and Handicrafts and a member of the Tunisian National Dialogue Quartet, a collection of four civil society organisations awarded the 2015 Nobel Peace Prize for their “decisive contribution to the building of a pluralistic democracy” in Tunisia after the 2011 revolution. Ban called for a greater emphasis on conflict prevention, noting that this would require an enhanced focus on human rights, increased coherence in UN system and sufficient financial support for the UN’s good offices work, country teams, and the Peacebuilding Fund. Skoog underscored that “building peace is a primarily political process that requires sustained and long-term engagement”. Bouchamaoui noted that Tunisia had “been able to avoid conflict through dialogue and compromise” and that it is important for the “Tunisia model” to succeed to “demonstrate that Islam and democracy are indeed compatible”.

## Key Issues

The primary issue is how the Council can use the debate as a springboard to implement the sustaining-peace agenda into its country-specific work in concrete and effective ways. Several related matters for the Council include:

- generating the political will to engage meaningfully in situations not yet on its agenda;
- strengthening coherence and coordination in prevention among the Council, the broader UN system, regional and

**UN DOCUMENTS ON CONFLICT PREVENTION** Security Council Resolution S/RES/2282 (27 April 2016) was the “sustaining peace” resolution. **Secretary-General’s Report S/2015/730** (25 September 2015) was on “the United Nations and conflict prevention: a collective recommitment”. **Security Council Meeting Records S/PV.7680** (27 April 2016) was the meeting at which resolution 2282 was adopted. **S/PV.7561** (17 November 2015) was a debate on “security, development and the root causes of conflict”. **Other S/2015/490** (29 June 2015) was the report of the Advisory Group of Experts on the peacebuilding architecture.

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## Conflict Prevention (con't)

subregional organisations, member states and civil society;

- enhancing the flow and quality of information between the Council and other actors engaged in prevention; and
- determining what combination of tools and actors is most effective in different types of scenarios that constitute a risk to peace and security.

### Options

One option is for the Council president to produce a summary of the meeting that is circulated to the wider membership.

The Council might also consider adopting a presidential statement that:

- welcomes the new Secretary-General's commitment to conflict prevention and encourages cooperation between the Council and the Secretariat on this issue;
- highlights that conflict prevention should integrate political, human rights and

development approaches;

- underscores the importance of developing synergies among the Council, the Secretariat and other UN entities to implement the “sustaining peace” agenda; and
- emphasises the need to continue to integrate human rights, including through the Human Rights Up Front initiative, into all aspects of the UN's work.

### Council Dynamics

All Council members have expressed their support for conflict prevention. However, the Council's recent track record on prevention—evident from recent failures in the cases of Syria, Mali, South Sudan and Yemen, among others—does not match the thematic support. The indecisiveness of the Council in prevention stems from the resistance of member states to early international engagement and to political divisions, especially among the P5, which tend to block action by

the Council in cases where national interests could be at stake.

There have also been differences among members on what situations belong on the Council's agenda and what measures might be appropriate. Some members, including Russia, seem to be wary of the Council's taking on issues that they perceive as beyond the Council's mandate to maintain international peace and security. For example, at the Council's 17 November 2015 debate on conflict prevention, Russian Ambassador Vitaly Churkin said, “Questions of international law, human rights and development...should fall to the General Assembly”. Other members, including the P3, have a more expansive view of what constitutes a threat to international peace and security; thus, they are generally more amenable to discussing the connections among human rights, development and peace and security in the context of the Security Council.

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## Syria

### Expected Council Action

In January, Council members expect to receive a briefing on the chemical weapons track as well as their regular monthly briefings on the humanitarian and political situations in Syria. Other activity could not be ruled out, given the urgent nature of the Syrian crisis.

The Board of Inquiry report on the 19 September 2016 attack on a humanitarian convoy outside of Aleppo was transmitted to the Security Council on 21 December 2016. It was unclear if the Security Council would respond the report's findings.

### Key Recent Developments

On 18 October 2016, Russia announced a unilateral pause in hostilities for rebel-held eastern Aleppo, an area that has been besieged by the government since July 2016. This pause was largely observed until 15 November 2016, when Russia and the Syrian

government renewed their offensive. As the government advanced into eastern Aleppo, reports emerged of government-allied militias executing opposition fighters' family members, disappearances and men being inducted into government forces against their will.

The humanitarian penholders—Egypt, New Zealand and Spain—circulated a draft resolution in late November that called for a 7-day end to all attacks in Aleppo. Russia asserted that a truce in Aleppo should only go into effect after the country-wide separation of Al Nusra terrorist fighters from other armed opposition groups. The humanitarian penholders, the P3 and several other Council members maintained that “counterterrorism” was being used as an excuse by Russian and Syrian forces to justify targeting all opposition groups and civilians in eastern Aleppo. On 5 December 2016, the draft resolution was put to a vote and was vetoed by China and Russia.

On 13 December, France and the UK called for an emergency meeting of the Council where the Secretary-General reported that after 48 hours of unprecedented levels of bombardment, the UN had seen an almost complete collapse of the armed opposition's front lines in eastern Aleppo. He said that civilian deaths and injuries continued at a brutal pace. At that meeting, a majority of Council members called on Russia and Syria to allow impartial observers into Aleppo to monitor the situation of civilians.

Outside of the Council, Russia and the US had tried to broker an Aleppo truce without success. Meanwhile, by 13 December 2016, Turkey and Russia had reached a deal for the evacuation of fighters and civilians from what remained of rebel-held eastern Aleppo. Russia announced on 15 December 2016 that its bi-lateral talks with the US over Aleppo had been suspended.

The evacuations began and stalled

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**UN DOCUMENTS ON SYRIA** Security Council Resolutions S/RES/2332 (21 December 2016) renewed the authorisation for cross-border aid delivery until 10 January 2018. S/RES/2328 (19 December 2016) demanded UN access to monitor evacuations from Aleppo. S/RES/2319 (17 November 2016) and S/RES/2118 (27 September 2013) were on chemical weapons. 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. **Secretary-General's Reports** S/2016/1057 (12 December 2016) was on the humanitarian situation. S/2016/998 (28 November 2016) was on chemical weapons. **Security Council Meeting Records** S/PV.7852 (23 December 2016) was the Secretary-General's five-day report following the adoption of resolution 2328. S/PV.7834 (13 December 2016) was an emergency meeting on Aleppo. **Security Council Letter** S/2016/1076 (19 December 2016) was from Russia regarding their interpretation of resolution 2328. **Other** S/2016/1026 (5 December 2016) was a draft resolution, vetoed by China and Russia, that called for an end to all attacks in Aleppo for seven days.

## Syria (con't)

repeatedly amid reports of convoys coming under fire, evacuation routes being cut off by government-allied militias, individuals being removed from buses leaving eastern Aleppo, summary executions, and an additional government demand, not part of the original agreement, that evacuations from eastern Aleppo would be conditioned on evacuations from two rebel-besieged villages: Foah and Kefraya.

By mid-December 2016, the government had wrested control of 95 percent of eastern Aleppo from armed opposition groups. At that point, tens of thousands of civilians remained trapped in a very small and densely populated besieged area. By 22 December, the government announced that it was in full control of all of Aleppo.

Evacuation of civilians from eastern Aleppo took place under limited international observation by ICRC and the Syrian Arab Red Crescent. The exodus echoed a series of smaller surrenders in 2016 which the opposition characterises as a forced population transfer following years of government-imposed sieges that are disguised as a “local truce”. Other evacuations, under almost identical circumstances, occurred in the opposition-held Khan al-Shih and Al Tal suburbs in November, Moadamiyeh in October, Al Waer in September, and Daraya in August. Opposition fighters from these areas have been evacuated to Idlib, raising the spectre of that province becoming a new epicentre after eastern Aleppo’s fall to the government.

Against this backdrop OCHA head Stephen O’Brien briefed Council members under “any other business” on 16 December. He reiterated that the UN stands ready to help but that it had only been granted very limited access to Aleppo. He reported that the UN was waiting for the Syrian government to approve the redeployment of existing UN staff already in Syria to Aleppo and permission for the UN to access all affected areas there.

Following O’Brien’s briefing, France called for a vote on a draft resolution that called for evacuations to be carried out in line with international humanitarian law, and for direct observation, independent monitoring of and reporting on the evacuations and the situation of civilians inside eastern Aleppo. However, during the consultations preceding the scheduled vote on

Sunday, 18 December 2016, Russia raised objections regarding UN access to eastern Aleppo and made clear that it would veto the French draft. After three hours of negotiations between France, Russia and the US, a deal was reached and resolution 2328 was adopted unanimously the next day.

The Russian amendments added to the French text required the UN to coordinate security guarantees with all parties in Aleppo prior to carrying out monitoring activities and added references to the UN working with “all relevant institutions”, an implicit reference to the Syrian government. Russia’s interpretation of these amendments was further clarified in a letter to the Council, emphasising that the UN’s humanitarian work on the ground would be done in coordination with the Syrian government.

OCHA briefed the Council again on 23 December in fulfillment of the request in resolution 2328 for an implementation report within 5 days of adoption. OCHA said that the evacuation of eastern Aleppo had most likely concluded and that most evacuees had chosen to continue on to opposition held areas in Idlib. The government had approved 20 UN staff to be redeployed to Aleppo for monitoring purposes, but had not granted access to monitor evacuation assembly points, checkpoints that the convoys had to traverse during evacuations, or drop off points.

In another development on the humanitarian track, the Council adopted resolution 2332 on 21 December 2016, renewing UN authorisation for cross-border aid delivery until 10 January 2018.

On the political track, the Special Envoy Staffan de Mistura briefed Council members on 8 December 2016 on the implications of the Aleppo offensive on a political solution to the crisis. He said that now was the time to resume talks in order to test whether the Syrian government was serious about a political transition. During these consultations, Council members agreed to issue press elements on the need to save civilians in Aleppo and to urgently call for a political solution in line with resolution 2254. However, Russia refused to agree to a third point: calling for UN access to eastern Aleppo. On 19 December, de Mistura announced that UN-facilitated talks would resume in Geneva on 8 February 2017.

Separately, on 20 December 2016, Iran,

Russia and Turkey met in Moscow and issued a joint statement that they would create the necessary momentum toward the resumption of a political process in line with resolution 2254 by:

- acting as guarantors of a prospective ceasefire arrangement in Syria; and
- working together to fight ISIL and to separate Al-Nusra from other armed opposition groups.

The Moscow meeting apparently sidelined the US and the joint statement made no specific reference to UN-facilitated talks, rather it noted the offer of Kazakhstan to host “relevant meetings.”

On chemical weapons, the next report of the UN-OPCW Joint Investigative Mechanism (JIM) is due in mid-January. The JIM’s previous 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. Subsequent to those findings, on 19 December 2016, France and the UK circulated a draft resolution seeking to impose sanctions on the Syrian government for the use of chemical weapons against its own population. At press time, it was unclear if the draft would be tabled for a vote.

In other developments, the UN Board of Inquiry that investigated the 19 September 2016 attack on a humanitarian convoy outside of Aleppo delivered its report to the Secretary-General, who in turn shared a summary of the report with the Security Council on 21 December. The summary reported that the attack was an airstrike and that only the aircraft of the US-led anti-ISIL coalition, Russia or Syria had the capabilities to carry out the attack. The Board reported that it was highly unlikely that the US-led coalition carried out the attack and no party had alleged that it had done so. The Board received reports that Syrian forces were highly likely to have perpetrated the attack, but the Board was not given access to the required data or access to the attack site to determine responsibility. Russia and Syria deny they carried out the attack.

### Key Issues

With Syria approaching its sixth year of a war that has exacted a death toll approaching

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## Syria (con't)

500,000, left 700,000 living under siege after the evacuation of eastern Aleppo and displaced half of the Syrian population, including 4.83 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.

The Council could, however, vote to refer Syria to the General Assembly under the “Uniting for Peace” procedure, which would

allow the General Assembly to recommend collective action. This would be a procedural vote and therefore could not be vetoed by any of the P5, requiring only nine affirmative votes.

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 threat of sanctions implicit in all three resolutions.

### Council Dynamics

There is broad recognition by Council members that the Syrian government and its allies have demonstrated they can take territory, in particular population centres. However, it is less certain if they can hold territory in the absence of a negotiated settlement. Two-thirds of Syrian territory remains outside of government control. In this context, Council members are unsure whether the government's retaking of Aleppo will pivot it toward a meaningful re-engagement with a political process while it holds a significant military

advantage, or whether it will continue to exhibit a preference for prolonged armed conflict.

At press time, Council members had held one round of negotiations on a draft resolution to impose sanctions against Syria over its non-compliance with resolutions 2118, 2209 and 2235 on chemical weapons. At press time, it was unclear what next steps Council members might take on the draft resolution. Most Council members expect that if the sanctions draft is put to a vote then Russia would cast its seventh veto on a Syria resolution.

Egypt will continue to lead on humanitarian issues along with Sweden, replacing New Zealand and Spain which rotate off the Council as of 31 December 2016. Of the new Council members starting their term on 1 January 2017, it is expected that Bolivia, Ethiopia and Kazakhstan may tend to be supportive of Russian positions on Syria. Italy and Sweden are expected to align more closely with the P3 and other like-minded Council members.

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## Democratic Republic of the Congo

### Expected Council Action

In January, Under-Secretary-General for Peacekeeping Operations Hervé Ladsous is likely to brief the Council on developments in the country and the latest report of the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

Maman Sambo Sidikou, the Special Representative of the Secretary-General and head of MONUSCO, and Said Djinnit, the Special Envoy to the Great Lakes Region, may also brief the Council.

The Council will closely follow political and security developments in the DRC and may convene additional meetings as necessary.

The mandate of MONUSCO expires on 31 March 2017.

### Key Recent Developments

On the political front, the final day of President Joseph Kabila's second and—according to the Constitution—final term was 19 December 2016, yet he did not leave office. At press time, the National Episcopal Conference of Congo (CENCO), was mediating between the government and representatives of the opposition in an effort to come up with a political solution and an electoral calendar that would be acceptable to all actors and prevent destabilisation of the country.

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. Kabila would remain in office until the installation of a newly elected president, and a prime minister from the opposition was appointed in the interim. The possibility of Kabila's running in the elections is not addressed in the agreement.

The dialogue between the government and opposition groups was boycotted by several of the main opposition groups, which in June 2016 formed a coalition called “Rassemblement”. It has vowed to organise popular protests on the 19th of every month to pressure

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**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 Council Presidential Statement** S/PRST/2016/18 (5 December 2016) called on all political stakeholders in the DRC to continue to work towards peaceful, credible, inclusive and timely elections. **Security Council Meeting Records** S/PV.7826 (5 December 2016) was a briefing by Special Representative Maman Sidikou and Assistant Secretary-General Taye-Brook Zerihoun, during which presidential statement S/PRST/2016/18 was adopted. S/PV.7819 (23 November 2016) was a briefing by the co-leads of the visiting mission to the DRC. S/PV.7800 (2 November 2016) was a briefing by the Special Envoy to the Great Lakes Region, Said Djinnit, followed by consultations, on the Peace, Security and Cooperation Framework and other developments in the region. **Security Council Letter** S/2016/948 (9 November 2016) contained the terms of reference for the visiting mission to the DRC. **Sanctions Committee Document** SC/12592 (17 November 2016) was a press release on the Sanctions Committee's meeting with Special Representative for Sexual Violence in Conflict Zainab Bangura.

**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)

Kabila to step down. The nationwide demonstrations on 19 September turned violent, resulting in the deaths of several dozen protesters and some police. On 19 October, a general strike took place in Kinshasa. Many of the capital's 10 million residents adhered to the strike, and streets were largely empty, with little traffic.

With large numbers of police and military deployed in the cities, Kinshasa was mainly empty as people stayed in their homes on 19 December 2016. However in a press release on 23 December, the Office of the High Commissioner for Human Rights reported that at least 40 people were killed during protests since 19 December, 107 have been injured and that 460 opposition activists have been arrested throughout the country. "Rassemblement" leader Etienne Tshisekedi urged people on 20 December to resist the "illegitimate regime" by peaceful means.

Angola and France co-led a Council visiting mission to the DRC and Angola from 11 to 14 November 2016, focusing on the political crisis. On 12 November, the Council members met in Kinshasa with Kabila and several of his cabinet ministers, leaders of "Rassemblement" and members from the opposition parties that participated in the dialogue, among others. In all the meetings, Council members stressed the need to consider the national dialogue as a first step towards an agreement that would be inclusive and lead to a fully democratic electoral process. An overarching concern was seeking ways to avoid violent reactions likely to be prompted by the 19 December expiry of Kabila's second term by establishing a broadly accepted electoral calendar and a commitment that Kabila would not seek a third term. Council members attempted to mediate between the various actors to find a solution to the impasse but without conclusive results.

On 13 November, Council members visited Beni in eastern DRC, where they were briefed by the MONUSCO force commander and its civilian leadership, local politicians and civil society representatives.

In Luanda, Angola, on 14 November, Council members were scheduled to discuss the situation in the DRC with Angolan President José Eduardo dos Santos in his capacity as Chair of the International Conference of the Great Lakes Region and with the President of the National Assembly. Instead,

however, Council members met with Angola's vice president and the vice president of the National Assembly, as both the President and the President of the National Assembly were not in Luanda.

The co-leads of the visiting mission, Ambassadors François Delattre (France) and Ismael Abraão Gaspar Martins (Angola), briefed the Council on 23 November.

On 5 December, Sidikou and Assistant Secretary-General Taye-Brook Zerihoun briefed the Council, followed by consultations. At the beginning of the meeting, the Council adopted a presidential statement expressing its concern about the DRC's risk of becoming destabilised and welcoming CENCO's mediation efforts. The Council called on all political stakeholders to continue to work towards a swift political solution before 19 December 2016 that would pave the way for peaceful, credible, inclusive and timely elections as soon as possible in the DRC. Furthermore, the statement welcomed commitments to respect and preserve the constitution.

### Sanctions-Related Developments

The 1533 DRC Sanctions Committee met with Special Representative for Sexual Violence in Conflict Zainab Bangura on 9 November 2016.

The coordinator of the Group of Experts assisting the Committee, Michael Sharp, briefed the Committee on 14 December 2016 on the Group's midterm report. The report canvasses the activities of several armed groups in the east – including violations of international humanitarian law – that gravely affect civilians. It reports on the illicit extraction of natural resources, including by elements of the Congolese military. At the meeting, the coordinator presented the Committee with names for designation on the sanctions list for exploitation of natural resources and child recruitment. The Committee adopted all of the report's recommendations except for one about the destruction of old stockpiles of munitions, as one Council member was of the position that this was outside the scope of the Group's mandate.

On 12 November 2016, the US imposed sanctions on DRC Deputy Prime Minister Evariste Boshab and the head of the national intelligence agency, Kalev Mutondo; on 13 November the EU imposed sanctions on seven individuals for their role in the violent clashes of 19-20 September.

### Human Rights-Related Developments

On 1 December 2016, the special rapporteur on freedom of expression David Kaye said in a statement that the government was silencing critics in clear violation of international human rights law,

including jamming radio broadcasts and arresting journalists, and targeting the independent media at a time of high political tension. The statement highlighted examples, including a decree issued by the Minister of Information and Media on 12 November that prohibits the international media from operating in the DRC unless they sign an agreement with a local media outlet or establish such an outlet subject to Congolese regulations. It also noted that since the beginning of November, five journalists had been arrested.

### Key Issues

A key issue for the Council is ensuring that the political situation does not destabilise the country and the region and widespread violence does not ensue.

Assisting the DRC government and opposition in reaching a political solution to the electoral crisis is a related main issue.

The continued violence by rebel groups in the east remains a serious threat to peace and security. The violence in the east may worsen if the political crisis does not abate.

### Options

The Council could request regular updates from the Secretariat as the situation unfolds. Furthermore, as needed, it could adopt statements:

- calling on all actors for calm and the cessation of violence;
- calling on the government to take confidence building steps such as releasing political prisoners and restoring freedom of expression;
- strongly encouraging stakeholders to engage in good faith efforts to find a solution to the political crisis; and
- expressing its support for the CENCO efforts.

Through the Sanctions Committee, the Council may impose sanctions on actors, both in the government and the opposition, who destabilise the DRC by contributing to or inciting violence.

### Council Dynamics

Council members share concerns over the potential destabilisation of the DRC. During the visiting mission, Council members were able to present a united front and attempted to apply pressure on both the government and the opposition to compromise and find middle ground to end the political impasse. In particular, a commitment from Kabila to

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## Democratic Republic of the Congo (con't)

step down at the end of the election period was thought by all Council members to be politically desirable.

However, after returning to New York without a commitment to that effect, the Council is again split in their views. In the

absence of widespread violence, some Council members view the political crisis mainly as an internal constitutional matter that should be dealt with through local institutions and dialogue among political actors. Other Council members are of the view that addressing

actions that seem to have been taken to override the constitutional order and human rights abuses related to the political process are integral to solving the crisis.

France is the penholder on the DRC and Egypt chairs the Sanctions Committee.

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## Sudan (Darfur)

### Expected Council Action

In January, the Council will receive a briefing, and hold consultations, on the Secretary-General's report on UN/AU Hybrid Operation in Darfur (UNAMID), whose mandate expires on 30 June 2017. Under-Secretary-General for Peacekeeping Operations Hervé Ladsous is expected to brief. While unconfirmed at press time, it is possible that an AU representative may brief as well. No outcome is expected.

Also in January, Ambassador Volodymyr Yelchenko (Ukraine), the new chair of the 1591 Sudan Sanctions Committee, will provide the quarterly briefing on the Committee's work, which is expected to focus on the final report of the Panel of Experts.

### Key Recent Developments

The political process in Darfur continues to falter. In late November, representatives of the government and two Darfur rebel groups—the Justice and Equality Movement (JEM) and the Sudan Liberation Army-Minni Minnawi (SLA-MM)—convened in Addis Ababa for peace talks. However, the continued reluctance of the rebels to provide information on the location of their forces has stalled the negotiations.

In spite of the failed talks, there has been progress in alleviating the fighting between the government and rebel forces. On 10 October 2016, Sudanese President Omar al-Bashir declared a two month unilateral cessation of hostilities against rebels in the country. Shortly thereafter, on 31 October 2016, three Sudanese rebel groups—the JEM, the SLA-MM and the Sudan People's Liberation Army-North (SPLA-N)—announced a six-month unilateral cessation of hostilities. The one major rebel group that did not commit to the cessation of hostilities—and that has also

failed to participate in recent negotiations with the government—is the Sudan Liberation Army-Abdul Wahid (SLA-AW).

While fighting between the government and rebel groups has subsided in Darfur, inter-communal violence, criminal activity and high-levels of displacement are key features of the difficult security and humanitarian environment. Between January and November 2016, OCHA has reported that over 97,000 people were newly displaced, although unverified reports suggest that tens of thousands of additional people may have been displaced as well.

On 9 October 2016, participants in Sudan's National Dialogue Conference—including the government of Sudan and some armed and political opposition groups—endorsed a national document providing broad recommendations on the structure of government (for example, it calls for additional seats in the parliament). Key rebel groups and opposition parties have boycotted the national dialogue process, dubious of the government's commitment to genuine reform.

The Council received a briefing, followed by consultations, on UNAMID on 4 October 2016 from Under-Secretary-General for Peacekeeping Operations Hervé Ladsous. Ladsous said that heavy fighting had been reported since 17 September in the Jebel Marra region between government and the SLA-AW forces, but that the mission had been unable to verify the reports because of access restrictions imposed on UNAMID by the government. Ladsous urged Sudan to cooperate with any OPCW investigation regarding claims made in a 29 September 2016 Amnesty International report that it had used chemical weapons in the Jebel Marra region of Darfur in 2016. However, the

government has denied the claims, and on 22 October, in his first public response to the report, Sudanese President Omar al-Bashir called the claims “empty lies” in a speech given to members of the ruling National Congress Party.

On 27 September 2016, Ambassador Rafael Ramírez Carreño of Venezuela, then chair of the Sudan Sanctions committee, provided the quarterly briefing to Council members on the Committee's work. He reported that a new Panel of Experts had been appointed in September and that the final report of the 2015 Panel of Experts had been published. Both the appointment of the Panel and the publication of last year's final report had been held up for several months by Russia. Ramírez also conveyed the contents of the 8 July briefing to the Sanctions Committee by Zainab Bangura, the Special Representative on Sexual Violence in Conflict, who expressed concern at the high rate of sexual violence in Darfur.

The Sudan Sanctions Committee met with the newly appointed Panel of Experts on 28 October. During the meeting, the Panel presented its programme of work and underscored its commitment to provide the Committee with impartial and balanced reporting.

### Key Issues

The underlying issues for the Council are the continuing instability of the security and humanitarian environment in Darfur and the lack of progress on the political front.

Another serious issue is the continuation of impediments on UNAMID's operations. In recent months, there have been delays in customs clearances for the shipment of military and police equipment to the mission and denials of visas for civilian staff, particularly those in the Human Rights section.

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UN DOCUMENTS ON DARFUR Security Council Resolutions S/RES/ 2296 (29 June 2016) renewed the mandate of UNAMID for one year. S/RES/2265 (10 February 2016) renewed the mandate of the Sudan Sanctions Committee's Panel of Experts until 12 March 2017. Security Council Meeting Record S/PV.7781 (4 October 2016) was a briefing on UNAMID.

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## Sudan (Darfur) (con't)

Furthermore, UNAMID continues to experience restrictions to its freedom of movement.

### Options

One option is to invite Thabo Mbeki, chair of the AU High-Level Implementation Panel, to address the Council on his efforts to rein-vigorate the negotiations between the government and the rebel groups. Mbeki was in Khartoum on 20 December 2016 where he met with President Omar al-Bashir about the political process and could share his views on next steps in the mediation.

A demarche by the Council president to the Sudanese permanent representative regarding the importance of removing impediments on the shipment of equipment to UNAMID could be a useful option.

Another option would be for the Council to adopt a resolution or presidential statement that:

- encourages negotiations between the

government and the opposition forces and calls on SLA-AW to join the talks; and

- urges the government to eliminate restrictions on the shipment of equipment to the mission.

### Council Dynamics

Views of Council members on the situation in Darfur vary widely. Some states, including France, the UK and the US, tend to be critical of the government of Sudan for contributing to the instability in Darfur, referring to human rights violations committed by government forces, the impunity for these violations and the government's lack of cooperation with UNAMID. These states have emphasised the difficult security and humanitarian environment in Darfur. Given this view, the US argued during its explanation of vote on resolution 2296 on 29 June 2016, which renewed the UNAMID mandate, that "any calls for the mission to leave

the Sudan are woefully premature" and would have to be linked to the achievement of specific benchmarks related to an inclusive peace process and the protection of civilians, among other factors.

Other Council members, including China, Egypt and Russia, stress the importance of Sudan's sovereignty and maintain that the government is making a good-faith effort to bring peace to Darfur. These member states have argued that a clear exit strategy for the mission should be developed sooner rather than later.

Like Egypt, incoming member Ethiopia is a key regional player, with peacekeepers in Darfur, that will most likely take keen interest in this issue on the Council.

The UK is the penholder on Darfur, while Ukraine chairs the 1591 Sudan Sanctions Committee.

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## UN Office for West Africa and the Sahel

### Expected Council Action

In January, Mohamed Ibn Chambas, the head of the UN Office for West Africa and the Sahel (UNOWAS), will brief on the semi-annual UNOWAS report.

At press time, UNOWAS's mandate was expected to be renewed until 31 December 2019 through an exchange of letters between the Secretary-General and the Council before the current mandate's expiry on 31 December 2016.

### Key Recent Developments

Gambian President Yahya Jammeh's rejection of the results of The Gambia's 1 December 2016 presidential election provoked a political crisis and concerns of possible violence. Jammeh first conceded defeat to challenger Adama Barrow on 2 December. One week later, he rejected the results and called for new elections. He cited his concerns over the credibility of the Independent Electoral Commission, which had made a mistake in the initial tallying of the results that resulted

in a reduction of Barrow's margin of victory from approximately 50,000 votes to fewer than 20,000.

Jammeh's action was condemned by the Security Council and strongly criticised by the AU and the Economic Community of West African States (ECOWAS), which all called for Jammeh to respect the election results. ECOWAS dispatched a mission to The Gambia on 13 December led by the ECOWAS chair, President Ellen Johnson-Sirleaf (Liberia), who was accompanied by the presidents of Nigeria, Sierra Leone and Ghana, as well as Chambas. Jammeh appeared unwilling to back down from his position. ECOWAS Commissioner Marcel De Souza said that military intervention might be considered while Chambas said in an interview that Jammeh "under no circumstances" could continue as president once his term ends and suggested the possibility of sanctions. At a summit of heads of state and government in Abuja on 17 December, West African leaders, according to the

summit communiqué, agreed to "undertake all necessary actions to enforce the result of the election" and to guarantee president-elect Barrow's safety and protection.

Council members followed these developments closely. Members received briefings in consultations from Political Affairs Under-Secretary-General Jeffrey Feltman on 12 December, 16 December and 19 December. On 21 December, the Council adopted a presidential statement that welcomed the decisions on the political situation in The Gambia from the ECOWAS summit, and reiterated its request for Jammeh to accept the results.

Boko Haram remained a threat despite military gains made against the terrorist group by Benin, Cameroon, Chad, Niger and Nigeria. In August, there were signs of divisions within Boko Haram when the Islamic State in Iraq and the Levant (ISIL), to which Boko Haram declared loyalty in March 2015, announced that it recognised Abu Musab al-Barnawi (believed to be the son of Boko Haram founder Muhammed Yusuf) as the

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**UN DOCUMENTS ON UNOWAS Security Council Presidential Statements S/PRST/2016/19** (21 December 2016) welcomed the decisions at the 17 December 2016 ECOWAS summit related to The Gambia. **S/PRST/2016/11** (28 July 2016) was on the situation in West Africa and the Sahel and UNOWAS's activities. **Secretary-General's Report S/2016/1072** (19 December 2016) was the report on the activities of UNOWAS. **Security Council Meeting Record S/PV.7748** (27 July 2016) was a briefing on the humanitarian, political and security situation in the Lake Chad basin. **Security Council Press Statement SC/12616** (10 December 2016) condemned Gambian President Yahya Jammeh's statement that he did not accept the results of the 1 December presidential election.

## UN Office for West Africa and the Sahel (con't)

group's leader. Abubakar Shekau, who is sanctioned under the ISIL (Da'esh)/Al-Qaida sanctions regime as Boko Haram's leader, released a video saying he remained in charge. Al-Barnawi has criticised Shekau's indiscriminate violence against Muslims.

On 9 December, suicide bombers killed 56 people in the town of Madagali in Adamawa State, Nigeria. On 13 December, the AU Peace and Security Council renewed the mandate of the Multinational Task Force (MNJTF), which is comprised of regional countries fighting Boko Haram, until 31 January 2017.

OCHA has said the humanitarian crisis as a result of the conflict has worsened. As of December 2016, OCHA said 11 million people across the Lake Chad basin were in need of humanitarian assistance, including 2.4 million displaced people. High levels of food insecurity affect 4.7 million people in Nigeria's north-eastern Adamawa, Borno and Yobe states. Famine-like conditions have been reported in some displaced persons camps in parts of Borno State. A 19 July 2016 UNICEF press release said that in Borno State, 134 children would die per day from causes linked to acute malnutrition if the humanitarian response was not quickly scaled up. UNICEF reiterated a similar warning in a 13 December press release.

On 7 December, OCHA announced a \$1.5 billion appeal to meet emergency needs during 2017 in the Lake Chad basin. Of the \$739 million requested in 2016 for the humanitarian crisis, only 49 percent had been received as of 8 December 2016.

Terrorism remains a concern elsewhere in the region. On 16 December, 12 soldiers from Burkina Faso were killed in Nassoumboi near the Mali border, in an attack attributed to extremist groups. Previously, on 21 October, Burkina Faso's government announced that it had foiled a coup plot by ex-members of the disbanded Presidential Security Regiment, an elite unit during the rule of President Blaise Compaoré.

An independent evaluation of the UN's Sahel strategy—which the Department of Political Affairs (DPA) had commissioned following the Council's decision to merge the UN Office for West Africa (UNOWA) with the Office of the Special Envoy for the

Sahel (OSES), establishing UNOWAS—was completed at the end of November. The evaluation, which has not formally been shared with the Council, determined that the strategy's implementation has been a failure. It criticised the UN agencies, including their shortcomings to work in a regional and joint manner as the strategy had envisaged. It also questioned the Council's decision to mandate the strategy without providing financial resources to implement it. The evaluation said the strategy had correctly identified the region's problems when it was developed in 2012. It contended, however, that since the UN's strength was as a convening body, the strategy should be rebranded into an issues-based consultative platform that brings together the different actors in the region, noting the existence of 17 different Sahel strategies. The evaluation claimed that DPA was not suited to develop programmatic work, though it recommended that the strategy's nine flagship projects be completed, in part to avoid further damage to the UN's credibility.

### Key Issues

A key issue is UNOWAS's mediation and good office activities, particularly regarding The Gambia.

The terrorism threat to West Africa and the Sahel continues to be a major issue.

Related to this is the Boko Haram threat, including regional efforts to defeat the group and the humanitarian crisis caused by the conflict.

Another important issue is progress in the merger, including further consideration of changes to the Sahel strategy based on the findings of the independent evaluation and the impact of these developments on UNOWAS's mandate.

### Options

During January, the Council is likely to monitor developments in The Gambia and may take further measures to support regional efforts. This may include issuing a statement following the briefing on UNOWAS, reiterating Council support for the mediation efforts of Chambas and ECOWAS, while addressing other issues covered in the UNOWAS report.

Regarding the Boko Haram conflict, one

option is a Council fact-finding mission in early 2017 to countries in the Lake Chad basin to better understand the security and humanitarian challenges and to raise awareness about the largely overlooked humanitarian crisis.

In its exchange of letters with the Secretary-General to renew UNOWAS's mandate, Council members could express support for a UN decision to rebrand the Sahel strategy as recommended in the independent evaluation.

### Council and Wider Dynamics

Members perceive positively UNOWAS's good offices and mediation activities undertaken by Special Representative Chambas, viewing the office as playing a significant conflict-prevention role. Regarding The Gambia, this is an important issue for Senegal, and it has had a key role in ensuring Council attention to the issue. Among ECOWAS members, Senegal appears to be the strongest proponent of a possible military option. Council members are united in their position that Jammeh should hand over power to Barrow while most stress the importance of exhausting mediation efforts.

At press time it appeared that, compared with past renewals, this year's UNOWAS renewal could require more revisions to its mandate as a result of the merger and evaluation of the implementation of the Sahel strategy. While the independent evaluation has not been shared with the Council, the Secretariat has consulted with several members who seem generally supportive of its recommendations. It seems that Council members believe the next steps regarding UNOWAS and the strategy are primarily for the Secretariat to determine. Some members anticipated that the merger would eliminate redundancies between UNOWA and OSES, resulting in cost savings. They may push for areas where UNOWAS's mandate or functions can be streamlined.

The Group of Five for the Sahel - Burkina Faso, Chad, Mali, Mauritania and Niger - opposed the merger. To address some of their concerns, a UNOWAS liaison office has been established in Nouakchott.

Senegal is the penholder on West Africa and the Sahel.

# Israel/Palestine

## Expected Council Action

In January, the Council is expected to hold its regular quarterly open debate on the Middle East, with a focus on Israel/Palestine.

## Key Recent Developments

On 23 December, the Council adopted resolution 2334, which condemned Israeli settlement building, with 14 votes in favour and a US abstention. The resolution, the first in the Security Council since 2009, reaffirmed that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a violation under international law and a major obstacle to the achievement of the two-state solution; reiterated the Council's demand that Israel immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem; and underlined that it will not recognise any changes to the 4 June 1967 lines other than those agreed by the parties through negotiations. It also stressed that the cessation of settlement activities is essential for salvaging the two-state solution, and called upon all states to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967. It also called upon both parties to act on the basis of international law and to observe calm and restraint, and to refrain from provocative actions, incitement and inflammatory rhetoric.

The text, originally drafted by the Palestinians, was tabled by Egypt on the night of 21 December and put in blue for adoption the following day. The vote was to be held on the afternoon of 22 December, however, that morning Egypt abruptly cancelled the vote. That evening, the draft's co-sponsors, Malaysia, New Zealand, Senegal and Venezuela, told Egypt that it had until midnight to decide to proceed with the text, and that if it did not reschedule a vote, they would proceed to re-table the same text. The next morning (23 December) Egypt withdrew its text and the other sponsors put the text to a vote.

US Ambassador Samantha Power, in her explanation of vote, stated it had been a long-standing position of her country that settlements undermined Israel's security and

eroded prospects for peace and stability. She emphasised, however, that the vote had not been straightforward, as Israel has been treated differently from other states for as long as it had been a member of the UN. She said it was because of that bias, and because the US did not agree with every word in the resolution, that the US chose to abstain instead of vote for the resolution. She added that her delegation would not have let the resolution pass had it not addressed terrorism and incitement to violence.

Following the adoption, Israeli Prime Minister Benjamin Netanyahu on 26 December announced that Israel would move ahead with building thousands of new homes in East Jerusalem and warned nations against further action, declaring that Israel does not "turn the other cheek." A spokesman for Netanyahu on 25 December accused the Obama administration of having orchestrated the resolution, and Netanyahu also called for Israel's foreign ministry to temporarily limit working ties with the members who voted in favour of the resolution.

On 16 December, Ban Ki-moon gave his final briefing to the Council on Israel/Palestine as UN Secretary-General. He expressed a lack of optimism and pointed out that during his ten years as Secretary-General the Security Council had adopted only two resolutions on the Middle East peace process. He noted that Israel's settlement-construction activities beyond the 1967 line were in flagrant violation of international law and the Fourth Geneva Convention.

He continued to emphasise that the framework for peace remained the establishment of two States on the basis of the principle of land for peace, and a just and comprehensive regional peace settlement consistent with relevant Council resolutions and with existing agreements signed by the parties. He also pointed out that the Council had made clear that the Gaza Strip and the West Bank, including East Jerusalem, had been under military occupation since 1967. He urged Israel to take bold steps to empower the Palestinian Authority (PA), which would bring benefits to the Palestinian people and increase Israeli security. He also acknowledged that progress on that front would be difficult unless the Palestinian authorities

took concrete steps to address incitement and violence. He called upon the Council to reaffirm without reservations that there is no alternative to the two-State solution. "We must not give up on the right of Palestine to exist, just as we must protect the right of Israel to exist in peace and security with its neighbours," he said.

## Human Rights-Related Developments

On 8 December, the High Commissioner for Human Rights Zeid Ra'ad Al Hussein released a statement that expressed deep concern over the unprecedented proposed legislation in Israel that, if adopted, would allow the retroactive "legalisation" of so-called Israeli outposts constructed on privately owned Palestinian land in the occupied West Bank and violate international law. This would further add to the fragmentation of the Palestinian territory and consequently undermine any viable future Palestinian state on that territory, the statement said.

## Key Issues

The overarching issue is determining how the Council can encourage the resumption of direct negotiations between the parties to achieve a two-state solution.

An immediate issue is how not to lose the momentum created by the adoption of the first resolution on Israel/Palestine in nearly eight years.

## Options

One option is for the Council to simply receive the briefing. Another option is to issue a statement in response to the information conveyed by the Secretariat concerning compliance with resolution 2334. A further option would be to pursue another resolution aimed at salvaging the two-state solution before the 20 January change in US administrations.

## Council and Wider Dynamics

With US-led talks having failed more than two years ago, other Council members are attempting to bring the parties back to the negotiating table. France intends to hold the second meeting of its international conference on the conflict on 15 January. Also, Russia in September 2016 announced that the parties had agreed to meet in Moscow for talks, however, this has not yet materialised. Among elected members, Egypt has voiced

**UN DOCUMENTS ON ISRAEL/PALESTINE** Security Council Resolution S/RES/2334 (23 December 2016) was a resolution that condemned Israeli settlements, adopted with 14 votes in favour and a US abstention. **Security Council Meeting Records S/PV.7853** (23 December 2016) was the meeting where a resolution was adopted condemning Israeli settlements. **S/PV.7839** (16 December 2016) was Ban Ki-moon's final briefing to the Council on Israel/Palestine as UN Secretary-General.

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## Israel/Palestine (con't)

its willingness to act as a broker between the parties.

The January open debate will afford the five incoming members—Bolivia, Ethiopia, Italy, Kazakhstan and Sweden—an opportunity to put forth their perspectives on the conflict and the Council's role in resolving it. UN

members at large will likely voice their ideas for the next steps to be taken in the wake of the adoption of the Council resolution condemning the settlements.

Israel remains staunchly opposed to international initiatives on the issue, including involvement of the Council, preferring direct

negotiations with the Palestinians, while the PA favours international participation.

US President-elect Donald J. Trump has signalled that his administration will be staunchly supportive of Israel and will work to hinder the Council's involvement on the issue.

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## Mali

### Expected Council Action

In January, the Council expects to receive a briefing on Mali from the Special Representative of the Secretary-General and head of the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), Mahamat Saleh Annadif.

The mandate of MINUSMA expires on 30 June 2017.

### Key Recent Developments

The implementation of the 2015 Agreement for Peace and Reconciliation in Mali continues to be marked by obstacles and delays. In a 3 November presidential statement, the Council urged the parties to take urgent and concrete action to fully deliver on their obligations under the peace agreement without further delay. A communiqué issued after a 28-29 November meeting of the Comité de Suivi de l'Accord—the main follow-up mechanism to the agreement—expressed concern at the lack of progress and established a working group to focus particularly on the deployment of joint patrols, which should have started in November 2015, and on the establishment of the Operational Coordination Mechanism in Gao and Kidal.

Among the outstanding issues is the fact that the cantonnement of armed groups has yet to begin even though all members of the commissions on integration and the disarmament, demobilisation and reintegration of armed combatants have been appointed by the parties. In addition, a national reconciliation conference has been postponed until early 2017. And although candidates to fill positions in the interim administrations have

been appointed, divisions among the parties and within armed groups have prevented the interim administrations from being established. On 20 November, local elections were held, despite criticism by the Coordination, a coalition of armed groups, which argued that these elections could only be organised once the interim administrations were in place. Among the northern regions, some polling took place in Timbuktu and Gao, but no elections were held in Kidal, Taoudeni and Ménaka. On 19 December, following three days of internal consultations, the Coordination suspended its participation in the Comité de Suivi de l'Accord and called for a high-level meeting of the parties with the mediation in light of the slow implementation of the agreement.

Tension among armed groups continues in the north, resulting in occasional violence and violations of the ceasefire. Members of the Ifoghas ethnic group, who are part of the Coordination, have clashed with GATIA, a rebel group drawn mainly from the Imghad ethnic group, which is part of the coalition of armed groups known as the Platform. In addition to these clashes, over the last months several armed groups have formed within the Coordination, challenging the Ifoghas' prominent role within the coalition. Despite the tension, the minister of water and energy, Malick Alhousseini, successfully carried out a visit to Kidal on 2 December, the first visit by a cabinet member since 2014.

Briefing the Council on 10 November on policing issues, MINUSMA's Police Commissioner Issoufou Yacouba highlighted the magnitude and geographical expansion of

terrorist attacks to the centre and south of the country. Since MINUSMA was established in 2013, at least 71 peacekeepers have been killed as a result of malicious acts. On 7 November, Council members condemned a 6 November attack near Douentza, in central Mali, during which two Malian civilians and one Togolese peacekeeper were killed. The regional reach of terrorist groups was also demonstrated by recent complex attacks in Niger and Burkina Faso close to the Malian border.

Despite the adoption in June 2016 of resolution 2295—which requested MINUSMA to take a more proactive and robust posture and increased its force levels to a ceiling of 13,289 military and 1,920 police personnel—the additional personnel and capabilities for the mission have not been deployed. In a briefing on 6 October, Council members were told that instead of receiving reinforcements, MINUSMA would soon be facing the loss of key enablers, particularly three helicopter units in early 2017. MINUSMA has also not been able to fill its long-standing deficit of armoured personnel carriers. On 7 November, the Council held an open debate at the initiative of Senegal that focused on the peace operations facing asymmetrical threats, in which challenges to the implementation of MINUSMA's mandate were widely discussed.

On 30 November, General Amadou Sango and 17 other affiliates were brought to trial in an effort to ensure accountability for crimes committed during the March 2012 coup d'état.

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**UN DOCUMENTS ON MALI** [Security Council Resolution S/RES/2295](#) (29 June 2016) renewed MINUSMA's mandate. [Security Council Presidential Statement S/PRST/2016/16](#) (3 November 2016) strongly condemned repeated ceasefire violations in Mali over the last few months and urged the parties to expeditiously carry out all their commitments under the 2015 Agreement on Peace and Reconciliation. [Security Council Meeting Record S/PV.7784](#) (6 October 2016) was a briefing by Hervé Ladsous and Atul Khare, under-secretaries-general for peacekeeping operations and field support, respectively. [Security Council Press Statements SC/12579](#) (7 November 2016) condemned an attack on a complex near Douentza, in the centre of Mali, during which two Malian civilians and one Togolese MINUSMA peacekeeper were killed. [SC/12542](#) (4 October 2016) condemned the multiple terrorist attacks that occurred earlier that day against MINUSMA, during which two peacekeepers from Chad were killed and others injured.

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## Mali (con't)

### Human Rights-Related Developments

On 16 November, the independent expert on human rights in Mali, Suliman Baldo, said in a statement after a visit to the country that he was deeply concerned about the deteriorating human rights situation caused by insecurity in the north and centre of the country. The statement called on the signatories of the peace agreement to redouble efforts to start cantonment measures and disarmament of combatants and to accelerate the agreement's implementation. Baldo will present a report to the Human Rights Council in March 2017.

### Key Issues

The disconnect between the mandate that the Council adopted in June and how it is being carried out on the ground given the insufficient capacities and resources of MINUSMA is a key issue for the Council.

An overarching issue is the slow implementation of the agreement and the lack of progress in such areas as confidence-building measures, reconciliation and return of basic services to the north. Ensuring that cantonment and the disarmament, demobilisation and reintegration of combatants take place within a broader context of security sector reform and accountability for human rights violations is an important issue.

The deterioration of the security situation in northern and central Mali and the spate of inter-ethnic violence are urgent issues for

the Council.

Addressing the grievances and frustrations of different communities that are not benefiting from the dividends of the peace agreement in their daily lives, including youth at risk of being recruited by violent groups, is a related issue.

The frequent terrorist attacks and their reach, the deliberate targeting of MINUSMA and the safety concerns of troop- and police-contributing countries are further key issues for the Council.

### Options

The Council could:

- collectively identify ways to support the implementation of MINUSMA's mandate including through urging member states to supply key capacities and personnel that the mission is lacking;
- discuss the challenges to the implementation of the agreement in an informal interactive dialogue with the participation of Algeria's foreign minister, Ramtane Lamamra, and Annadif in order to develop a common political strategy;
- establish a sanctions regime targeting those violating the ceasefire and undermining the implementation of the agreement; and
- request the Monitoring Team of the 1267/1989/2253 Al-Qaida/Islamic State in

Iraq and the Levant Sanctions Committee to report on ways to curb the terrorist threat in Mali, including from non-listed terrorist groups.

### Council and Wider Dynamics

Overall, Council members remain united in support of accelerating the implementation of the agreement. Resolution 2295 of 29 June 2016 expressed the Council's readiness to consider targeted sanctions against those undermining the implementation of the agreement, those violating the ceasefire and those who attack MINUSMA and other international presences. However, diverging views over how to articulate the threat to impose sanctions effectively blocked a press statement from being issued in October (the language was incorporated in the November presidential statement). Despite evidence of the role that organised crime plays in the financing of some terrorist and armed groups in Mali, the Council has not delved into this issue. A recommendation of the Secretary-General in a March 2013 report that the Council consider establishing a group of experts to investigate the identity and activities of those involved in organised crime in Mali and the subregion with the possibility of imposing targeted sanctions went unheeded.

France is the penholder on Mali.

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## Iran

### Expected Council Action

In January, the Council will consider the implementation of resolution 2231, which endorsed the Joint Comprehensive Plan of Action (JCPOA) on Iran's nuclear programme. Under-Secretary-General for Political Affairs Jeffrey Feltman is expected to brief the Council on the Secretary-General's report on the resolution's implementation, due by early January according to a 16 January 2016 note from the Council president. In addition, briefings are expected by a representative of the EU in its capacity as coordinator of the Joint Commission, the body responsible for

overseeing the JCPOA's implementation, and Ambassador Sebastiano Cardi (Italy), the incoming 2231 Council facilitator, who succeeds Ambassador Román Oyarzun (Spain) on 1 January.

### Key Recent Developments

On 18 July the Council received its first briefing on resolution 2231 since the JCPOA's implementation day on 16 January, when all previous Council resolutions on Iran were terminated and the provisions in annex B of the resolution came into effect, imposing new restrictions on nuclear, ballistic missile and

arms-related transfers as well as a travel ban and assets freeze on designated entities and individuals. Feltman presented the Secretary-General's first report on the implementation of the resolution. Almeida briefed on the work of the Joint Commission and Oyarzun spoke in his capacity as the Council's 2231 facilitator.

The Secretary-General said in his report that he had seen no evidence since implementation day of any nuclear-related transfers to Iran in contravention of the relevant provisions of resolution 2231. He expressed concern, however, about the ballistic missile

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**UN DOCUMENTS ON IRAN** Security Council Resolution S/RES/2231 (20 July 2015) was on the JCPOA. **Secretary-General's Report S/2016/589** (12 July 2016) was the first report on implementation of resolution 2231. **Security Council Meeting Record S/PV.7739** (18 July 2016) was the first Council briefing on resolution 2231. **Security Council Letters S/2016/992** (22 November 2016) was Iran's response to the letter from Israel. **S/2016/987** (21 November 2016) was the letter from Israel. **S/2016/817** (27 September 2016) was Iran's response to the letter from Saudi Arabia. **S/2016/786** (14 September 2016) was the letter from Saudi Arabia. **Other S/2016/983** (21 November 2016) was an IAEA report on Iran. **S/2016/808** (22 September 2016) was an IAEA report on Iran. **S/2016/44** (16 January 2016) was the note by the Council president on the tasks related to the implementation of resolution 2231.

## Iran (con't)

launches conducted by Iran in March 2016 as “not consistent with the constructive spirit” of the JCPOA. He also expressed concern about the seizure of an arms shipment reported by the US. The US’ report, which was annexed to the Secretary-General’s report, concluded that the arms had originated in Iran and were bound for Yemen. Moreover, the Secretary-General noted that an entity on the 2231 asset freeze list, the Defence Industries Organisation, had participated in an exhibition in Baghdad and that, according to media reports, a listed individual, Qasem Soleimani, had travelled to other parts of Iraq.

In the period since the July Council briefing, no further ballistic missile launches by Iran have been reported, but new allegations have been made about unauthorised weapons transfers and travel by individuals listed under resolution 2231. In a 14 September letter to the Council president, Saudi Arabia asserted that Iran had supplied weapons and ammunition to the Houthis rebels in Yemen. While Saudi Arabia reported the transfer as a violation of resolution 2216, which imposed an arms embargo on the Houthis and forces loyal to former Yemeni president Ali Abdullah Saleh, it would also contravene resolution 2231. In a 27 September letter, Iran firmly rejected “the pure fabrications and unsubstantiated allegations” made by Saudi Arabia. In a 21 November letter to the Secretary-General and Council president, Israel alleged that Iran’s Quds Force was using commercial flights from Iran to Lebanon to transfer arms and related material to the Shi’a militant group Hezbollah and called on the Council to condemn both Iran and Hezbollah for the violation of its resolutions. The following day, Iran said in a letter to the Council that the letter from Israel contained “a flurry of baseless and unsubstantiated accusations”. In addition, there were reports of Souleimani again violating the travel ban, with a visit to Aleppo in Syria in December.

The IAEA, which is responsible for verification and monitoring of Iran’s nuclear-related commitments under the JCPOA, submitted reports to the Council on 9 September, 9 November and 7 December. In its November report, the IAEA said that Iran’s stockpile of heavy water had reached the agreed maximum limit of 130 metric tonnes on 25 October and that it had expressed concern in this regard to the Iranian authorities on 2

November. On 9 November, Iran informed the IAEA that it planned to transfer five metric tonnes of heavy water out of the country. In a 7 December follow-up report, the IAEA confirmed that 11 metric tonnes of heavy water had been shipped out on 19 November, thus reducing the stockpile to less than 130 tonnes again. According to media reports the destination was Oman.

In the period since the Council’s last briefing, five new requests were submitted through the procurement channel, the mechanism established by the JCPOA to handle requests for advance approval of transfers to Iran of nuclear-related technology, technical assistance, financial services or investments. Such requests are first considered by the procurement working group of the Joint Commission, which then makes a recommendation to the Council. At press time, two of the requests had been approved by the Council, while three were pending. In addition, South Africa submitted a request to the Council on 22 November for approval to export 100 missiles to Iran, as required by paragraph 5 of Annex B of resolution 2231. The Council has yet to respond.

On the political front, the election of Donald Trump as US president on 8 November has raised doubts about the future commitment of the US to the agreement. During his campaign, Trump characterised the JCPOA as a disaster. Although, since the election, Trump has not explicitly called for dismantling it, some of his key cabinet appointees appear to be staunch opponents.

On 15 November, the US House of Representatives voted to extend the Iran Sanctions Act for another year. On 6 December, Iran asserted in a letter to the Secretary-General that the action was a violation of the US commitments under the JCPOA and called on the Secretary-General to write about it in the upcoming report on implementation of resolution 2231. Iran also called for a meeting of the Joint Commission. In a 15 December statement, however, US Secretary of State John Kerry said that the extension of the sanctions act was “entirely consistent” with the JCPOA and said he had informed Iran that existing US sanctions waivers were unaffected by the extension.

### Key Issues

A key issue for the Council is whether any

of the parties to the JCPOA or any other member state has failed to comply with resolution 2231 and, if so, what the appropriate response should be.

A further issue is the uncertainty about the commitment of the US to the JCPOA created by the signals sent so far by the incoming Trump administration.

Another issue is how to respond to the exemption request from South Africa.

### Options

Options for the Council at this stage are limited. The briefing in January does provide, however, an important opportunity for Council members to clearly express their views on the implementation of the JCPOA and send a message to the new US administration about any attempts to undermine the agreement. The briefing also provides an opportunity to assess progress relating to the lifting of sanctions.

### Council and Wider Dynamics

There seem to be some differences between key Council members and Iran in their views of what the Secretary-General should report on. During the preparation of the first report, Iran argued that the Secretary-General should also review the implementation of the commitments in the JCPOA related to the lifting of sanctions, which in the context of resolution 2231 are contained in annex A, as opposed to reporting just on the implementation of annex B, which focuses on the implementation of restrictions on Iran.

The Secretariat decided to resolve this issue by annexing the views expressed by Iran to the report, including assertions that it had not been able to fully benefit from the lifting of sanctions due to deficiencies and non-performance by the EU and the US and rejection of the allegations concerning arms transfers. It seems this led to a strong reaction from the US, which saw inclusion of Iran’s views as going beyond the Secretary-General’s reporting mandate. Perhaps as a result of the US reaction, Feltman emphasised in his briefing to the Council in July that the report focused strictly on the measures in annex B. This is expected to be the case for the Secretary-General’s upcoming report as well.

With regard to the request from South Africa, Council members are divided about how to respond. Some Council members

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## Iran (con't)

have argued that the proposed items do not fall under any of the seven categories established by the UN Register of Conventional

Arms and that no Council approval is therefore necessary. Others take the opposite view, however, and believe the request should be

denied. At press time, it was not clear how this issue might be resolved.

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## Somalia

### Expected Council Action

In January, the Council expects to receive the report of the Secretary-General on the UN Assistance Mission in Somalia (UNSAM) and the AU Mission in Somalia (AMISOM). The Secretary-General's options and recommendations for the UN presence in Somalia in the post-electoral phase requested by resolution 2275 were also expected in January, however, with the electoral process not yet complete, it is unclear when these will be transmitted. The mandate of UNSAM expires on 31 March 2017.

### Key Recent Developments

Somalia's electoral process remains ongoing. The conduct of elections for the upper and lower houses has been widely criticised. Somalia's auditor general, Nur Jimale Farah, said in an interview in late November that vote-buying was a common practice. Farah reported that candidates in some regions, including the port city of Kismayo and the southwestern city of Baidoa, had been prevented from entering election halls, resulting in the other candidate being elected, and that some delegates in the electoral college had been threatened and as a result had abstained from voting. He also noted that cases in which government resources were used for vote buying in the election had also been documented.

On 27 December, Somali officials announced that the presidential election would not be held on 28 December as previously scheduled, but was being delayed for the fourth time until late January.

The security situation remains troubling. On 5 December, Somali security forces clashed with fighters claiming allegiance to the Islamic State militant group, which would reportedly be the first military confrontation with the Islamic State in Somalia. The governor of Bari in Puntland state said that

Puntland security forces had killed seven militants after encountering a landmine laid by the group, which the security forces proceeded to dismantle. All of the militants killed were Somalis.

A surge in attacks by the rebel group Al-Shabaab continues. On 12 December, Al-Shabaab militants briefly seized a strategic town near the Somalia-Kenya border reportedly occupying the administrative headquarters and police station before government forces pushed them back. On 15 December, a bomb blast killed five soldiers and injured a dozen others in Mogadishu, hours after a car bombing at a checkpoint; an Al-Shabaab spokesman claimed responsibility for the attack on the soldiers. On 17 December, Al-Shabaab fighters moved into Somalia's Mahaday district in the Middle Shabelle region, killing two government soldiers before withdrawing, residents and officials said. On 18 December, 12 people were killed, including nine civilians and three Al-Shabaab militants, in clashes near Kismayo in south Somalia, officials said; the militants also reportedly stole 2,000 camels from the local population.

On 5 December, the US designated Al-Shabaab as part of the armed conflict that the US Congress authorised against the perpetrators of the 11 September 2001 terrorist attacks, according to senior American officials. The move was intended to shore up the legal basis for the US' intensifying campaign of airstrikes and other counterterrorism operations carried out in support of AMISOM and Somali government forces.

The AU says it is investigating two recent incidents in which AMISOM troops allegedly killed 11 civilians in Somalia. An AMISOM armoured vehicle reportedly crashed into a house, killing a mother and five children in the southern port of Marka

on 18 December. Earlier that same day, soldiers allegedly fired into a minibus killing six passengers in Qoryooley town in Lower Shabelle state.

On 17 December, AMISOM's Burundi contingent embarked on an operation code-named "Antelope" to open up key supply routes in HirShabelle state. The operation's objective is to open the roads to facilitate humanitarian access, allow the local population to move their crops from farms to markets and facilitate access for the military.

The humanitarian situation is also dire. On 2 December, the UN Humanitarian Coordinator for Somalia, Peter de Clercq, appealed for an urgent scale-up in humanitarian assistance as the country faces severe drought conditions, including food and water shortages. Describing the situation as "extremely worrying" and one that could deteriorate rapidly without a stepped-up response, he added that humanitarian organisations are in urgent need of additional resources to address the situation and help the country cope with other crises. He reported that the 2016 Humanitarian Response Plan had received just 47 percent of the total \$885 million request with only four weeks left in the year.

### Sanctions-Related Developments

On 8 November, Council members were briefed by the outgoing chair of the 751/1907 Somalia and Eritrea Sanctions Committee, Ambassador Rafael Darío Ramírez Carreño (Venezuela), on the final reports of the Somalia and Eritrea Monitoring Group (SEMG). On 10 November, the Council adopted resolution 2317, renewing until 15 November 2017 the partial lifting of the embargo set out in resolution 2142, the humanitarian exemption and the authorisation for maritime interdiction. Concerning the SEMG, the resolution extended its mandate until 15 December 2017.

China had proposed language requesting the SEMG to present a report within 120 days to the Committee on recommendations for lifting

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**UN DOCUMENTS ON SOMALIA** Security Council Resolutions S/RES/2317 (10 November 2016) was on Somalia and Eritrea sanctions with ten votes in favour. S/RES/2316 (9 November 2016) reauthorised Somalia anti-piracy measures. S/RES/2297 (7 July 2016) extended AMISOM's authorisation until 31 May 2017. S/RES/2275 (24 March 2016) extended the mandate of UNSAM. Security Council Presidential Statement S/PRST/2016/13 (19 August 2016) welcomed the meeting of Somalia's National Leadership Forum on the implementation of the 2016 National Electoral Process and regretted the delayed electoral timetable. Selected Sanctions Committee Documents S/2016/920 (7 October 2016) was the report of the Somalia and Eritrea Monitoring Group on Eritrea. S/2016/919 (7 October 2016) was the report of the Somalia and Eritrea Monitoring Group on Somalia.

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## Somalia (con't)

sanctions measures imposed on Eritrea, including benchmarks and a timeframe for lifting the sanctions. (The report of the SEMG had found for the third year in a row that Eritrea was not supporting Al-Shabaab.) However, the proposal was not accepted by the penholder, the UK, in the draft placed under silence on 8 November. Angola, China, Egypt, Russia and Venezuela all broke silence when this proposal was not incorporated into the draft. As a compromise, text was included in the draft in blue expressing the Council's "intention to review measures on Eritrea in light of the upcoming midterm update by the SEMG due by 30 April 2017, and taking into account relevant Security Council resolutions". Some members believed that this compromise had the benefit of not prejudging the review of the sanctions on Eritrea, which in their view was the case with the Chinese proposal. However, Angola, China, Egypt, Russia and Venezuela all abstained, and the resolution was adopted with only ten affirmative votes.

### Key Issues

A key issue is ensuring that Somalia completes the electoral process and proceeds to make progress on state-building issues, including the constitutional review and completion of 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

The most likely option for the Council is to receive the January briefing without taking action.

Another option would be to issue a statement in response to the current situation regarding the electoral process.

A further option would be to consider the forthcoming recommendations of the Secretary-General on the UN's presence in Somalia in the post-electoral phase and pursue action in that regard as necessary.

### Council Dynamics

Council members are united in supporting Somalia's electoral and state-building processes and in their support for AMISOM, as demonstrated by unified messages conveyed during the Council's visit to Somalia in May and the uncontentious adoption of

several recent Council outcomes on Somalia—including its 23 May press statement, 7 July AMISOM reauthorisation and 19 August presidential statement.

On sanctions, the Council is divided among those members who believe it should consider lifting the measures against Eritrea, such as China, Russia and Egypt, 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.

Ethiopia, which has long been engaged militarily in Somalia and is a major troop-contributor to AMISOM, joins the Council in January. It remains to be seen how its presence will affect the Council's discourse on Somalia. Ethiopia is likely to oppose the lifting of sanctions on Eritrea, advocated by some members.

The UK is the penholder on Somalia, and Kazakhstan will be the chair of the 751/1907 Somalia/Eritrea Sanctions Committee for 2017.

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## Cyprus

### Expected Council Action

In January, the Council is expected to renew the mandate of the UN Peacekeeping Force in Cyprus (UNFICYP) for another six months ahead of its 31 January expiry. Elizabeth Spehar, Special Representative and head of mission, is likely to brief on the latest UNFICYP report, which is due by 8 January 2017. In addition, the Special Adviser of the Secretary-General, Espen Barth Eide, is expected to brief on the developments in the negotiations between Greek and Turkish Cypriots.

### Key Recent Developments

During the current round of unification talks, which officially started on 15 May 2015, the Cypriot leaders managed to maintain an overall positive momentum while making noteworthy progress on some of the core issues. Notwithstanding minor setbacks, the

Greek Cypriot leader Nicos Anastasiades and Turkish Cypriot leader Mustafa Akinci have continued to meet regularly during the past 18 months.

When the Council last met on Cyprus in July 2016, it unanimously adopted resolution 2300, which renewed the mandate of the UN mission. In addition to welcoming the progress in the unification talks, the resolution requested the Secretary-General "to intensify transition planning in relation to a settlement, guided by developments in negotiations". In a media stakeout following the July consultations with the Council members, Eide explained that the need for contingency planning did not suggest that the plan itself would be implemented, but rather that it would be due diligence to have a plan. Eide also noted that it was important for Cypriot leaders to use "the current window of opportunity" (referring to an increased momentum

in the negotiating process) to negotiate the settlement because the opportunity would not last forever.

Under the auspices of Special Adviser Eide, the Cypriot leaders held a series of meetings in September and October. According to media reports, the leaders have made progress on the issues of governance and power-sharing. However, there seemed to be no movement on the more divisive issues of territorial adjustments and security guarantees. On 7 November, outgoing Secretary-General Ban Ki-moon accompanied Anastasiades and Akinci at the new round of talks in Mont Pèlerin, Switzerland. On the first day of the talks, Ban told the media that the Cypriot leaders had reached a critical point in negotiations and that both leaders should make use of the positive momentum surrounding the negotiations. Furthermore, he called on guarantor powers Greece, Turkey

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UN DOCUMENTS ON CYPRUS Security Council Resolution S/RES/2300 (26 July 2016) extended UNFICYP's mandate for six months. Security Council Meeting Record S/PV.7746 (26 July 2016) was the vote on resolution 2300. Security Council Press Statement SC/11894 (15 May 2015) welcomed the resumption of the settlement talks.

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## Cyprus (con't)

and the UK, as well as the wider international community, to support the leaders in overcoming the remaining divisions. After five days of negotiations, the leaders concluded the current round of talks, citing significant progress. They also agreed to continue the negotiations later in November.

On 20 November, the Cypriot leaders reconvened for a second round of UN-facilitated talks in Mont Pèlerin. The negotiations collapsed after two days when the Cypriot leaders failed to reach an agreement on territorial adjustments and border demarcation between the two future constituent states in a unified Cyprus. In addition, the leaders reportedly remained divided on the issue of security guarantees. The Greek Cypriot side seems to be in favour of ending the system of security guarantees and withdrawal of all foreign troops from Cyprus. The Turkish Cypriot side apparently holds the view that the system of guarantees should be maintained, at least for a certain period after unification. After the talks in Mont Pèlerin broke down on 21 November, thousands of Greek and Turkish Cypriots held rallies in the buffer zone in the divided city of Nicosia in support of the unification talks.

After attending a dinner hosted by Eide on 1 December, the Cypriot leaders agreed to resume the negotiations with the aim of achieving conclusions on the outstanding issues. The leaders agreed to meet in Geneva from 9 to 11 January 2017 to exchange their proposals on territorial adjustments while a summit-level meeting involving guarantor powers Greece, Turkey and the UK will take place on 12 January, also in Geneva when the issue of security guarantees will be discussed.

On 2 December, Eide travelled to Greece, where he met with Prime Minister Alexis Tsipras and Foreign Minister Nikos Kotzias.

Three days later, Eide met with Turkish Foreign Minister Mevlüt Çavuşoğlu in Ankara. The purpose of both trips was to discuss the issues related to the January conference involving guarantor powers.

### Key Issues

In addition to the UNFICYP mandate renewal, a key issue for the Council will be how to assist in maintaining a positive atmosphere and facilitate progress in the unification talks between the Greek Cypriot and Turkish Cypriot leaders.

Given that the leaders renewed their commitment to continue negotiations and the possibility that they could reach a final agreement at the January meeting in Geneva, an issue for the Council will be to consider reconfiguring the mandate of the UN mission in case the agreement is indeed reached.

### Options

The most likely option is for the Council to renew UNFICYP's mandate for an additional six months in its current configuration.

Considering that UNFICYP's presence in Cyprus has lasted more than 50 years, an option for the Council would be to recognise the current positive atmosphere around the unification talks while adding a sense of urgency to the issue by noting that the ongoing process cannot be open-ended.

Should the current negotiations result in a major breakthrough, the Council could issue a statement welcoming the positive development. Furthermore, the Council could explore ways to adjust the mandate of the UN mission to better facilitate the implementation of the possible agreement.

### Council Dynamics

Cyprus has remained an issue of relatively

low intensity on the Council's agenda, followed closely only by some Council members—mainly France, Russia and the UK. Over the course of the past several years the US seems to have become increasingly more engaged in finding a solution to the Cyprus question as the island continues to gain strategic importance because of its potential hydrocarbon resources and its strategic location vis à vis the ongoing fight against terrorism in the Middle East.

Although all Council members support the ongoing negotiations, divergences exist between some members regarding the conditions and timeframe related to the unification talks. The UK and a number of other Council members seem to share frustration over the longevity of the process. In this context, these members seem to be of the view that it would be beneficial to stimulate the negotiations by putting pressure on both sides to stress that this process cannot be open-ended. On the other hand, Russia has strongly opposed any attempt to speed up the negotiations or pressure both sides to reach a solution because of its view that the negotiations must be Cypriot-led and Cypriot-owned for the results to be effective.

The Council dynamics in 2017 should not change dramatically as a result of the rotation of five non-permanent members. Given the current positive political environment in Cyprus, it seems likely that discussions of the UNFICYP mandate renewal will not be contentious and that the Council will support the ongoing negotiation process on the island. However, should the unification talks result in a final agreement, new dynamics will likely emerge in the Council in relation to different ways of modifying the nature of the UN presence in Cyprus.

# Central African Republic

## Expected Council Action

In January, the Council is expected to renew the sanctions regime imposed on the Central African Republic (CAR) and the mandate of the Panel of Experts assisting the CAR Sanctions Committee.

The mandate of the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) expires on 15 November 2017.

## Key Recent Developments

The security situation in the CAR has continued to deteriorate since the summer. The government of President Faustin-Archange Touadera has limited control outside the capital Bangui, and efforts to convince various armed groups to disarm have not gained traction, with factions of the Muslim-dominated ex-Séléka and Christian anti-Balaka declining to give up their hold of vast territories.

Violence among ex-Séléka factions and between anti-Balaka and ex-Séléka has become widespread and more frequent throughout the country since September 2016. In addition, local self-proclaimed “self-defence” groups have emerged where other rebel groups are inoperative. Such a vacuum was left in the Muslim PK5 neighbourhood in Bangui after the exit of ex-Séléka leadership in August. When one of these “self-defence” groups in PK5 was accused of killing a member of the Central African Armed Forces (known as FACA, based on its French name) on 4 October, retaliations ensued, eventually leaving 11 people dead and 21 wounded.

In another example of the upsurge in violence, fighting over a period of a week between two factions of the ex-Séléka at the end of November 2016 reportedly resulted in 85 civilians killed, 76 wounded and nearly 11,000 displaced from the town of Bria in Haute Kotto prefecture. One of the factions reportedly singled out ethnic Fulani in Bria and carried out house-to-house searches, killing, looting and abducting residents. The armed group also occupied hospital buildings,

preventing wounded Fulani from receiving medical treatment. MINUSCA was able to take control of these facilities eventually. The Secretary-General and his Special Adviser on the Prevention of Genocide, Adama Dieng, expressed their concern over these incidents.

Frustration regarding the security situation has resulted in some of the population’s growing resentment of MINUSCA and calls to lift the arms embargo on FACA. On 24 October 2016, an anti-government and anti-MINUSCA protest turned violent, resulting in the death of four civilians and leaving 14 injured, including 5 peacekeepers.

On 8 November 2016, Deputy Secretary-General Jan Eliasson briefed Council members under “any other business” on his visit earlier that month to the CAR. He noted that the security situation remains fragile and that armed groups continue to destabilise the authority of the state. In addition, human rights violations have soared with the increase in violence.

Ahead of a 17 November 2016 donors’ conference in Brussels, the Council adopted a presidential statement on 16 November, strongly encouraging contributions to support stabilisation and development in the CAR. The Council also expressed its deep concern about the continued fragility in the CAR and strongly condemned the recent upsurge in violence and instability. It further recognised that the continued presence of armed groups represents the country’s most immediate impediment to stability and recovery. During the conference, pledges of \$2.28 billion were made for security and reconciliation and to promote development, economic recovery and humanitarian assistance.

The fragile situation in the CAR was also discussed by the Secretary-General’s Acting Special Representative and head of the UN Regional Office for Central Africa (UNOCA), François Lounceny Fall, during his briefing on the latest UNOCA report on 7 December 2016. He noted that the eruption of fighting demonstrated the threat that the continued

presence of armed groups in the country posed to the entire subregion.

On 5 December 2016, Spokesperson for the Secretary-General Stéphane Dujarric told the media that an investigation by the UN Office of Internal Oversight Services (OIOS) into alleged acts of sexual abuse and exploitation by MINUSCA contingents had led to the identification of 25 peacekeepers from Burundi and 16 from Gabon as alleged perpetrators of such acts against 45 victims. Dujarric added that it was up to Burundi and Gabon to further investigate the soldiers. At the same time, Reuters reported that a draft memo, written by the UN Department of Field Support’s Conduct and Discipline Unit, cited information from the OIOS inquiry and suggested that some accusations against peacekeepers followed specific patterns and appeared to be motivated by financial gain.

## Sanctions-Related Developments

On 2 December 2016, the Panel of Experts briefed the CAR Sanctions Committee on its final report. In addition to documenting the actions of rebel groups, the report notes that targeted sanctions against individuals and entities listed by the Committee, while having an important signalling effect, have been poorly implemented. The Panel also highlighted the continued prevalence of arms-smuggling, focusing on two arms-trafficking routes through the Democratic Republic of the Congo in the southeast and on the Chadian border in the north.

## Human Rights-Related Developments

On 16 November, the independent expert on human rights in the CAR Marie-Thérèse Keita-Bocoum said in a statement the justice system in the country must be urgently strengthened if the country is to achieve lasting peace, with truth and reconciliation being critical. The statement commended institutional progress made in the last few months, such as the ratification of seven human rights treaties, but said the persistence of human rights violations and outbreaks of violence since September show how critical it is to support the efforts of the population and government in the field of human rights and development.

**UN DOCUMENTS ON THE CAR Security Council Resolutions S/RES/2301** (26 July 2016) renewed the mandate of MINUSCA until 15 November 2017. **S/RES/2262** (27 January 2016) renewed the CAR sanctions regime until 31 January 2017 and the mandate of the Panel of Experts until 28 February 2017. **Security Council Presidential Statement S/PRST/2016/17** (16 November 2016) encouraged contributions at the international donors’ conference in Brussels on 17 November to support stabilisation and development in the CAR and also condemned attacks against MINUSCA-escorted convoys and attacks against civilians. **Secretary-General’s Report S/2016/824** (29 September 2016) was on MINUSCA. **Security Council Meeting Record S/PV.7787** (10 October 2016) was a briefing on the situation in the CAR. **Sanctions Committee Documents SC/12619** (12 December 2016) was a CAR Sanctions Committee press release on the Committee meeting during which they received the Panel of Experts’ final report. **S/2016/1032** (5 December 2016) was the final report of the Panel of Experts of the 2127 CAR Sanctions Committee.

**OTHER RELEVANT FACTS Special Representative of the Secretary-General** Parfait Onanga-Anyanga (Gabon) MINUSCA Force Commander Lieutenant General Balla Keita (Senegal) **MINUSCA Size, Composition and Cost of Mission** *Strength as of 31 August 2016:* 10,245 troops (including 148 military observers and 1,759 police), 760 international civilian personnel, 242 local civilian staff and 154 UN volunteers. *Approved budget (1 July 2016–30 June 2017):* \$920 million *Mission duration:* April 2014 to present

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## Central African Republic (con't)

### Key Issues

The immediate task for the Council is to renew the sanctions regime and the mandate of the Panel of Experts assisting the Sanctions Committee.

Permanently disarming and reintegrating the anti-Balaka and ex-Séléka fighters remains an urgent issue.

With Touadéra and his government in place and with the pledges made at the Brussels conference, progress in establishing state authority and rebuilding the country are key for stabilisation efforts.

### Options

The Council could:

- renew the sanctions regime and the mandate of the Panel of Experts as is; or

- modify the arms embargo to ease restrictions on FACA; and
- act through the Sanctions Committee to impose further sanctions on individuals and entities.

### Council and Wider Dynamics

Although there was hope in the Council that the end of the transition period and the installation of the newly elected government would provide momentum to address some of the fundamental issues facing the country, it is clear to Council members that the momentum on the ground has dissipated and that as long as state authority is not established and rebel groups remain in control of large areas, sustainable progress will be impossible to achieve. Though not a

top priority issue for the Council, and while some Council members are concerned over financial implications, there seems to be a consensus among Council members that achieving security and stabilising the CAR will necessitate a long-term engagement from the Council and MINUSCA.

Regarding the sanctions regime, there seems to be little appetite among Council members to lift or ease the arms embargo on FACA at the moment, given that little progress has been made with respect to security sector reform.

France is the penholder on the CAR, and Ukraine is the chair of the Sanctions Committee.

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## South Sudan

### Expected Council Action

In January, the Council will closely follow the situation in South Sudan. There is likely to be a meeting to consider the Secretary-General's 30-day assessment of the UN Mission in South Sudan (UNMISS), including the deployment and future requirements of the Regional Protection Force (RPF), obstacles to setting up the force and impediments to UNMISS in carrying out its mandate. Given the gravity of the situation, other meetings could be scheduled on South Sudan during the month depending on developments in the country.

The UNMISS mandate expires on 15 December 2017.

### Key Recent Developments

The security and humanitarian environment in South Sudan continues to deteriorate amidst a faltering political process. Fighting in the Equatoria region, in Western Bahr el-Ghazal state and in Unity state between government and opposition forces has deepened the security crisis, with reports of rape, looting, and destruction of property by armed actors. There are now more than

1.87 million internally displaced people in South Sudan, while 1.15 million refugees have fled to neighbouring countries since the start of the civil war in December 2013. OCHA has estimated that 4.8 million people, more than one-third of the population, were confronted with food insecurity in 2016. Hunger could get worse in 2017, in large part because of persistent fighting and a weak economy.

Violations of the Status of Forces Agreement have continued in various parts of South Sudan, while impediments to humanitarian access have gotten worse. The government continues to demand that UNMISS notify it in writing prior to the movement of mission personnel, and UNMISS staff face harassment.

On 30 November 2016, the Council received a letter from Martin Elia Lomuro, South Sudan's Minister of Cabinet Affairs, indicating that the government had agreed to accept the RPF, which is mandated to include 4,000 troops intended, among other things, to facilitate safe and free movement in and around Juba, protect the Juba airport and other key infrastructure and protect UN staff,

humanitarian actors and civilians. Since then, South Sudan has challenged any distinct and exclusive right of UNMISS to protect the Juba airport, other than the mission's own facilities there. The RPF, originally mandated through resolution 2304 in August 2016, has yet to be deployed, although Ethiopia and Rwanda have agreed to commit infantry battalions to the force.

Kenya, which has originally pledged to participate in the Force, rescinded its offer on 2 November 2016 and decided to withdraw its more than 1,000 troops already in South Sudan, following the dismissal of the UNMISS Force Commander, a Kenyan national. The Force Commander was relieved of his duties after the findings of the independent special investigation regarding the violence in Juba in July, publicly released on 1 November, strongly criticised his performance.

On 19 December 2016, President Salva Kiir issued a presidential decree authorising a South Sudan national dialogue process. Kiir had outlined his plans for the national dialogue in an address to the national legislative assembly on 14 December, during

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**UN DOCUMENTS ON SOUTH SUDAN** Security Council Resolutions S/RES/2327 (16 December 2016) extended the mandate of UNMISS for one year and reauthorised the Regional Protection Force. S/RES/2326 (15 December 2016) was a one-day technical rollover of the UNMISS mandate. S/RES/2304 (12 August 2016) authorised the Regional Protection Force. S/RES/2302 (29 July 2016) was a technical rollover, renewing the UNMISS mandate until 12 August 2016. Secretary General's Report S/2016/951 (10 November 2016) was an UNMISS report. Other S/2016/1085 (20 December 2016) was the draft resolution on an arms embargo and targeted sanctions that failed to receive the necessary support to be adopted. It received seven affirmative votes (France, New Zealand, Spain, Ukraine, Uruguay, the UK and the US) and eight abstentions (Angola, China, Egypt, Japan, Malaysia, Russia, Senegal, and Venezuela). S/2016/924 (1 November 2016) was the executive summary of the report of the special independent investigation into the July 2016 violence in Juba.

## South Sudan (con't)

which he said that the objectives of the dialogue would be “to end violent conflicts in South Sudan, reconstitute national consensus, ... save the country from disintegration and usher in a new era of peace, stability and prosperity”. Kiir envisions that the dialogue would include local-level consultations, followed by regional peace conferences and, lastly, a national conference in Juba. Opposition leader Riek Machar has criticised plans for the national dialogue, reportedly saying that negotiations to end the civil war must take place first.

The Inter-governmental Authority on Development (IGAD) issued a communiqué on South Sudan at its summit in Addis Ababa on 9 December. The communiqué underscored that “an arms embargo or sanctions on South Sudan will not provide the solution being sought for permanent peace and stability in the country” and stressed the need for all parties in South Sudan to engage in dialogue and reconciliation to implement the August 2015 peace agreement.

On 16 December 2016, following a one-day technical roll-over resolution, the Security Council adopted resolution 2327, which reauthorised the mandate of UNMISS, including the Regional Protection Force. The resolution maintains the core-elements of the mandate—the “protection of civilians”, “monitoring and investigating human rights”, “creating the conditions conducive to the delivery of humanitarian assistance” and “supporting the implementation of the [August 2015] Agreement”. It further calls for “appropriate measures” in case of impediments to making the RPF operational or obstructions to UNMISS in fulfilling its mandate as a result of the actions of the government and “all other parties to the conflict in South Sudan”.

Secretary-General Ban Ki-moon and Under-Secretary-General for Humanitarian Affairs Stephen O'Brien briefed the Council on South Sudan on 19 December 2016, after which members discussed the issue in consultations. Ban said that the responsibility for the crisis in South Sudan lies with the country's leaders, who “have betrayed the public trust”. Calling genocide a process, Ban warned “that process is about to begin unless immediate action is taken”, given the ethnic nature of the fighting. He reiterated his call for an arms embargo on South Sudan and emphasised

that the “parties must reinvigorate an inclusive political process that is deemed credible by the people of South Sudan and the international community”. O'Brien underscored that the humanitarian situation in the country had significantly deteriorated and that it would “cascade beyond...control” if there was no political solution to the conflict.

On 23 December 2016, the Council voted on a draft resolution to impose an arms embargo on South Sudan and targeted sanctions (assets freezes and travel bans) on three key government and opposition figures—Paul Malong, Chief of Staff of the Sudan People's Liberation Army (SPLA) (i.e. the government's army); Michael Makuei Lueth, South Sudan's Minister of Information; and opposition leader Riek Machar. The US had originally intended to put this draft to a vote in late November, but the draft was not tabled because of concerns that it would not receive the nine votes needed for adoption. When the vote finally took place, positions had not changed. The draft resolution failed to be adopted, receiving seven affirmative votes (France, New Zealand, Spain, Ukraine, Uruguay, the UK and the US) and eight abstentions (Angola, China, Egypt, Japan, Malaysia, Russia, Senegal and Venezuela).

On 9 December, the Security Council approved the Secretary-General's appointment of David Shearer of New Zealand as Special Representative for South Sudan and head of UNMISS. Shearer is expected to take up his post in January.

### Human Rights-Related Developments

On 2 December 2016, the Commission on Human Rights in South Sudan, established by the Human Rights Council (HRC) on 23 March for one year, released a statement after a 10-day visit to the country, saying “sexual violence has reached epic proportions in the conflict in South Sudan and requires the urgent attention of the world.... The scale of gang rape of civilian women as well as the horrendous nature of the rapes by armed men belonging to all groups is utterly repugnant”. According to the statement, a UN survey found 70 percent of women in Juba had suffered sexual assault since December 2013. The pattern of sexual violence is targeting women all over the country, with rape being used with absolute impunity as one of the tools for ethnic cleansing, it said. The Commission intends to call for the establishment of a special investigative team to go to South Sudan to collect evidence of the rapes so as to form the basis of prosecutions in the future, the statement said.

On 14 December 2016, the HRC held a special session on South Sudan at the request of the US, which was supported by 40 countries. High Commissioner for Human Rights Zeid Ra'ad Al Hussein, one of the briefers, said: “The highest priority must urgently be given to protection for those most at risk from killings, sexual violence and other serious human rights violations. It is time for all national and regional actors to advocate decisively for a political process that was both inclusive and implemented on the ground”. Chairperson of the Commission Yasmin Sooka, Chairperson of the Coordination Committee of Special Procedures Yanghee Lee and Special Adviser on the Prevention of Genocide Adama Dieng also briefed. A resolution was adopted, without a vote, that condemned the ongoing violations and abuses of human rights and violations of international humanitarian law in South Sudan, including those involving alleged targeted killings, ethnically targeted violence, rape and other forms of sexual and gender-based violence, the widespread recruitment and use of children, arbitrary arrests and detention, alleged torture, arbitrary denial of humanitarian access and attacks on schools, places of worship, hospitals and UN and associated peacekeeping personnel, by all parties (A/HRC/S-26/L.1). It also reaffirmed the mandate of the Commission, with renewed emphasis on the need to establish the facts and circumstances of alleged violations and abuses of human rights with a view to ensuring accountability; requested the Commission to suggest priority recommendations for the government on how to end sexual and gender-based violence and urged the government to appoint a Special Representative on sexual and gender-based violence. The resolution requested submission of the Commission's reports to the Security Council, General Assembly, and AU. The Commission will present its report to the HRC in March 2017.

### Key Issues

The underlying key issue for the Council is what role it can play in developing a new political framework to bring peace to South Sudan and in supporting those aspects of the August 2015 peace agreement that can be salvaged. In the shorter term, the Council will need to determine how it can help prevent the inter-ethnic conflict in South Sudan from descending into full-blown genocide, given the warning signs that this is a possibility.

Another key issue for the Council is the government's continuing obstructions to the operations of UNMISS and humanitarian actors, as well as whether it will make good on its commitment to cooperate with the RPF.

A further issue is the fact that the RPF, which was originally authorised for an initial four month period ending on 15 December

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## South Sudan (con't)

2016, had to be reauthorised through resolution 2327, even though it has yet to be deployed and still may not be deployed in the near term future.

### Options

One option is for the Council to meet with key AU, IGAD and UN officials to develop a concrete strategy for reinvigorating the peace process. The strategy could build on elements of the August 2015 peace agreement that are still workable, but would need to create a coherent plan for the way forward.

A further option is for the Council to adopt a statement encouraging member states to provide operational support for the mediation efforts of the AU High Representative for South Sudan, Alpha Konaré, given indications that resource constraints have hindered his work.

The Council could also consider holding

a briefing on ways to combat hate speech and incitement to ethnic violence in South Sudan, inviting the participation of the High Commissioner for Human Rights, international NGOs with a presence in South Sudan and key South Sudanese religious figures, among others.

### Council Dynamics

There is a widespread recognition that the political process needs to be revitalised to bring peace to South Sudan. However, sharp divisions about how to interpret the situation in the country and on the way forward continue to hinder the Council's engagement. These divisions were manifested by the failure of the Council to adopt a draft resolution on an arms embargo and targeted sanctions on 23 December, with only seven Council members (France, New Zealand, Spain, Ukraine, Uruguay, the UK and the US) supporting the

draft and the rest of the members abstaining.

Views assessing the government's level of cooperation with UNMISS and its commitment to peace vary. Some members, including China and Russia, have pointed to the government's statement committing to the deployment of the RPF without conditions and the announcement of the national dialogue as signs that the government is acting in good faith. Others, including the P3 and some elected members, are very critical of the government, noting that its deeds have not matched its words, that the situation is deteriorating and that the violence is spiralling out of control.

The US is the penholder on South Sudan while Senegal chairs the South Sudan Sanctions Committee.

## Notable Dates for January

REPORT DUE	REPORTS FOR CONSIDERATION IN JANUARY	REQUESTING DOCUMENT
28 November	OPCW report on the implementation of resolution 2118 (Syria chemical weapons) S/2016/998	S/RES/2118
5 December	Final report of the Panel of Experts of the 2127 CAR Sanctions Committee (S/2016/1032)	S/RES/2262
19 December	SG report on UNOWAS (West Africa/Sahel) S/2016/1072	S/2016/88 S/2016/89
27 December	SG report on UNAMID (Darfur)	S/RES/2296
29 December	SG report on MINUSMA (Mali)	S/RES/2295
30 December	SG report on MONUSCO (DRC)	S/RES/2277
30 December	Mid-term report of the Group of Experts of the 1533 DRC Sanctions Committee	S/RES/2293
6 January	SG report on Somalia (UNSOM & AMISOM)	S/RES/2275 S/RES/2297
6 January	SG report on UNFICYP (Cyprus)	S/RES/2300
12 January	SG report on implementation of resolution 2231 (Iran)	S/RES/2231
18 January	SG report on the humanitarian situation in Syria	S/RES/2139

EXPIRY	MANDATE	RELEVANT DOCUMENT
31 January	CAR sanctions and the mandate of the Panel of Experts to the 2127 CAR Sanctions Committee (Panel of Experts mandate expires in February but will likely be renewed in January)	S/RES/2262
31 January	UNFICYP (Cyprus)	S/RES/2300

### Security Council Report Staff

**Ian Martin**  
Executive Director

**Joanna Weschler**  
Deputy Executive Director

**Shamala Kandiah Thompson**  
Associate Director

**Amanda Roberts**  
Associate Director

**Astrid Forberg Ryan**  
Senior Policy Analyst

**Paul Romita**  
Senior Policy Analyst

**Victor Casanova Abos**  
Policy Analyst

**Dahlia Morched**  
Policy Analyst

**Vladimir Sesar**  
Policy Analyst

**Eran Stoeher**  
Policy Analyst

**Benjamin Villanti**  
Policy Analyst

**Robbin VanNewkirk**  
Website Manager

**Lindiwe Knutson**  
Research Analyst

**Audrey Waysse**  
Operations Manager

**Martiza Tenerelli**  
Administrative Assistant

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Design Point Five, NY

**Security Council Report**  
One Dag Hammarskjöld Plaza  
885 2nd Ave at 48th St, 21st Floor  
New York NY 10017

**Telephone** +1 212 759 6394  
**Fax** +1 212 759 4038  
**Web** securitycouncilreport.org  
whatsinblue.org



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