

# Monthly Forecast

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## Overview

During its presidency in August, the UK plans two discretionary events, both anticipated in the last week of the month and likely to be presided over at ministerial level. One of these events will be an open debate on “[Mediation and Settlement of Disputes](#)”, with Secretary-General António Guterres and a member of his High-Level Advisory Board on Mediation expected to brief. There may also be a female civil society briefer. Furthermore, the UK has scheduled a public meeting on the situation in [Myanmar](#), one year after the 25 August 2017 attacks by the Arakan Rohingya Salvation Army on security posts and the violent reaction by the Myanmar military forces that led to a massive exodus to Bangladesh. Here, too, Guterres is expected to brief.

There will be several meetings on the Middle East in August:

- a briefing on [Yemen](#) by the Special Envoy for Yemen, Martin Griffiths, and by OCHA Director of Operations John Ging, with a civil society briefer also possible;
- two briefings on [Syria](#): one on chemical weapons, in consultations, and another on humanitarian events, in public, to be followed by consultations;
- a briefing on [Iraq](#) by Special Representative and head of UNAMI Ján Kubiš and possibly a civil society briefer;
- a briefing in consultations on [Lebanon](#) on UNIFIL, by an official from the Department of Peacekeeping Operations; and
- the monthly briefing and consultations on [Israel/Palestine](#) issues.

The head of the UN Office of [Counter-Terrorism](#), Under-Secretary-General Vladimir Voronkov, and the Executive Director of the Counter-Terrorism Committee Executive Directorate, Michèle Coninsx, will brief the Security Council on the Secretary-General’s strategic-level report on the threat posed by ISIL (Da’esh), followed by consultations.

The chair of the 1718 [Democratic People’s Republic of Korea Sanctions](#) Committee,

Ambassador Karel van Oosterom (Netherlands), is expected to provide Council members with his regular 90-day briefing on the work of the committee.

Several meetings focused on Africa are possible:

- a briefing on [Burundi](#) by the Secretary-General’s Special Envoy, Michel Kafando, with the chair of the Burundi configuration of the Peacebuilding Commission, Ambassador Jürg Lauber (Switzerland), also likely to brief;
- various aspects of the situation in [Guinea-Bissau](#), with Special Representative and head of UNIOGBIS José Viegas Filho, the chair of the 2048 Guinea-Bissau Sanctions Committee, Ambassador Anatolio Ndong Mba (Equatorial Guinea), and the chair of the Guinea-Bissau configuration of the Peacebuilding Commission, Ambassador Anatolio Ndong Mba (Equatorial Guinea), expected to participate as briefers;
- the Secretary-General’s Personal Envoy for [Western Sahara](#), Horst Köhler, will likely brief in consultations on his most recent activities; and
- though at press time no meetings on the [Democratic Republic of the Congo](#) and [South Sudan](#) were planned, Council members will follow developments in these countries closely and meetings may be scheduled.

The mandate of [UNIFIL](#) is due to be renewed in August. Also in August, the Council is expected to consider the renewal of the measures adopted through resolution 2374 in September 2017, which established a targeted sanctions regime on [Mali](#), and the mandate of the panel of experts. The measures—travel ban and assets freeze—are aimed at individuals and entities engaged in actions or policies that threaten the peace, security or stability of Mali. So far no designations have been made by the 2374 Mali Sanctions Committee.

**30 July 2018**  
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## In Hindsight: The Security Council and the International Criminal Court

July marked the 20th anniversary of the signing of the Rome Statute establishing the International Criminal Court (ICC). The statute established the ICC's jurisdiction over genocide, crimes against humanity and war crimes. 17 July also marked the activation of the court's jurisdiction over the crime of aggression, as decided by the 16th session of the ICC Assembly of States Parties held between 4 and 14 December 2017.

At the culmination of the Kampala Review Conference of the Rome Statute in June 2010, the Assembly of States Parties adopted resolution RC/Res.6 amending the statute, defining the crime of aggression for the purposes of the statute. The crime of aggression was defined as planning or participating in certain forms of use of force (for example, military invasion, occupation or annexation) by a state against the sovereignty, territorial integrity or political independence of another state.

Perhaps the most contentious and politically sensitive issue in the negotiations over the amendment to the Rome Statute was the role that Security Council action might play with respect to how the court would approach crimes of aggression. And, while France and the UK are the only permanent Council members that are also states parties to the ICC statute, China, Russia and the US all sent delegations to participate in unofficial talks that took place at the margins of the conference. It was agreed, on the one hand, that the court may exercise jurisdiction over the crime of aggression without a Council referral, while, on the other, a prior determination of the Council that an act of aggression had occurred should not prejudice the findings of the court, even in the case of a Council referral.

One final concession was made to obtain the agreement of the permanent members (P5), namely that where a state party has declared that it does not accept the court's jurisdiction over the crime of aggression, the court can exercise this particular jurisdiction in respect of that state party only where there has been a referral by the Security Council. During its 16th session, the assembly further decided that the court does not have jurisdiction in respect of the territory or nationals of any state that has not accepted the amendments resolution (i.e. has not positively deposited an instrument of ratification or acceptance of the amendments with the

Secretary-General) for the crime of aggression unless there is a UN Security Council referral. This was the position advocated by the majority of state parties, including some traditionally known for their support of the jurisdiction of the court, such as Canada, France, Japan, Norway and the UK.

The Rome Statute gives the Security Council a unique jurisdictional role. Article 13(b) of the statute grants the Council the power, acting under Chapter VII of the UN Charter, to refer to the ICC situations in which crimes under the jurisdiction of the court have taken place. Article 16 of the statute, on the other hand, allows the Council to defer an investigation or prosecution for one year through a Chapter VII resolution, for reasons relating to the maintenance of international peace and security.

The role of the Council vis-à-vis the ICC and the complexities of implementing its referrals have been widely debated among Council members. Among the areas of controversy has been the failure to refer some situations in which mass crimes were allegedly committed. The Council has also been relatively indifferent towards states' non-cooperation with the ICC on existing referrals, refraining from taking action on the 13 decisions of the court regarding the non-compliance of UN member states. Among the 2018 Council members, eight—Bolivia, Côte d'Ivoire, France, the Netherlands, Peru, Poland, Sweden and the UK—are parties to the Rome Statute.

So far, the Council has referred only two situations to the court under Article 13(b): the situations in Darfur, in resolution 1593 (2005), and in Libya, in resolution 1970 (2011). These resolutions placed the financial burden of the investigations exclusively on the ICC and excluded from ICC jurisdiction foreign nationals operating under Council authorisation. While imposing an obligation on parties to the conflict to cooperate fully with the ICC, the resolutions merely urged states other than Sudan and Libya to cooperate with the ICC, noting that they were under no obligation to do so.

In the most recent attempt by the Council to activate the court's jurisdiction, China and Russia vetoed a resolution referring the situation in Syria to the ICC on 22 May 2014. Currently, a group of NGOs have begun to push for the Council to adopt a

resolution referring Myanmar to the ICC. While some members are supportive of this idea, it is understood to be a non-starter for China at present.

Council decisions over the years have included some statements in support of the ICC in both thematic and country-specific resolutions. For example, the Council called on Côte d'Ivoire to cooperate with the court in resolution 2045 (2012). In resolution 2106 (2013) on women, peace and security, it acknowledged that the court has strengthened the fight against impunity for the most serious crimes committed against women and girls.

This trend has shifted in the last few years, as non-states parties among both permanent and elected Council members have pushed to limit ICC-related language in Council decisions or to eliminate it completely, as seen most recently in the negotiations over resolution 2423 of 28 June concerning the renewal of the mandate of the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), and the adoption of resolution 2427 of 9 July on children in armed conflict.

African countries, including ICC state parties, have also been critical of the ICC over the years. The AU has taken the position that the ICC is overly focused on African situations and should not prosecute incumbent heads of state, which has resulted in several African Council members adopting a more negative position towards the court. Negative attitudes towards the ICC became particularly evident when a deferral of the Kenya situation came to the fore on 15 November 2013.

In 2010, the ICC prosecutor initiated an investigation into the grave violence that followed the disputed 27 December 2007 elections in Kenya, a state party to the Statute. On 8 March 2011, six high-profile individuals, including then recently inaugurated President Uhuru Kenyatta and Deputy President William Samoei Ruto, were issued summonses by the ICC for the alleged commission of crimes against humanity. Kenya then urged the Council to assert its power to defer its case from the ICC but was told firmly by Council members that they would not act to defer.

However, following a 21 September 2013 terrorist attack in Nairobi that left 67 people dead and more than 200 injured, the AU and the vast majority of its members renewed their

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efforts to defer the cases against Kenyatta and Ruto, reasoning that this action was required for the maintenance of international peace and security. This renewed effort highlighted the claim by some countries that the ICC is overly focused on Africa, even serving as a new form of Western colonialism over the continent. The draft resolution to defer ICC action received only seven votes in favour (Azerbaijan, China, Morocco, Pakistan, Russia, Rwanda and Togo) and eight abstentions (Argentina, Australia, France, Guatemala, Luxembourg, Republic of Korea, UK and the US) and thus failed to be adopted (S/PV.7060). It reflected African willingness to push the issue, however, and to force Council members to choose sides, while also demonstrating that no Council member was willing to cast a negative vote on an issue of major significance for African states. The charges against both Kenyatta and Ruto were later dropped by the court on evidentiary grounds.

The anti-ICC stance has led Burundi, the Gambia and South Africa to announce their withdrawal from the Rome Statute, although only Burundi has followed through on this announcement. African states continue to oppose the court's jurisdiction over some incumbent high-ranking officials, including heads of state. Over the years, several African state parties to the ICC statute have refused to extradite Sudanese President Omar al-Bashir, for whom there is a pending ICC arrest warrant. In the most recent case, the ICC found on 11 December 2017 that Jordan was in contempt, having failed to execute the court's request for al-Bashir's arrest while

he was attending the League of Arab States summit in Jordan. Jordan's appeal against this decision is pending.

During its 30th ordinary summit, the Assembly of the AU requested on 29 January that its members in New York immediately place on the General Assembly's agenda a request to seek an advisory opinion from the International Court of Justice on the question of the obligations of ICC state parties with respect to the immunities of senior officials. Acting on behalf of the African states, Kenya has recently proposed to add to the General Assembly agenda an item titled "Request for an Advisory Opinion from the International Court of Justice on the consequences of the legal obligations of States under different sources of international law with respect to immunities of Heads of State and Government and other Senior Officials", a proposal still pending at press time.

To date, the Council has only once formally discussed its relationship with the ICC. On the initiative of Guatemala, the Council held an open debate with this focus on 17 October 2012 (S/PV.6849).

On 6 July, Council members that are also parties to the Rome Statute hosted an Arria-formula meeting to discuss the relationship between the Security Council and the ICC. The briefers were Assistant Secretary-General for Legal Affairs Stephen Mathias; Judge O-Gon Kwon, president of the Assembly of States Parties; ICC Prosecutor Fatou Bensouda; Toussaint Muntazini Mukimapa, special prosecutor of the Special Criminal Court of the Central African Republic; and

Ambassador Issa Konfourou, permanent representative of Mali to the UN. Due to the current climate in the Council regarding the ICC, the organisers decided to hold an Arria-formula meeting rather than seeking agreement to a formal Council meeting.

The meeting, titled "UNSC-ICC Relations: Achievements, Challenges and Synergies", was seen as an opportunity for briefers and participants to speak about ways of improving the relationship but also to highlight positive aspects of the existing cooperation between the two institutions. Bensouda made several suggestions for improving the relationship between the two bodies, including concrete follow-up mechanisms for non-compliance. France raised the possibility of inviting states found to be in non-compliance to meet with the Council. Russia, for its part, said that the ICC has failed to deliver and make progress on the situations referred to it by the Council. It added that as investigations into these referrals are stagnant, there is no need for the prosecutor to brief the Council on them twice a year, as is current practice. The US did not attend the meeting.

The fact that the prospect of a formal Council meeting focused on its relationship with the ICC is out of the question for several Council members, the views members expressed at the 6 July Arria-formula meeting and the fact that some did not attend all reflect the deep divide among Council members—and the wider UN membership—regarding the importance of the ICC, its performance, and its proper role in the maintenance of international peace and security.

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## Status Update since our July Forecast

### Afghanistan

On 2 July, Council members issued a press statement condemning "in the strongest terms the heinous and cowardly terrorist attack that took place in Jalalabad, Afghanistan, on 1 July" (SC/13408). On 23 July, the Council adopted a presidential statement on the electoral process in Afghanistan (S/PRST/2018/15), following the conclusion of the voter registration process on 18 July for this year's parliamentary and district council elections and for the 2019 presidential elections (S/PV.8315).

### Children and Armed Conflict

On 9 July, the Council held a high-level open debate on children and armed conflict with the theme "Protecting Children Today Prevents Conflict Tomorrow", chaired by Swedish Prime Minister Stefan Löfven (S/PV.8305). Prior to the debate Sweden circulated a concept note framing the debate around three main topics and posing several questions to the participants (S/2018/625). Special Representative for Children and Armed Conflict Virginia Gamba presented the latest annual

report by the Secretary-General on children and armed conflict (S/2018/465). The executive director of UNICEF, Henrietta Fore, and Yenny Londoño, a civil society representative from Colombia, addressed the Council as well. At the outset of the debate, the Council adopted unanimously resolution 2427. The resolution, which was co-sponsored by 95 member states, provides a framework for mainstreaming protection, rights, well-being and empowerment of children throughout the conflict cycle, as well as in sustaining

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peace efforts. The Working Group on Children and Armed Conflict met on 5 July for the introduction of the report on children and armed conflict in the Democratic Republic of the Congo (S/2018/502). UNICEF presented the global horizontal note on the fourth quarter of 2017. In addition, Gamba briefed on her recent visit to Myanmar. The Working Group also met on 24 July to negotiate its conclusions on the DRC.

### Women, Peace and Security in the Sahel

On 10 July, under the agenda item “Peace and security in Africa”, the Council held a briefing on “Women, Peace and Security in the Sahel region”, chaired by Swedish Foreign Minister Margot Wallström (S/PV.8306). UN Deputy Secretary-General Amina Mohammed and AU Special Envoy on Women, Peace and Security Bineta Diop briefed. Wallström had joined the Chad and Niger legs of a joint UN-AU trip that focused on peace, security and development issues, with women’s participation at their centre, led by Mohammed and Diop. During the meeting, Mohammed and Diop shared information and impressions with regard to women’s leadership in the prevention of conflicts and their inclusion in processes addressing environmental, humanitarian and development challenges. All Council members participated in the discussion that followed the briefing.

### Eritrea and Ethiopia

On 10 July, Council members issued a press statement commending the signing of the Joint Declaration of Peace and Friendship on 9 July by the President of Eritrea, Isaias Afwerki, and the Prime Minister of Ethiopia, Dr. Abiy Ahmed and welcoming “the commitment by both parties to resume diplomatic ties and open a new chapter of cooperation and partnership” (SC/13416).

### Climate and Security

On 11 July, the Security Council held a debate on climate-related security risks (S/PV.8307). The debate, chaired by the Minister of Foreign Affairs of Sweden, Margot Wallström, was held under the agenda item “Maintenance of international peace and security” with a focus on “Understanding and addressing climate-related security risks”. Deputy Secretary-General Amina

Mohammed; the Minister of Water Resources of Iraq, Hassan Janabi; and Hindou Ibrahim of the International Indigenous Peoples’ Forum on Climate Change, gave briefings.

### Haiti

On 12 July, Council members released a press statement that condemned the recent violence in Haiti which resulted in several deaths (SC/13419). They called on all parties to exercise restraint and stressed the importance of respecting the rule of law and democratic order.

### Terrorism

On 12 July, Council members issued a press statement condemning, in the strongest terms, the terrorist attack in Mastung, Pakistan on 13 July, which resulted in more than 128 people killed and 200 people injured (SC/13424).

### Central African Republic

On 13 July, the Council adopted a presidential statement (S/PRST/2018/14) expressing its concern over the continuing violence perpetrated by armed groups in the CAR and reaffirming its support to the African Initiative for Peace and Reconciliation in the CAR (S/PV.8309). The 2127 CAR Sanctions Committee met on 13 July to discuss the midterm report of the Panel of Experts assisting the Committee (S/2018/729).

### Sudan (Darfur)

On 13 July, the Council unanimously adopted resolution 2429, extending until 30 June 2019 the mandate of UNAMID (S/PV.8311). The resolution decided to reduce, over the course of the mandate renewal period, the troop ceiling to 4,050 personnel and authorised the deployment of the necessary police force, not exceeding 2,500 personnel. It requested the Secretary-General and the Chairperson of the African Commission to conduct a strategic review of UNAMID by 1 May 2019.

### Libya

On 16 July, the Council was briefed by Special Representative and head of UNSMIL Ghassan Salamé via video teleconference and by the chair of the 1970 Libya Sanctions Committee, Ambassador Olof Skoog (Sweden), followed by consultations (S/PV.8312).

On 19 July, Council members issued a press statement which addressed issues including the attacks led by Ibrahim Jadhraan against the oil infrastructure in June 2018, the resumption of work by Libya’s National Oil Corporation, and the unification of Libya’s economic and financial institutions (SC/13429).

### UN-AU Cooperation

On 16 July, there was a joint meeting of the Working Group on Peacekeeping Operations and the Ad-hoc Working Group on Conflict Prevention and Resolution in Africa on the institutional reform of the AU and its contribution to enhancing Africa’s capacity in the area of peace and security. On 18 July, the Council was briefed on the Secretary-General’s annual report on ways to strengthen the partnership between the UN and AU on issues of peace and security in Africa, including on the work of the UN Office to the AU (S/2018/678). The briefers were Special Representative to the AU and head of UNOAU Sahle-Work Zewde and AU Commissioner for Peace and Security Smaïl Chergui (S/PV.8314). On 19 July, members of the UN Security Council and the AU Peace and Security Council held in New York their 12th annual joint consultative meeting and discussed a range of matters, including the situations in South Sudan and the Democratic Republic of the Congo. The informal consultations preceding the meeting focused on thematic issues concerning the partnership between the two bodies, as well as how their cooperation can be strengthened. A joint communiqué was issued following the meeting on 19 July (SC/13430).

### West Africa and the Sahel

On 17 July, Special Representative and head of UNOWAS Mohammed Ibn Chambas briefed the Council on developments in the region and the activities of the UN regional office (S/PV.8313), as outlined in the Secretary-General’s latest report (S/2018/649). Chambas covered how the spillover of the Malian crisis is increasingly affecting Burkina Faso and Niger. He also talked about the continued threat posed by terrorist groups in the Sahel and the Lake Chad Basin. He flagged violence between farmers and herders as increasingly representing a “major security threat in the region”, while noting that UNOWAS was monitoring the situation



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in countries with forthcoming elections, such as Mauritania, Nigeria and Senegal, as well as the ongoing political crisis in Togo. Following closed consultations, members issued press elements, which included expressing concern over the increase in conflicts between farmers and herders. At the end of July, members had just begun negotiations on a follow-up presidential statement on West Africa and the Sahel, which Côte d'Ivoire and Sweden had prepared.

### Cyprus

On 17 July, Special Representative and head of UNFICYP Elizabeth Spehar briefed Council members in consultations on the Secretary-General's reports on UNFICYP and on progress towards a political settlement in the country (S/2018/676 and S/2018/610). During the meeting the Council members reiterated their support for the mission and good offices. On 26 July, the Council unanimously adopted resolution 2430 which extends the mandate of UNFICYP for another six months (S/PV.8317). The resolution noted the lack of progress towards a settlement during the past year and called on the two Cypriot leaders to actively engage and commit to a settlement process under UN auspices, use the UN consultations to restart negotiations, and avoid any actions

that might damage the chances of success. The resolution did not alter the mandate and configuration of the mission.

### Somalia

On 20 July, Special Representative and head of UNSOM Michael Keating briefed the 751/1907 Somalia and Eritrea Sanctions Committee. On 23 July, Ambassador Tekeda Alemu (Ethiopia) updated Council members on the recent developments in the relationship between Ethiopia and Somalia under "any other business". On 30 July, the Council adopted resolution 2431, renewing the mandate of AMISOM. The Chair of the 751/1907 Somalia and Eritrea Sanctions Committee, Ambassador Kairat Umarov (Kazakhstan), briefed the Council on 30 July, followed by consultations.

### Lebanon

On 23 July, Acting UN Special Coordinator for Lebanon Pernille Dahler Kardel and Under-Secretary-General for Peacekeeping Operations Jean-Pierre Lacroix briefed Council members in consultations on the latest Secretary-General's report on the implementation of resolution 1701 (S/2018/703). Kardel informed Council members about the latest political developments in Lebanon, while Lacroix covered

the developments related to UNIFIL and its area of operations.

### Middle East (Israel/Palestine)

On 24 July, the Council held its quarterly open debate under the agenda item "the situation in the Middle East, including the Palestinian question" (S/PV.8316). Special Coordinator for the Middle East Peace Process Nickolay Mladenov briefed via video teleconference. He emphasised the need to de-escalate tensions over Gaza to avoid the outbreak of another Gaza War.

### Colombia

On 26 July, the Security Council received a briefing from Jean Arnault, the Special Representative of the Secretary-General and head of the UN Verification Mission in Colombia, followed by consultations (S/PV.8319). Arnault presented the 20 July report of the Secretary-General, which takes stock of what has been achieved so far, but also points out some of the main challenges for the future (S/2018/723). Vice President of Colombia Óscar Naranjo also spoke at the meeting. In a 27 July press statement, Council members reaffirmed their commitment to continuing to work with Colombia as it implements the peace agreement in order to secure a lasting peace in the months and years ahead (SC/13438).

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## Yemen

### Expected Council Action

In August, the Special Envoy for Yemen, Martin Griffiths, is expected to brief the Council. OCHA Director of Operations John Ging is expected to brief as well. Also this month, the 2140 Yemen Sanctions Committee will meet to consider the Yemen Panel of Experts' mid-term update on the implementation of the sanctions regime. The Yemen sanctions expire on 26 February 2019.

### Key Recent Developments

On 13 June, the Saudi Arabia and United Arab Emirates (UAE)-led coalition commenced a long-anticipated offensive against the port city of Hodeidah, held by Houthi rebels. Griffiths had previously issued warnings about the consequences of an attack for his ability to restart peace talks, telling the Council at his first briefing in April that it "could take peace off the table". UN Humanitarian Coordinator for Yemen Lise Grande warned in an 8 June statement that a battle would likely prove "catastrophic",

predicting that as many as 250,000 lives could be lost as a result both of the fighting and the impact on Yemen's broader humanitarian crisis, as most of the country's food and other critical supplies are imported through Hodeidah port.

Since 13 June, fighting has focused around the Hodeidah airport, which the coalition reportedly captured. A broader assault on Hodeidah has not gone forward, however, and Griffiths has continued to conduct shuttle diplomacy among the parties to work out an agreement to have the UN

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**UN DOCUMENTS ON YEMEN** [Security Council Resolution S/RES/2216](#) (14 April 2015) demanded that the Houthis withdraw from all seized areas and relinquish all seized arms and established a targeted arms embargo against the Houthis and forces loyal to former president Ali Abdullah Saleh. [Security Council Presidential Statement S/PRST/2018/5](#) (15 March 2018) called for the full and sustained opening of all of Yemen's ports, including Hodeidah and Saleef, and for increased access to Sana'a airport. [Security Council Letters S/2018/675](#) (6 July 2018) was from UAE Minister of State for International Cooperation Reem Al Hashimy with an update on the humanitarian situation and the Coalition's contingency plan for Hodeidah. [S/2018/618](#) (19 June 2018) was from UAE Minister of State for International Cooperation Reem Al Hashimy on the Coalition's contingency plan to address the humanitarian situation in Hodeidah. [S/2018/607](#) (13 June 2018) was from the UAE Minister of State for Foreign Affairs Anwar Gargash on Hodeidah. [Security Council Meeting Record S/PV.8235](#) (17 April 2018) was a briefing by Special Envoy Martin Griffiths and Under-Secretary-General for Humanitarian Affairs Mark Lowcock.

take over management of the port, which the Houthis had accepted, Griffiths said in a UN Radio interview on 28 June. His efforts have had less success in meeting the UAE and Yemeni governments' demand to negotiate the rebel group's unconditional withdrawal from the city.

The Council organised a number of meetings with Griffiths and representatives of OCHA on the situation, including one on 11 June due to concerns over an imminent attack, and another on 14 June. On 18 June, Griffiths and OCHA head Mark Lowcock briefed the Council in consultations as part of the Special Envoy's regularly scheduled update. Speaking from Sana'a, Griffiths provided not only an update on Hodeidah but also outlined a framework for resuming political negotiations that he had promised to present to the Council during his April briefing. This negotiating framework would, according to Griffiths during his closed-door briefing, be guided by a number of principles, including that negotiations be based on the Gulf Cooperation Council initiative, the outcomes of the National Dialogue Conference, and relevant Security Council resolutions, particularly resolution 2216. They should also be inclusive, involving southern groups, civil society and women. Griffiths further said that the talks would seek to address political and security issues as part of a package. On 5 July, members again received an update from Griffiths in consultations, briefing from Amman, on his Hodeidah plan and plans to restart negotiations.

Yemen remains the world's largest humanitarian crisis, with 22 million people requiring humanitarian assistance, of whom the UN has warned that 8.4 million are at risk of famine. On 14 June, Adama Dieng, the UN Special Adviser on the Prevention of Genocide, said in a statement that an attack on Hodeidah would seem to represent the "first test" of Security Council resolution 2417, which was adopted in May and condemned the starvation of civilians as a method of war. The situation in recent months has sparked a wave of displacement of the civilian populations. According to OCHA, over 47,000 households had been displaced from Hodeidah governorate by 24 July. Throughout the crisis, the ports of Hodeidah and Saleef, which is north of the city, remained operational.

The UAE sent a series of letters to the Council (dated 13 June, 19 June and 6 July) about plans it had developed to mitigate the humanitarian consequences of an attack on Hodeidah. On 17 July, the UK mission hosted a meeting of Council members with Emirati Minister of State for International Cooperation Reem Al Hashimy to further discuss these plans and broader issues related to the war.

In other developments, on 26 July, Saudi Arabia announced that two Saudi oil tankers in the Red Sea had been attacked by the Houthis, one of which incurred "minimal damage", and that it was suspending oil shipments through the Bab-el-Mandeb Strait, a major commercial shipping lane.

## Sanctions-Related Developments

Following the renewal of the sanctions regime, the Secretary-General appointed three of the Panel of Experts' five members at the end of March and subsequently reappointed its coordinator, Ahmed Himmiche, on 4 April. However, the panel has lacked an expert on the armed groups. As has been reported in the news, Russia had placed a hold on the candidate for this position, a US national, apparently in response to a hold placed by the US on a Russian national for another sanctions panel. Having served two years with the panel, the US national withdrew his candidacy before Russia lifted its hold. By late July, the Secretary-General appeared poised to finally appoint the fifth expert after a new candidate passed a no-objection procedure earlier in the month.

On 9 July, the 2140 Yemen Sanctions Committee received a case study from the panel about two previous Houthi attacks on commercial shipping in the Red Sea: against a Saudi oil tanker on 3 April and a Turkish-flagged vessel transferring wheat on 10 May, both using anti-ship missiles. The panel's recommendations included suggesting that the 2140 Yemen Sanctions Committee issue a press release condemning attacks on commercial vessels by the Houthis, which constitute violations of international humanitarian law and may contribute to the obstruction of humanitarian assistance. After two members requested more time during the no-objections procedure to consider the panel recommendations, it was expected that the case study and recommendations would be discussed when the committee meets on 10 August to consider the mid-term update, which the committee received on 27 July.

## Key Issues and Options

Forestalling a battle for Hodeidah, which could exacerbate the humanitarian crisis, remains a key issue. This includes addressing several aspects, such as arrangements for

the UN's potential management of the port and reconciling the coalition position that the Houthis must fully withdraw from the city. More broadly, progress in organising peace talks—which the Special Envoy has suggested could begin soon, despite a lack of agreement on Hodeidah—is a major issue.

Other important aspects of Yemen's humanitarian crisis include access for critical supplies and aid, the parties' compliance with international humanitarian law, and the protection of civilians from hostilities and from the humanitarian consequences of the war, such as famine and disease.

Amidst the current pause in the Hodeidah offensive, one option for the Council is to remain informed about Griffiths' efforts, and, if he brokers an agreement on the port city, to adopt a presidential statement that endorses the agreement and his framework for negotiations. Alternatively, if the offensive resumes—especially if fighting engulfs the more densely populated parts of the city and the port area—the Council might adopt a presidential statement calling for a cessation of hostilities and urging both sides to accept UN management of the port. Such a statement could call for the question of the Houthi withdrawal from Hodeidah to be dealt with as part of broader peace talks, as those are expected to cover the process of the Houthis withdrawing from key locations and seized territories.

A more proactive option is for the Council to adopt a presidential statement expressing strong support for a negotiated solution to Hodeidah and reminding the parties of their obligations under international humanitarian law. Such a statement could further reiterate the Council's previous calls that Hodeidah and Saleef ports must remain operational and for the parties to allow unimpeded access for humanitarian and commercial imports, as well as their distribution throughout Yemen.

## Council and Wider Dynamics

Council members issued press elements following each of the consultative sessions held with the Special Envoy in June and July. The common message was that members support the Special Envoy, that Hodeidah port should remain open, and that the parties should comply with their obligations under international humanitarian law. Kuwait, as a member of the coalition, has repeatedly referenced Council resolution 2216,

# Yemen

highlighting its demand that the Houthis withdraw from all seized territory. Sweden proposed that a call for a cessation of hostilities or freeze in the Hodeidah offensive be included in the 14 June press elements, but this was opposed by Kuwait. Other members supporting Sweden's call were Bolivia, Peru and Poland, while China echoed the need for a cessation of hostilities during the 3 July consultations.

Saudi Arabia and the UAE have exerted a great deal of influence on the Council's consideration of Yemen through the strategic relations they maintain with the P3 and with Council members in general. Saudi Arabia, in particular, has opposed any new resolution on Yemen since the Council adopted resolution 2216 in April 2015. The UAE has taken a notably more pronounced role on behalf of the coalition over Hodeidah.

The current Council approach is to see what agreements Griffiths brokers regarding Hodeidah or restarting peace talks and then, as has been most members' preference throughout the conflict, express support for such agreements through a presidential statement. This approach also appears to be Griffiths' preference.

The UK is the penholder on Yemen. Peru chairs the 2140 Yemen Sanctions Committee.

## Counter-Terrorism

### Expected Council Action

In August, Under-Secretary-General Vladimir Voronkov, the head of the UN Office of Counter-Terrorism (OCT), and Michèle Coninsx, the Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED), will brief the Security Council on the Secretary-General's strategic-level report on the threat posed by the Islamic State in Iraq and the Levant (ISIL or Da'esh), followed by consultations.

### Background

Under the terms of resolution 2368, which was adopted on 20 July 2017, the Secretary-General submits a strategic-level report on ISIL to the Council biannually. In his January report, he highlighted how ISIL continues to pose a significant threat around the world, despite its strategic setbacks in such theatres as Iraq, Syria and the southern Philippines. The group has lost its focus on conquering and holding territory and instead has given prominence to external attacks. The report underlined the willingness of some members of the ISIL and Al-Qaida networks to support each other and characterised the potential convergence of the two networks, at least in some areas, as an emerging threat. Briefing the Council on 8 February, Voronkov explained how ISIL has been able to adapt its organisation and become a global network with a flat hierarchy and less operational

control over its affiliates, which are constituted of smaller groups of motivated individuals. This is possible in part because of the role of the Internet and social media platforms in inspiring, mobilising and directing supporters to carry out terrorist attacks.

In a 20 April report on the activities of the UN system in implementing the UN Global Counter-Terrorism Strategy, the Secretary-General encouraged member states to forge new international counter-terrorism partnerships. He stressed that preventing conflict and fostering sustainable development are essential to efforts to counter terrorism and vice versa and that ensuring accountability for those found guilty of committing terrorist acts is a key element of deterrence.

In May and June, Finland and Jordan facilitated negotiations of the review of the UN Global Counter-Terrorism Strategy. The review, which takes place every two years in the General Assembly, updated several aspects of the strategy. Although compromises were reached and the review was adopted unanimously, divisions among member states persist. Among the issues that continue to polarise member states are the concept of prevention of violent extremism, the identification of conditions conducive to radicalisation, the role of civil society in countering terrorism, and how to address the use of the Internet for terrorist purposes.

### Key Issues and Options

A key issue for the Council and its subsidiary organs is to muster the necessary flexibility and adaptability to address the evolving threat posed by ISIL. Preventing politicisation of counter-terrorism-related discussions could also contribute to progress on this front. The recent trend to hold joint meetings of related subsidiary organs—the 1267/1989/2253 Al-Qaida/ISIL Sanctions Committee, the Counter-Terrorism Committee and the 1988 Afghanistan and 1970 Libya Sanctions Committees—could be continued and expanded to all committees dealing with situations in which the terrorist threat exists.

A particular issue for the Council and its subsidiary organs is member states' compliance with its resolutions, including resolutions 1373, which criminalised terrorism; 1624, which aimed at preventing acts of incitement to commit terrorism; and those regarding the 1267/1989/2253 Al-Qaida/ISIL sanctions regime.

Resolution 2395 underscored the importance of strong coordination and cooperation between the recently-created OCT and CTED. The two bodies produced a joint report on 8 May setting out practical steps to be taken towards incorporating the Directorate's recommendations and analysis into the work of OCT. In addition to discussions in the General Assembly and at Committee level, Council members could assess whether

**UN DOCUMENTS ON COUNTER-TERRORISM** Security Council Resolutions S/RES/2396 (21 December 2017) addressed the threat of foreign terrorist fighters. S/RES/2395 (21 December 2017) renewed the mandate of the Counter-Terrorism Committee Executive Directorate until 31 December 2021. S/RES/2368 (20 July 2017) renewed and updated the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida sanctions regime. Through an annex to the resolution, eight individuals or organisations were added to the sanctions list. **Secretary-General's Reports** S/2018/80 (31 January 2018) was the sixth strategic-level report on the threat posed by ISIL to international peace and security. A/72/840 (20 April 2018) was a report on the activities of the UN system in implementing the UN Global Counter-Terrorism Strategy. **Security Council Letters** S/2018/514 (24 May 2018) concerned the appointment of Daniel Kipfer Fasciati as Ombudsperson of the 1267/1989/2253 Al-Qaida/ISIL Sanctions Committee. S/2018/435 (8 May 2018) was a joint report by CTED and OCT setting out practical steps to ensure the incorporation of the Directorate's recommendations and analysis into the work of the Office. **Security Council Meeting Record** S/PV.8178 (8 February 2018) was a briefing by Voronkov on the Secretary-General's strategic-level report on the threat posed by ISIL. **General Assembly Resolution** A/RES/72/284 (26 June 2018) was the review of the UN Global Counter-Terrorism Strategy.

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## Counter-Terrorism

Council-mandated structures should be adapted to limit duplication of efforts and maximise impact and resources. At press time, Council members were negotiating a draft presidential statement circulated by Kazakhstan regarding the coordination and cooperation among different UN entities working on counter-terrorism.

### Council Dynamics

Overall, all Council members view counter-terrorism efforts as important, notwithstanding divergences over the politicisation of the issue in the Middle East. However, divisions remain over some issues, including the scope of the “prevention of violent extremism”

agenda and the role of civil society in countering terrorism, as shown during the recent review of the UN Global Counter-Terrorism Strategy. The US decided to downgrade its level of participation at a 28-29 June UN high-level conference of heads of counter-terrorism agencies of member states in response to OCT’s decision to exclude civil society from some of its meetings. The US argued that OCT had caved in to political pressure from countries like Russia. Russia challenged the appropriateness of the participation of civil society in a closed-door segment which included discussion of cooperation between intelligence services, among other issues.

Council members are in general agreement

about the importance of receiving strategic analysis about ISIL (Da’esh), which can then feed into their counter-terrorism efforts. Several Council members felt that receiving a strategic-level report every four months was excessive, however, and thus the report has been submitted biannually since the adoption of resolution 2368 in July 2017.

Following nine months of divergences among permanent members of the Council over whom the Secretary-General should appoint as the new Ombudsperson to the 1267/1989/2253 Al-Qaida/ISIL Sanctions Committee, the appointment of Daniel Kipfer Fasciati (Switzerland) was announced on 24 May.

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## Syria

### Expected Council Action

In August, the Council expects to receive the monthly briefings on the humanitarian situation in Syria and on the use of chemical weapons. At press time, no briefing was scheduled on political developments.

### Key Recent Developments

The government has continued to consolidate its territory in Syria. The military offensive in the country’s south-west, which was supposed to be part of a de-escalation zone agreed to by Jordan, Russia and the US in July 2017, has displaced more than 300,000 civilians, the most at any one time since the beginning of the conflict in March 2011. The government, with the support of its allies, has taken control of swaths of territory in Dara’a, Quneitra and Sweida. The newly captured areas include strategic locations, such as the Nassib-Jaber crossing on the border with Jordan and positions near the Israeli-occupied Golan Heights. Military operations have heightened tensions between Israel and Syria, including the downing of a Syrian fighter jet that entered the Israeli airspace on 24 July. Despite insistence by the UN that Jordan open its border to allow for the escape of

some 60,000 civilians displaced by the military offensive who had headed south, the border has remained closed. Several hundreds of members of the “White Helmets” civil defence group and their families were evacuated via Israel to Jordan in late July.

Also in July, the government broke the sieges of the towns of Foah and Kafraya, which had been besieged by armed groups since October 2015. The governorate of Idlib, which remains under the control of armed groups and hosts hundreds of thousands of civilians displaced by the conflict, has been the target of Russian and Syrian airstrikes. The UN has repeatedly warned about the terrible humanitarian impact that escalation in Idlib could have. Military operations have also continued in the Yarmouk valley.

The political process remains stalled. On 25 July, Special Envoy Staffan de Mistura briefed Council members in consultations on his efforts to facilitate the establishment of a constitutional committee, which was the main outcome of a January conference in Sochi hosted by Russia, along with Iran and Turkey. De Mistura told Council members that the government and the opposition had each provided a list of 50 candidates for

membership of the committee. He reiterated the importance of including civil society and fulfilling the aspiration for women to make up 30 percent of the committee. He also emphasised some of the challenges that he is facing in facilitating that process, including fostering agreement on the committee’s purpose, its membership and rules of procedure, including decision-making mechanisms. At the meeting, he reiterated concern about unilateral legislative acts, such as Law Number 10, which threatens to expropriate the private property of millions of displaced Syrians. On 12 July, Germany and Turkey, along with 38 other member states, sent a letter to the Secretary-General and the president of the Security Council expressing their deep concerns about the possible grave ramifications of such a law. In press elements agreed to at the meeting, Council members called on the Syrian parties to engage constructively, in good faith and without preconditions, with the Special Envoy regarding the constitutional committee.

The humanitarian situation in Syria has further deteriorated as a result of the ongoing military operations. The Director of the Coordination and Response Division of OCHA, John Ging, briefed the Council on 27 June. He

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**UN DOCUMENTS ON SYRIA** Security Council Resolutions S/RES/2401 (24 February 2018) demanded that all parties cease hostilities in Syria. S/RES/2393 (19 December 2017) renewed the authorisation for cross-border and cross-line aid delivery. S/RES/2254 (18 December 2015) was on a political solution to the Syrian crisis. S/RES/2118 (27 September 2013) was on chemical weapons. Secretary-General’s Reports S/2018/724 (20 July 2018) was the monthly report on the humanitarian situation. S/2018/617 (19 June 2018) was a review of the UN’s humanitarian cross-border operations. Security Council Letters S/2018/700 (12 July) was a letter from Germany and Turkey, along with 38 other member states, regarding Syria’s Law Number 10. S/2018/644 (27 June 2018) was an OPCW report on progress in the elimination of the Syrian chemical weapons programme. Security Council Meeting Records S/PV.8320 (27 July 2018) was a briefing by Lowcock and Gamba on humanitarian developments and the situation of children in Syria. S/PV.8296 (27 June 2018) was a briefing by de Mistura and Ging.



described the impact on civilians of the escalation of violence in southern Syria, such as the use of heavy artillery and aerial shelling to target civilian infrastructure, including several health facilities. He also presented a 19 June Secretary-General's report containing a review of the UN's humanitarian cross-border operations. The report, which had been requested by Russia in the negotiations on resolution 2393 in December 2017, explained the processes in place to enable accountable, effective and transparent cross-border operations, based on assessments of needs and with prior notification to the Syrian government. At the meeting, Geng emphasised that there are 2.67 million people in need in areas accessed solely through cross-border operations and that these deliveries remain critical. In a statement at the meeting, Ambassador Vassily Nebenzia (Russia), characterised the review as disappointing and urged the Secretariat to "come up with ways to provide a gradual and agreed-on withdrawal from cross-border operations in the near future". On 27 July, the Council was briefed on humanitarian developments and the situation of children in Syria by Under-Secretary-General for Humanitarian Affairs Mark Lowcock and Special Representative of the Secretary-General for Children and Armed Conflict Virginia Gamba.

The High Representative for Disarmament Affairs, Izumi Nakamitsu, briefed Council members on 3 July. She told them that the two remaining chemical weapons production facilities had been destroyed. The Organisation for the Prohibition of Chemical Weapons (OPCW) continues to consider that there are outstanding issues with Syria's initial declaration. On 2 July, a report of the Fact-Finding Mission (FFM) of the OPCW concluded that the mission was not able to determine confidently whether or not a specific chemical was used as a weapon in two separate incidents in Al-Hamadaniyah on 30 October 2016 and Karm al-Tarrab on 13 November 2016. On 6 July, the FFM published an interim report on the 7 April incident in Douma. According to the report, no organophosphorus nerve agents or their degradation products were detected, either in the environmental samples or in plasma samples from the alleged casualties. Various chlorinated organic chemicals were found in samples from two locations, along with residues of

explosive. The work of the FFM to establish the significance of these results and draw final conclusions is ongoing.

## Human Rights-Related Developments

In a 29 June press statement, High Commissioner for Human Rights Zeid Ra'ad Al Hussein called on all sides to the conflict to end the escalating violence in Dara'a to avoid a repetition of the bloodshed and suffering seen earlier this year in Eastern Ghouta. Since 19 June, when shelling and airstrikes escalated, the UN Human Rights Office has documented at least 46 civilian deaths, the statement said. "Now another supposed 'de-escalation' zone risks becoming the scene of large-scale civilian casualties. This madness must end", Zeid said.

On 6 July, during its 38th session, the Human Rights Council (HRC) voted 26 to five (with 15 abstentions) to adopt resolution 38/16 on the human rights situation in Syria. Of the five Security Council members currently on the HRC, Côte d'Ivoire, Peru, and the UK voted yes; Ethiopia abstained; and China voted no. The resolution, among other things, urged all parties to the conflict to refrain from carrying out attacks against the civilian population and civilian objects, demanded all parties desist immediately from any use of chemical weapons, and demanded the immediate release of all persons arbitrarily detained. It expressed profound concern at the findings of the Commission of Inquiry on Syria on the prevalence of sexual and gender-based violence (A/HRC/37/72 and A/HRC/37/CRP.3) and took note of the Commission's March publication "Detention in the Syrian Arab Republic: A Way Forward", on the arbitrary detention of tens of thousands of individuals. It also expressed deep concern at the Commission's finding that tactics used in the recapturing of the besieged area of Eastern Ghouta amounted to war crimes and crimes against humanity (A/HRC/38/CRP.3).

## Key Issues and Options

The current level of P5 divisions raises the question of whether the Council will be able to work constructively on Syria in the foreseeable future. If the paralysis continues, those with even a limited capacity to act—whether elected members, the Secretary-General, or members of the General Assembly—may seek to take the initiative.

While divided on Syria for more than seven years, the Council has been able to unite around some aspects of the conflict during some of that time, such as initially setting the agenda for a political process, investigating the use and providing for the destruction of chemical weapons, and authorising cross-border deliveries. As the political climate deteriorated, the mandate of the OPCW-UN

Joint Investigative Mechanism was discontinued in late 2017, and there is a risk that Council decisions may be further undermined. Council members could hold informal, unscripted and forward-looking discussions at the ambassadorial level to seek ways to increase pressure on the parties to the conflict and strive for a compromise that is both realistic and acceptable to all.

Since it was established in August 2011, the HRC's Independent International Commission of Inquiry on Syria has briefed Council members in an Arria-formula meeting seven times, with the most recent meeting held on 21 April 2017. Council members could hold a meeting to be briefed on the commission's most recent report, on the siege of Eastern Ghouta, which could also be transmitted to the Council as an official document.

## Council and Wider Dynamics

Council dynamics on Syria continue to be characterised by increased polarisation on the three files through which the conflict is discussed: political, humanitarian, and chemical weapons. In May, P5 members started meeting regularly on Syria at the ambassadorial level, but it seems that these discussions have now subsided. As the government consolidates territory, including in areas of strategic importance for external actors near Syria's borders, the regional dimension of the conflict is likely to feature more prominently in Council discussions.

In December 2017, the adoption of resolution 2393, drafted by Egypt, Japan and Sweden, renewed the authorisation for cross-border humanitarian access to Syria. It was adopted with the abstentions of Bolivia, China and Russia. In explaining their vote, China and Russia highlighted the importance of working through the government and eventually rolling back a provision that had been devised originally as a temporary measure. Russia's statement on 27 June suggests that it continues to question the *raison d'être* of this mechanism, which is currently authorised until 10 January 2019.

As pressure to facilitate the return of Syrian refugees in neighbouring countries mounts, UNHCR has highlighted that while refugees always have a right to return, this has to be voluntary, sustainable, and under safe and dignified conditions.

Kuwait and Sweden are the penholders on humanitarian issues in Syria.

## Expected Council Action

In August, the Special Representative and head of the UN Assistance Mission for Iraq (UNAMI), Ján Kubiš, is scheduled to brief the Council on the latest Secretary-General's report on UNAMI and the most recent developments. A civil society briefer is also a possibility.

On 14 June, the Council renewed UNAMI's mandate for ten months in resolution 2421. The mandate expires on 31 May 2019.

## Key Recent Developments

Parliamentary elections were held on 12 May in a mostly peaceful and orderly manner, but they were marked by a low voter turnout of 44.5 percent. No party managed to gain a majority of seats. Prominent Shi'a cleric Muqtada al-Sadr's Sairoon Alliance won 54 seats out of 329. However, he will not be prime minister, as he did not run for that position. The Fatah Coalition of Hadi al-Amiri—the leader of the Badr organisation, the political arm of a Tehran-backed Shi'a militia—came second with 47 seats. Al-Sadr, who in the past has been an outspoken critic of Iranian involvement in Iraq, announced the formation of a coalition government with al-Amiri. The Nasr Coalition led by current Prime Minister Haider al-Abadi placed third, winning 42 seats. Following reports of fraud, the Council of Representatives (the Iraqi parliament) mandated a full recount, which was rejected by the prime minister, who maintained that such an order was not within the parliament's constitutional role. The Federal Supreme Court (FSC) was petitioned to give a legal opinion on the constitutionality of the parliament's legislation. In its 21 June judgment, the FSC ruled in favour of the parliament. The recount started on 3 July, but at press time it had not yet been completed, with no official election result declared, and therefore no new government formed.

Starting in early July, protests erupted in the south of Iraq, giving voice to the long-standing frustration of the Iraqi population

over a lack of basic services and infrastructure, such as water and electricity, as a result of neglect by the government. Late in July, protests had spread to cities in other regions, including Baghdad. The demonstrations were publicly backed by al-Sadr, who argued that politicians should address the protesters' concerns before forming a new government.

Iraqi government forces defeated the Islamic State in Iraq and the Levant (ISIL) in December 2017 after three years of fighting that resulted in massive destruction and the internal displacement of over five million people. In September 2017, the Council adopted resolution 2379, which requested the Secretary-General to establish an investigative team to support Iraqi domestic efforts to hold ISIL accountable for crimes it committed in the country, by collecting, storing and preserving in Iraq evidence of acts that may amount to war crimes, crimes against humanity, and genocide committed by ISIL. On 31 May, the Secretary-General appointed Karim Asad Ahmad Khan of the UK as Special Adviser and head of the investigative team. He assumed his position in July and is soon expected to conduct a first visit to Iraq, where he will be based.

On 14 June, the Security Council renewed the mandate of UNAMI until 31 May 2019, ahead of its 31 July expiry. It seemed that the penholder, the US, was aiming for an early adoption in anticipation of a possible rise in political tensions in the aftermath of the elections. For the first time since UNAMI's role was expanded in 2007, its mandate was changed. UNAMI's role in advancing an inclusive political dialogue and reconciliation was prioritised. Language was also added on UNAMI's role in advising, supporting and assisting Iraq in facilitating regional dialogue and cooperation on issues of environment and water; promoting accountability; supporting the work of the UN investigative team; assisting Iraq and the UN Country Team in strengthening child protection; approaching gender

as a cross-cutting issue; and advising and assisting Iraq in ensuring the participation, involvement and representation of women at all levels. The resolution encourages all relevant UN actors to implement the recommendations of the independent external assessment of UNAMI and requests that the Secretary-General report on the relevant actions taken in his quarterly reports. To align UNAMI's authorisation with the UN budget cycle, the mandate will be renewed in ten months instead of a year. The text of the resolution was streamlined significantly by cutting the preambular section from several pages to just three paragraphs.

On the issue of the missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, the latest report of the Secretary-General points out a few constructive developments, such as ongoing discussions between Iraq and Kuwait on setting a date for the official handover of already-located Kuwaiti property.

## Human Rights-Related Developments

During its 38th session, the Human Rights Council (HRC) considered the report of the special rapporteur on extrajudicial, summary or arbitrary executions, Agnès Callamard, on her mission to Iraq from 14 to 23 November 2017 (A/HRC/38/44/Add.1). The report noted as problematic the absence of steps taken by the government to incorporate international crimes in its domestic legislation pursuant to Security Council resolution 2379, which said the people of Iraq deserve a legal framework and a judicial response that "properly reflect the nature of the crimes committed, which are on par with atrocity crimes investigated and tried in other parts of the world". The report said international actors should provide technical, financial and strategic support to the relevant authorities to support the implementation of recommendations related to criminal legal reforms, ratification of international treaties, accountability for crimes committed by ISIL and all other parties to the conflict, transitional justice, and gender-based crimes.

## Issues and Options

The Council will closely follow developments related to the current post-electoral

**UN DOCUMENTS ON IRAQ** **Security Council Resolutions** S/RES/2421 (14 June 2018) extended the mandate of UNAMI until 31 May 2019. S/RES/2390 (8 December 2017) indicated that the measures imposed under Chapter VII of the UN Charter regarding the oil-for-food programme had been fully implemented. S/RES/2379 (21 September 2017) established an investigative team to collect, store and preserve evidence of ISIL crimes in Iraq. **Secretary General's Reports** S/2018/683 (10 July 2018) was the 19th report on the issue of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives. S/2018/677 (9 July 2018) was on UNAMI. **Security Council Letters** S/2018/118 (9 February 2018) contained the terms of reference for the investigative team to support domestic efforts to hold ISIL accountable by collecting, preserving and storing evidence of war crimes committed by ISIL in Iraq. S/2017/966 (15 November 2017) contained the executive summary, observations and full set of recommendations of an independent external assessment of the structure and staffing of UNAMI submitted by the team of experts. **Sanctions Committee Documents** SC/13423 (13 July 2018) was a press release on the removal of two entities from the sanctions list. SC/13409 (5 July 2018) was a press release on the removal of one entity from the sanctions list. SC/13372 (7 June 2018) was a press release on the removal of one entity from the sanctions list. S/2017/1078 (22 December 2017) was the annual report of the 1518 Iraq Sanctions Committee. **Security Council Meeting Record** S/PV.8285 (14 June 2018) was the meeting at which the Council renewed the mandate of UNAMI until 31 May 2019.

## Iraq

period and the formation of a new government. Looking ahead, the Council could consider conducting a visiting mission to Iraq to show support for the new government after its formation is complete and to get a better understanding of current challenges on the ground.

As for accountability efforts, the Council will continue to monitor developments regarding the investigative team established by resolution 2379. Some members, especially those opposed to the death penalty, continue to have concerns about the possibility of evidence shared by the team being

used in criminal proceedings in which capital punishment could be imposed. The Council could consider inviting the recently appointed Special Adviser to a meeting to get a better understanding of progress in forming his team and commencing its work.

### Council Dynamics

Council members support UNAMI, and negotiations on the mandate renewal appeared largely uncontentious. A recurring issue was a push by some members for stronger language on accountability, but it appears that others, including the penholder,

did not consider that to be a priority at this point. Since the independent external assessment was conducted, Council members have had diverging views on how to address its recommendations. As a supporter of independent external assessments, the US secured language encouraging the UN to take action on the assessment's recommendations and for the Secretary-General to report on that action.

The US is the penholder on Iraq issues in general, and the UK is the penholder on Iraq-Kuwait issues. Poland is the chair of the 1518 Iraq Sanctions Committee.

## Burundi

### Expected Council Action

In August, the Secretary-General's Special Envoy, Michel Kafando, is expected to brief the Council on the situation in Burundi in accordance with resolution 2303 of 29 July 2016, which requested the Secretary-General to report to the Council on Burundi every three months. Several Council members have maintained that these reports should be in writing, but this has been done inconsistently. Ambassador Jürg Lauber (Switzerland), the chair of the Burundi configuration of the Peacebuilding Commission, may also brief.

### Key Recent Developments

The security and political situation in Burundi—which deteriorated sharply after April 2015 when Burundian President Pierre Nkurunziza announced that he would run for a controversial third term later that year—remains unsettled.

While the number of casualties has declined and the Burundian government maintains that the security situation is good throughout the country, serious human rights abuses continue to be committed daily with impunity, mainly by the government and the Imbonerakure, the youth group of Nkurunziza's party. Nkurunziza appointed a former head of the Imbonerakure, Ezechiel Nibigira, as foreign minister in a government reshuffle on 20 April.

The overall level of oppression and state control over Burundian society has increased, manifested by arbitrary deprivations of life, enforced disappearances, cases of torture and arbitrary detention on a massive scale. Furthermore, these actions are taking place in an environment where freedoms of expression, association and assembly are virtually nonexistent. As of 30 June, there were 394,778 Burundian refugees in neighbouring countries, more than half of them children.

Against this backdrop, a 73 percent majority approved amendments to the constitution in a controversial referendum on 17 May. Leading up to the vote, several media outlets reported that Burundi's security forces and the Imbonerakure had been killing, beating and intimidating suspected opponents of Nkurunziza to secure a favourable result. In addition, a presidential decree criminalised calls to abstain from voting.

The amendments to the constitution remove references to the Arusha Accord, which in 2000 put an end to civil war and ethnic violence and established the basis for the current constitution. They provide for a possible future review of the ethnic quotas—a key element of the Arusha Accord—of 60 percent Hutu and 40 percent Tutsi in the executive branch, the parliament and the judicial branch. The amendments also extend the presidential term to seven years from the

current five, and specify that the two-term limit is to be counted from the adoption of the amendments, thus allowing Nkurunziza to run for re-election in 2020.

Nkurunziza announced on 7 June that he would not seek re-election. "Our term will end in 2020", he said. "I swear and am really ready, with all my heart, with all my mind and with all my strength, to support the new president we will elect in 2020". Nibigira conveyed the same message in a visit to Kenya on 5 July. Still, some have expressed concern that this was said to appease the opposition and the international community and does not necessarily reflect Nkurunziza's true intentions.

The inter-Burundian dialogue between the government and opposition parties that has been held outside of Burundi, led by the East African Community (EAC), remains stagnant as the government of Burundi suspended its participation before the referendum. While reports in mid-July indicated it might resume soon, at press time it was unclear when this would happen. The Chairperson of the AU Commission, Moussa Faki, sent an open letter to Ugandan President Yoweri Museveni, the official mediator of the talks on behalf of the EAC, on 9 May, copied to the guarantors of the Arusha Accord—the Democratic Republic of the Congo, Ethiopia, Kenya, Rwanda, South Africa, Tanzania, Zambia, the UN Secretary-General and the

**UN DOCUMENTS ON BURUNDI** Security Council Resolution S/RES/2303 (29 July 2016) decided to establish a UN police component in Burundi of 228 officers for an initial period of one year. **Security Council Presidential Statement S/PRST/2018/7** (5 April 2018) condemned all violations and abuses of human rights in Burundi. **Security-General's Report S/2018/89** (25 January 2018) was on the situation in Burundi. **Security Council Meeting Record S/PV.8268** (24 May 2018) was a briefing on Burundi by the Special Envoy of the Secretary-General for Burundi, Michel Kafando and the chair of the Burundi configuration of the Peacebuilding Commission, Ambassador Jürg Lauber (Switzerland).



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## Burundi

EU Commission. The letter calls on Museveni to take action, saying that the gains of the Arusha Accord have been undermined since 2015 and that the constitutional amendments “will likely have far-reaching negative consequences for Burundi and the region”.

On 10 May, Kafando briefed Council members on Burundi via video teleconference under “any other business”. On 24 May, Kafando and Lauber briefed the Security Council on Burundi during a public meeting. The briefing was followed by consultations, during which a representative of the High Commissioner for Human Rights was present to answer questions.

### Human Rights-Related Developments

During its 38th session, the Human Rights Council (HRC) held an interactive dialogue on 27 June with the Commission of Inquiry on Burundi, which noted that it had documented human rights violations since the beginning of the year. These include extrajudicial executions; enforced disappearances; acts of torture; and other cruel, inhuman or degrading treatment. In particular, the commission said it received reports of numerous arrests of people who had called for a “no” vote in the referendum or had refused to join the ruling party. The human rights violations identified by the commission during the referendum campaign were “mainly perpetrated by the Imbonerakure acting with the complicity and/or approval of state

officials, or on their own initiative, undisturbed”. The commission will submit a final report at the HRC’s 39th session in September.

### Key Issues and Options

The post-referendum political situation and the lack of progress in the EAC-led mediation remain serious concerns that the Council will need to monitor closely. An option would be to adopt a presidential or press statement, noting Nkurunziza’s intention to step down in 2020 and calling for the resumption of the inter-Burundian dialogue and an inclusive political process with a view towards the conduct of the 2020 elections.

Another major issue is the continued lack of accountability for human rights violations, including possible crimes against humanity, over the last few years in Burundi. One possible way to address some of these issues would be to impose targeted sanctions against those obstructing a genuine political dialogue and those responsible for human rights violations.

### Council Dynamics

Burundi remains entrenched in its opposition to the international community’s involvement in its political affairs. The Council, for its part, may be challenged to find a fresh avenue to

re-engage with Burundi over the political situation in light of the fact that some countries still officially question the legitimacy of Nkurunziza’s third term and of his government, and the validity of the recent constitutional amendments, considering the political environment in which they were adopted. That may change in light of Nkurunziza’s stated intention not to run for another presidential term; however, several western Council members think it is too early to ascertain the intent behind his announcement. Other members, such as Russia, question the need for the Council’s engagement, pointing to Burundi’s lack of interest in Council involvement and viewing the situation as an internal issue that lacks a pressing international peace and security dimension. Though all Council members agree that the continued viability of the Arusha Accord is important, and consider the constitutional amendments as a worrying development, only a few members continue to see the situation in Burundi as volatile. The Council’s difficulty in finding common ground leaves it at an impasse with respect to its engagement with the country, with some members hoping that the AU and EAC will become more active on this issue.

France is the penholder on Burundi.

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## Lebanon

### Expected Council Action

In August, the Council is expected to renew the mandate of the UN Interim Force in Lebanon (UNIFIL), which expires on 31 August.

### Key Recent Developments

The most recent report of the Secretary-General on the implementation of resolution 1701 described the security environment in the UNIFIL area of operations as relatively calm during the reporting period, including in the lead-up to and during the 6 May general elections. In the report, the Secretary-General noted that UNIFIL had taken active measures towards enhancing its visibility and the effectiveness of its operations in line with

resolution 2373. The resolution instructed UNIFIL to take a more proactive approach in ensuring that the mission’s area of operations is not used for hostile activities. He also welcomed the mission’s increased focus on inspections, including through permanent and temporary checkpoints and counter-rocket-launching operations, in coordination with the Lebanese Armed Forces (LAF).

On 11 July, the members of the International Support Group (ISG) for Lebanon, chaired by the UN and France and composed of several UN member states, intergovernmental organisations, and UN agencies, met with Lebanese Prime Minister-designate Saad Hariri to discuss issues related to

the formation of the new government. ISG members shared with Hariri a copy of an aide-mémoire that contains some informal principles for consideration in line with outcomes from major international conferences on Lebanon held in Rome, Paris and Brussels earlier this year.

Over two months ago, Lebanese President Michel Aoun designated Hariri as prime minister and put him in charge of forming a new government. At press time, Hariri had yet to name his 30-member cabinet. The delay is a result of disagreement among major political blocks within parliament over their share of cabinet posts. Speaker of the Parliament Nabih Berri has continued to emphasise the

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**UN DOCUMENTS ON LEBANON** Security Council Resolutions S/RES/2373 (30 August 2017) renewed UNIFIL’s mandate for an additional year. S/RES/1701 (11 August 2006) called for a cessation of hostilities between Hezbollah and Israel. S/RES/1559 (2 September 2004) urged the disarmament of all militias and the extension of the Lebanese government’s control over all Lebanese territory. Secretary-General’s Reports S/2018/703 (13 July 2018) was on the implementation of resolution 1701. S/2018/480 (21 May 2018) was on the implementation of resolution 1559.



# Lebanon

urgency of forming an effective government to deal with the mounting social and economic issues facing Lebanon.

The burden of hosting over a million refugees from neighbouring Syria has continued to have a profound impact on the social, economic and environmental situations in Lebanon. Inside Lebanon, the pressure on the refugees to return continues to grow as Syrian government forces expand their control over areas held by the armed groups that oppose the government. On several occasions, the Lebanese authorities have indicated that they wanted to explore ways to facilitate the repatriation of refugees. In early June, the issue of refugee returns emerged as a major point of contention between the government and UNHCR. Lebanese Foreign Minister Gebran Bassil accused UNHCR of hindering the voluntary return of Syrian refugees by disseminating information indicating that the situation in Syria was still not secure. The Lebanese government has suspended issuing residency permits for UNHCR staff in the country.

On 14 June, Bassil met with High Commissioner for Refugees Filippo Grandi in Geneva to discuss the issue. Although he described the meeting as positive, Bassil emphasised that UNHCR would still need to present a clear plan for the return of refugees. Later in June, Bassil's chief of cabinet, Hadi Hachem, told the media that Lebanon intends to meet with the relevant UN agencies and international partners to work out a clear and gradual plan for the returns; until then, the government would maintain the freeze on UNHCR residency permits. In his latest report on the implementation

of resolution 1701, the Secretary-General raised concerns about the rhetoric surrounding refugee returns while calling on all actors to work in a spirit of partnership in line with international standards and respect for the principle of non-refoulement.

In other developments, on 12 July, the Secretary-General announced the appointment of Major General Stefano Del Col (Italy) as head of UNIFIL and force commander. He will succeed Major General Michael Beary (Ireland), who has headed the mission since July 2016.

On 23 July, Aoun hosted Beary for a farewell meeting, and on 24 July the Lebanese government presented him with a medal of the National Order of the Cedar, commending UNIFIL for the important role it played in maintaining the peace in southern Lebanon and calling for the renewal of the mission's mandate in its current configuration.

## Key Issues and Options

The most immediate concern for the Council is the upcoming renewal of UNIFIL's mandate. Although the situation has remained relatively calm, among the issues the Council faces regarding Lebanon is the lack of progress toward the key objectives of resolution 1701, including a permanent ceasefire, nearly 12 years after its adoption.

An ongoing problem is that the Shi'a militia group Hezbollah and other non-state actors continue to maintain weaponry that directly hinders the government's exercise of full authority over its territory, posing a threat to Lebanon's sovereignty and stability and contravening Lebanon's obligations under resolutions 1559 and 1701. In that context,

the crisis in Syria, with Hezbollah's involvement on the side of the regime and the flow of arms from Syria to Hezbollah, remains of great concern.

One option for the Council is to renew UNIFIL's mandate for an additional year without significant changes. A slightly different option for the Council would be to consider adjustments to allow for a more proactive approach by the mission, as advocated by the US during the last renewal in August 2017.

The Council will continue to follow closely the developments related to the formation of a government in Lebanon. Should the stalemate continue, the Council could consider issuing a statement encouraging the parties to reach an agreement, or including specific references to this matter in the mandate renewal resolution.

## Council Dynamics

The Council is generally supportive of the mission and has long been united in its position that UNIFIL contributes to stability between Israel and Lebanon. Some members, however, differ in their perception of the mission's role. In this respect, the US has been the most vocal critic of UNIFIL. The US has continued to be concerned about the threats posed by Iran, Hezbollah, and the proliferation of weapons in southern Lebanon, and has advocated for a more active role for the mission in confronting the aforementioned threats. Most other members—including the penholder, France—seem wary about the prospects for a more proactive mission, fearing that this could jeopardise the fragile calm in southern Lebanon.

# Myanmar

## Expected Council Action

In August, the Council is expected to hold a public meeting on the situation in Myanmar, one year after the 25 August 2017 attacks by the Arakan Rohingya Salvation Army (ARSA) on security posts and the violent reaction by the Myanmar military forces that led to over 750,000 persons fleeing to Bangladesh. Secretary-General António Guterres, who has recently returned from Bangladesh, is expected to brief. The meeting will likely be chaired by a UK minister; a civil society briefer may also address the Council.

## Key Recent Developments

On 23 July, Council members were briefed by Special Envoy Christine Schraner Burgener; Volker Türk, Assistant High Commissioner for Protection in the Office of the High Commissioner for Refugees; and Claire Van der Vaeren, Director for Country Office Liaison and Coordination for Asia-Pacific from the UN Development Programme (UNDP). A representative from the Office of the High Commissioner for Human Rights was present to answer questions. In her briefing, Burgener covered her recent visit to Myanmar and Bangladesh. Burgener, who was appointed on 26 April, was in Myanmar from 12 to 21 June, during which she met with Myanmar government and military officials and visited Rakhine State. She returned to Myanmar on 11 July to attend the Panglong Peace Conference at the invitation of State Counsellor Aung San Suu Kyi. Burgener visited Bangladesh from 14 to 16 July, where she met Prime Minister Sheikh Hasina and visited the Cox's Bazar refugee camp. Council members adopted press elements, expressing their strong support for Burgener and addressing other issues, including the memoranda of understanding, investigations of alleged human rights abuses and violations, and conditions conducive to the return of Rohingya refugees and internally displaced persons.

Guterres visited Bangladesh with World Bank President Jim Yong Kim from 1 to 2 July, during which they met with Prime Minister Sheikh Hasina and senior Bangladesh officials and visited Cox's Bazar. UN High

Commissioner for Refugees Filippo Grandi and International Committee of the Red Cross President Peter Maurer accompanied them. During the visit, Guterres heard from those who had fled Rakhine State, what he described as “unimaginable” accounts of atrocities. He highlighted the plight of the refugees, calling the situation a “humanitarian and human rights nightmare”. He made a plea for greater support from the international community, stressing that a refugee crisis called for a global sharing of responsibility. The World Bank has announced that it will provide Bangladesh with \$480 million to support Rohingya refugees and local communities in Cox's Bazar. The UN Joint Response Plan for almost \$1 billion was launched on 16 March in Geneva.

In a 27 June letter to the president of the Council, the Myanmar permanent representative updated the Council on developments and steps taken to address a number of issues as requested in a 31 May Council letter. The areas covered were humanitarian access, accountability for alleged human rights abuses, and implementation of the recommendations of the Advisory Commission on the Rakhine State. Regarding humanitarian access, the letter highlighted the signing of the memorandum of understanding between the Myanmar government, UNHCR and UNDP. On accountability, the letter said that while the government would take action against perpetrators if there was sufficient evidence, the human rights of all communities needed to be protected. It noted the government's decision to appoint an independent commission of inquiry to look into allegations of human rights violations following the attacks on 25 August and provided information on the implementation of the advisory commission's recommendations. Other areas covered in the letter include steps being taken for the repatriation of refugees from Bangladesh and the importance of the correct process for such returns.

As a follow-up to the 27 June letter, the Myanmar permanent representative wrote to the Council on 20 July. The letter listed

recent developments and initiatives taken by the government under the three main areas identified by the Security Council—humanitarian access, accountability for human rights abuses, and implementation of the recommendations of the Advisory Commission on the Rakhine State—in the Council's 31 May letter. Following up on its earlier announcement of intending to establish an independent commission of inquiry into alleged human rights violations, the government also informed the Council that it had completed the selection of members of this commission and that the establishment of the commission will be announced soon. It also covered the activities of the technical working group set up to implement the memorandum of understanding between the Myanmar government, UNHCR and UNDP.

The third round of the 21st Century Panglong Conference between key stakeholders of the peace process ended on 16 July with the adoption of 14 new principles, which will be included in a draft union accord aimed at creating a democratic federal union. So far, 51 principles covering political, economic, social and land rights have been agreed. However, representatives of the government, parliament, military, political parties, and ethnic armed groups failed to agree on a number of basic principles, including equality and non-secession from the union.

In late June, Bangladesh and UNHCR began a joint verification programme for Rohingya refugees to create a unified database. The information is expected to help establish the identities and places of origin of the refugees, which could be used in facilitating the return of the Rohingya refugees to Myanmar. By 6 July, 4,200 individuals had been verified according to UNHCR.

## Human Rights-Related Developments

During its 38th session, the Human Rights Council (HRC) held an interactive dialogue with the special rapporteur on the situation of human rights in Myanmar, Yanghee Lee, who urged the HRC to support efforts to investigate and prosecute at the ICC those responsible for the crimes alleged to have occurred. The special rapporteur expressed deep concern about the apparent inability of the Security Council to unite behind

**UN DOCUMENTS ON MYANMAR** Security Council Presidential Statement S/PRST/2017/22 (6 November 2017) addressed the situation in Rakhine. **Security Council Press Statement SC/13331** (9 May 2018) was on the Council visit to Myanmar and Bangladesh. **Security Council Meetings S/PV.8255** (14 May 2018) was the briefing on the Council visiting mission to Myanmar and Bangladesh. **S/PV.8179** (13 February 2018) was the briefing by High Commissioner for Refugees Filippo Grandi (via video teleconference) and Assistant Secretary-General for Political Affairs Miroslav Jenča. **Security Council Letter S/2018/726** (20 Jul 2018) was a letter from the permanent representative of Myanmar to the president of the Security Council with an update on developments related to the three areas outlined in the Council's 31 May letter to the government of Myanmar. **S/2018/638** (27 June 2018) was the response from the Myanmar government to the Council's 31 May letter, in which it updated the Council about recent developments and steps taken. **S/2018/391** (26 April 2018) transmitted the terms of reference for the visiting mission.

# Myanmar

referring the situation to the ICC and called on the HRC, as a matter of urgency, to back her proposal to establish an international accountability mechanism. Lee said that “far too many crimes have been committed, and have been documented and reported with scant consequences faced by those who perpetrated them”.

On 4 July, High Commissioner for Human Rights Zeid Ra'ad Al Hussein gave an oral briefing on the human rights situation of the Rohingya people in which he urged Myanmar to grant immediate access to special rapporteur Lee; urged the Security Council to refer Myanmar to the ICC; and requested the HRC to recommend to the General Assembly the establishment of a new international, impartial and independent mechanism, complementary to the fact-finding mission.

From 29 June to 8 July, Lee visited Dhaka and Cox's Bazar in Bangladesh, where she met with government officials, UN entities, humanitarian organisations, civil society organisations, and Rohingya refugees. Lee noted that the Myanmar government's failure to redress discriminatory laws against the Rohingya made it impossible for hundreds of thousands of refugees to return to their homes anytime soon. She added that there must be a shift to medium- and longer-term planning in Cox's Bazar.

On 19 July, the HRC-mandated fact-finding mission on Myanmar concluded a five-day visit to Bangladesh, where they met newly-arrived Rohingya refugees from Rakhine State. Having last visited in October 2017, the fact-finding mission saw first-hand how the refugees' situation had evolved since last year and their current living conditions. The fact-finding mission will submit a final report to the HRC at its 39th session in September.

## Key Issues and Options

The key issue continues to be ensuring follow-up to the November 2017 presidential statement, which urged the Myanmar government to work with Bangladesh and the UN to allow voluntary return of the refugees and called for the full implementation of the Advisory Commission's recommendations. A connected issue is how to push for concrete steps to be taken to create conditions for the repatriation of the Rohingya refugees. The Council needs to find a balance between pressure and persuasion to convey its determination to see progress on this issue without alienating the Myanmar government. To start with, possible options include closed briefings and quiet diplomacy, such as demarches from Council members.

If over time it appears that the Myanmar government is not putting in place conditions for the voluntary, safe and dignified return of refugees from Bangladesh, the Council could ratchet up its response with more public meetings and stronger outcomes.

A related issue is an impartial investigation into allegations of human rights violations following the 25 August 2017 attacks. Although the Myanmar government announced on 31 May that it would set up an independent commission of inquiry into alleged human rights violations, some members have concerns about the independence of the commission and whether it will be able to conduct a fair investigation into the allegations. Council members could press the Myanmar government privately on this issue, and if it appears that the investigation does not meet international human rights standards, pressure could be increased through more public statements or a resolution with references to the need for accountability.

Another issue is monitoring the implementation of the trilateral memorandum of understanding, signed by the Myanmar government, UNHCR and UNDP on 6 June, particularly regarding access in Rakhine State by UN agencies. Regular updates from UNHCR may be useful to keep Council members informed and to allow them to react if it appears that implementation has stalled.

Given the underlying tensions between the communities in Rakhine State, receiving early alerts to any signs that another outbreak of violence is imminent is crucial if the Council is to play a role in preventing further conflict. One option is for the Council to make clear that it wants to be briefed immediately by the Secretariat and the relevant UN agencies if there are any warning signs.

Full implementation of the Rakhine Advisory Commission's recommendations continues to be a concern, particularly regarding the sensitive issue of the Rohingya being denied citizenship, given the potential for this to lead to an escalation in tensions.

A future issue is the impact on Bangladesh and the host community in Cox's Bazar if it looks unlikely that repatriation will be possible in the foreseeable future. Continued

funding and the role of the UN, if the refugees are not able to be repatriated soon, would also be an issue.

## Council Dynamics

Since the August 2017 attack and the wave of violence against civilians, which led large numbers of Rohingya to flee to Bangladesh, the Council has kept a watchful eye on the situation in Myanmar and was particularly active between August and December 2017, with a slight dip in activity in the first months of 2018. It seems that the visiting mission in late April and early May revived the interest of a number of members in the Rohingya issue. Together with permanent members France, the UK and the US, a number of elected members, including Kazakhstan, Kuwait, the Netherlands, Peru and Sweden, have been very supportive of keeping the spotlight on developments in Myanmar.

The UK, the lead on Myanmar in the Council, is keen to engage Myanmar and work with China and currently favours a less vigorous approach. A number of other members, while seeing Myanmar's willingness to engage as a promising sign, are concerned that a softer approach could result in a lack of real progress on the ground. China views recent action by Myanmar, such as the signing of the memorandum of understanding and the establishment of an independent commission of inquiry, as positive, and would like to see the Council be more encouraging of these developments. It has promoted dialogue between Bangladesh and Myanmar as the key to repatriation of the Rohingya refugees and has shown signs of wanting to play a role in resolving the Rohingya crisis. On 28 June, Chinese Foreign Minister Wang Yi brought together State Counsellor U Kyaw Tint Swe of Myanmar and Bangladeshi Foreign Minister Abul Hassan Mahmood Ali to discuss the issue of repatriation of the refugees. As long as Myanmar appears to be taking steps in the right direction, even if there is little practical progress in creating the conditions for repatriation, it may be difficult for the Council to take stronger action unless there is a change in China's position.

# Mediation and Settlement of Disputes

## Expected Council Action

In August, the UK is planning to hold an open debate of the Security Council on “mediation and settlement of disputes”, which will be chaired at ministerial-level. Secretary-General António Guterres and a member of his High-Level Advisory Board on Mediation are expected to brief. There may also be a female civil society briefer. While no formal outcome is anticipated, the UK may prepare a chair’s summary capturing the main elements of the debate.

## Background and Key Recent Developments

The last time the Council held a formal meeting specifically on mediation and settlement of disputes was the open debate on 21 April 2009 at the initiative of Mexico. Then Under-Secretary-General for Political Affairs B. Lynn Pascoe briefed on the Secretary-General’s recent report on the issue, noting that mediation is a conflict prevention tool that is also used in peacekeeping and peacebuilding contexts. The Department of Political Affairs’ Mediation Support Unit, established in 2006, and its standby team, established in 2008, had had a positive impact in peace processes, Pascoe said. Pascoe also noted that “a regional presence can be an effective way to mediate disputes”, referring to the constructive roles played by the UN Office in West Africa and the UN Regional Centre for Preventive Diplomacy for Central Asia.

The Council adopted a presidential statement during the meeting in which it expressed its intention to “remain engaged in all stages of the conflict cycle, including in support of mediation”, and its “readiness to explore further ways and means to reinforce the promotion of mediation”. It further underlined “the importance of building national and local capacity for mediation” and welcomed the “continued efforts by the Department of Political Affairs, in particular through the Mediation Support Unit to respond to emerging and existing crises”. The Council also expressed its concern at the “low numbers of women in formal roles

in mediation processes” and stressed “the need to ensure that women are appropriately appointed at decision-making levels, as high-level mediators”.

While the 21 April 2009 open debate was the last formal Council meeting on the thematic topic of mediation, there have been several meetings on the related issue of conflict prevention over the years. The Council’s open debate on optimising tools of preventive diplomacy in Africa in July 2010 and its high-level debate on preventive diplomacy in September 2011 were perhaps those most closely linked to mediation.

Secretary-General António Guterres came into office in 2017 calling for “a surge in diplomacy for peace”. He reiterated this message in his first public briefing to the Council in an open debate on conflict prevention and sustaining peace on 10 January 2017, during Sweden’s presidency of the Council. In his briefing, Guterres emphasised that this surge in diplomacy should be carried out “in partnership with regional organizations, while mobilizing the entire range of those with influence, from religious authorities to civil society and the business community”. He further pledged to strengthen the mediation capacity of the UN, asked the Council “to make greater use of the options laid out in Chapter VI of the [UN] Charter”, and said that he was prepared to support the Council through his good offices and personal engagement.

On 13 September 2017, Guterres created the High-Level Advisory Board on Mediation, comprising 18 distinguished individuals (nine men and nine women), many of whom have served in senior positions in their national governments or in the UN. The board has met twice with the Secretary-General: in New York on 27 November 2017 and in Helsinki on 18 June. A read-out of the first meeting noted that in “specific situations, and as appropriate, the Secretary-General may seek the individual and informal engagement of Board members”. In a 21 February Council debate on the purposes and principles of the UN Charter, Guterres said that the board

had “undertaken its first initiative” and noted plans for “a number of other missions—with the agreement of the countries concerned—to Member States facing stability challenges”. He did not provide details.

At the request of Guterres, former Nigerian President Olusegun Obasanjo, a member of High-Level Advisory Board on Mediation, went to Liberia in late December 2017 to support the political process in the country during the run-off presidential election. The run-off, which followed allegations of voter irregularities during the first round and a campaign accompanied by divisive rhetoric, was conducted peacefully. George Weah of the Coalition for Democratic Change won the election, representing the first time in over 70 years—since 1944—that power was transferred peacefully between democratically-elected leaders in Liberia.

On 18 January, the Council adopted a presidential statement on conflict prevention. It recalled that a comprehensive conflict prevention strategy should include early warning, preventive deployment, mediation, peacekeeping, non-proliferation, accountability measures, and post-conflict peacebuilding—recognising that these components are interdependent, complementary and non-sequential. The statement acknowledged efforts to strengthen cooperation and coordination in conflict prevention among the UN, regional organisations and sub-regional organisations. The role of women and youth in conflict prevention and resolution was emphasised in the statement.

## Key Issues and Options

One issue is to determine how the Council can most effectively support the mediation efforts of UN, regional, sub-regional, national, and local actors. In this regard, the most likely option is for the UK to produce a chair’s summary with insights on how the Council can best play a mediation role complementing that of other actors, as well as to highlight ideas put forward by the UN membership during the open debate. In the future, the Council could also consider

**UN DOCUMENTS ON MEDIATION AND SETTLEMENT OF DISPUTES** *Security Council Presidential Statements S/PRST/2018/7* (5 April 2018) condemned all violations and abuses of human rights in Burundi. *S/PRST/2018/1* (18 January 2018) addressed conflict prevention, saying that a comprehensive conflict prevention strategy should include early warning, preventive deployment, mediation, peacekeeping, non-proliferation, accountability measures, and post-conflict peacebuilding while recognising that these components are interdependent, complementary and non-sequential. *S/PRST/2017/25* (14 December 2017) was a statement that focused on IGAD’s effort to revitalise the peace process in South Sudan. *S/PRST/2017/22* (6 November 2017) was a statement on Myanmar that requested the Secretary-General to continue to provide his good offices and encouraged him to consider, as appropriate, the appointment of a special advisor on Myanmar. *S/PRST/2009/8* (21 April 2009) was on mediation and the settlement of disputes. *Security Council Meeting Records S/PV.8185* (21 February 2018) was a ministerial-level briefing on the “purposes and principles of the UN Charter in the maintenance of international peace and security”. *S/PV.7857* (10 January 2017) was a ministerial-level open debate on conflict prevention and sustaining peace. *S/PV.6621* (22 September 2011) was a high-level meeting on preventive diplomacy. *S/PV.6360* and *Resumption 1* (16 July 2010) was an open debate on “optimising the use of preventive diplomacy tools: prospects and challenges in Africa”.



# Mediation and Settlement of Disputes

adopting a presidential statement requesting the Secretary-General to submit a report with recommendations about how the Council can best work with other actors and utilise its comparative advantages to support mediation processes.

Council visiting missions have been able to deliver important political messages to interlocutors with influence over developments in the countries or regions under consideration. In support of mediation processes, the Council could consider making use of smaller visiting missions, consisting of a subset of members with influence in specific cases.

Another issue is how the Council can encourage peace operations to facilitate

national and local dispute resolution mechanisms, where useful. This is consistent with the notion that mandates should be driven by the need to achieve political solutions, a key theme of the 2015 report of the High-Level Independent Panel on Peace Operations.

## Council Dynamics

Members are supportive of the UK initiative to hold a formal meeting on mediation. The Council continues to support mediation efforts in its mandates for peace operations, including by highlighting the good offices efforts of Special Representatives. It consistently adopts outcomes that provide political backing for the mediation efforts

of the Secretary-General or of regional and sub-regional actors in country-specific cases; presidential statements adopted on Burundi, Myanmar, and South Sudan since late 2017 are examples of such support.

Members recognise that the Council is one of many actors involved in mediation and that its role is complementary to other UN organs and to regional, sub-regional, national and local actors. In this regard, it appears that one of the goals of the meeting is to reiterate the Council's support for Guterres' efforts to promote a "surge in diplomacy". Some Council members will also probably emphasise the role of women in mediation processes during the debate.

## Guinea-Bissau

### Expected Council Action

In August, the Council expects a briefing on Guinea-Bissau from the Special Representative and head of the UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS), José Viegas Filho. Ambassador Anatolio Ndong Mba (Equatorial Guinea), as chair of the 2048 Guinea-Bissau Sanctions Committee, and Ambassador Mauro Vieira (Brazil), chair of the Guinea-Bissau configuration of the Peacebuilding Commission (PBC), are also expected to brief.

Also during August, the 2048 Guinea-Bissau Sanctions Committee is expected to consider the Secretary-General's annual report on progress in Guinea-Bissau's stabilisation and restoration of constitutional order with recommendations on the continuation of the 2048 sanctions regime.

### Key Recent Developments

Since the breakthroughs in April when Aristides Gomes was appointed prime minister and an inclusive government was formed, Guinea-Bissau has made only limited progress in preparing for the legislative elections scheduled for 18 November and in implementing other provisions of the October 2016 Conakry Agreement, brokered by the Economic Community of West African States

(ECOWAS) to resolve a political crisis that the country has been mired in since 2015. On 25 May, the National Assembly re-opened, building on some of the momentum from the previous month. On 20 June, the National Assembly approved the government programme, and on 21 June, it adopted a budget, which had not been done, respectively, since 2014 and 2015.

The new government has been focused on organising the elections, but voter registration, which should have started on 1 June, has been delayed. Raising the projected \$7.7 million to hold the elections has also been a problem, but there have been signs of progress lately. In addition to the \$1.8 million that the government has set aside for the election and the anticipated EU disbursement in September of 2.5 million euros, a number of countries, including Equatorial Guinea, Italy, Japan and the US, are considering contributions. Member states of the Community of Portuguese Speaking Countries (CPLP) expressed their readiness to contribute funding in the final declaration issued at the close of their summit on 17-18 July in Cape Verde.

This will be Viegas Filho's first briefing since the Secretary-General appointed the career Brazilian diplomat on 4 May as his special representative, succeeding previous

UNIOGBIS head Modibo Touré. During the Council's last meeting on Guinea-Bissau on 26 May, Assistant Secretary-General Tayé-Brook Zerihoun provided an overview of recent progress in resolving the crisis and an update on the recalibration of UNIOGBIS following the February mandate renewal, which had removed tasks tied to judicial, security, and rule of law reforms. Along with the PBC's Ambassador Vieira, Executive Director of the UN Office on Drugs and Crime Yuri Fedotov also briefed, marking the first time that UNODC had briefed on Guinea-Bissau since 2009.

### Sanctions-Related Developments

Ambassador Ndong Mba undertook a mission to Guinea-Bissau and Guinea from 25 to 29 June to assess the existing Security Council travel ban against ten individuals linked to the military for their involvement in the April 2012 coup, and the current political situation. The chair of the 2048 Committee met with top Bissau-Guinean officials, including President José Mário Vaz; representatives of political parties, including the African Party for the Independence of Guinea and Cape Verde and the Party for Social Renewal; sanctioned military officers; civil society organisations; and international partners. Interlocutors expressed the view that the sanctions were no longer warranted, while others felt that they should remain in place. In Conakry, Ndong Mba met with President Alpha Condé of Guinea, who

**UN DOCUMENTS ON GUINEA-BISSAU** Security Council Resolution S/RES/2404 (28 February 2018) extended the mandate of UNIOGBIS for one year. **Security Council Letter S/2018/420** (3 May 2018) was from the Secretary-General on his intention to appoint José Viegas Filho (Brazil) as his special representative for Guinea-Bissau and head of UNIOGBIS. **Security Council Meeting Record S/PV.8261** (16 May 2018) was a briefing on Guinea-Bissau. **Security Council Press Statement SC/13218** (21 February 2018) took note of ECOWAS's decision to sanction 19 individuals for obstructing implementation of the Conakry Agreement.

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# Guinea-Bissau

is the ECOWAS mediator of the crisis. This past February, ECOWAS imposed sanctions against 19 individuals associated with Vaz, including the president's son, for obstructing implementation of the Conakry Agreement.

## Developments in the Peacebuilding Commission

When Brazil's deputy ambassador Frederico Meyer briefed the PBC on 25 June about the activities of the country configuration, he said the configuration was continuing to work with UNIOGBIS and international partners towards implementing the Conakry Agreement. He said that over the coming months special attention would be given to the elections, including efforts to generate financial support. From 25 to 26 July, Vieira visited Guinea-Bissau and on 27 July held further discussions in Lisbon.

## Key Issues and Options

The upcoming legislative elections are a key issue. Areas of concern include their funding; voter registration, which by law should be completed 60 days ahead of the elections; and keeping to the current timeframe, as these elections were already postponed from the first half of the year. Continuing to advance implementation of the Conakry Agreement is a related issue. In his 1 May letter to the Council on his intention to appoint Viegas Filho, the Secretary-General stressed that despite the positive developments during April with the appointment of Gomes and establishment of an inclusive government,

full implementation of the Conakry Agreement would be challenging, including the adoption of a stability pact that incorporates key constitutional, electoral, justice and security sector reforms. The role of the sanctions and their continuation or modification will be a prominent issue.

One option is to adopt a presidential statement that reiterates the importance for Bissau-Guinean stakeholders to fully implement the Conakry Agreement and to hold legislative elections as scheduled, while encouraging donors to support outstanding funding needs. The Council, as it has done in the past, may seek to support politically the initiatives of ECOWAS, which is holding a summit on 30 and 31 July, during which Guinea-Bissau is likely to be discussed.

Regarding the sanctions, an option is to maintain the current regime through this year's legislative elections and next year's presidential election while signalling the possibility of ending the sanctions upon reviewing the political climate afterwards. The 2048 Guinea-Bissau Sanctions Committee may further issue a press release following next month's committee meeting, which includes a reminder that sanctioned individuals can request exemptions on humanitarian grounds, such as necessary medical treatment abroad, an issue that was raised by interlocutors arguing for the lifting of sanctions.

## Council and Wider Dynamics

The Council tends to follow the lead of ECOWAS, seeking to support its decisions or agreements on Guinea-Bissau. On the ground, representatives in Bissau from ECOWAS, the AU, the CPLP, the UN and the EU—collectively referred to as the P5 in Guinea-Bissau—often act together to defuse tensions. Council members' concerns over the course of the political crisis have included the possibility that a deterioration could lead to an increase in transnational crime, such as drug trafficking and piracy, or be exploited by terrorist groups in the region.

Despite the military having refrained from interfering in the political situation over the past three years, members remain attentive to this risk given Guinea-Bissau's history. During Ambassador Ndong Mba's mission, interlocutors arguing for lifting the travel ban on current sanctioned individuals made the point that the present crisis was not the fault of the military but of the political class. On the other hand, Council sanctions are perceived as having served as a deterrent on the military over the course of the political crisis. ECOWAS sanctions, which seemed responsible for triggering political breakthroughs earlier this year, are likely to remain in place until after the presidential election in 2019.

Côte d'Ivoire is the penholder on Guinea-Bissau.

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# DPRK (North Korea)

## Expected Council Action

In August, the chair of the 1718 Democratic People's Republic of Korea (DPRK) Sanctions Committee, Ambassador Karel van Oosterom (Netherlands), is expected to provide Council members with his regular 90-day briefing on the work of the committee.

## Key Recent Developments

Diplomatic efforts on the denuclearisation of the Korean peninsula have continued at intensive and senior levels over the past

several months. On 31 May, US Secretary of State Mike Pompeo hosted General Kim Yong Chol, among the closest advisors to the DPRK leadership, in New York in preparation for the summit between US President Donald Trump and the DPRK's supreme leader, Kim Jong-un. The same day, Russian Foreign Minister Sergey Lavrov met with Kim Jong-un to discuss ongoing diplomatic efforts on denuclearisation. Addressing the media after the meeting, Lavrov called for a gradual lifting of sanctions on the DPRK, saying that

there could be no comprehensive solution to the DPRK issue without sanctions relief.

On 12 June, Kim and Trump met in Singapore and signed a joint declaration committing both countries to work towards building new relations, building lasting peace on the peninsula, and working towards the complete denuclearisation of the Korean peninsula. Following the summit, Trump told the media that he had also agreed to cancel the US joint military exercises with South Korea. Kim and Trump did not specifically define

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**UN DOCUMENTS ON THE DPRK** Security Council Resolutions S/RES/2407 (21 March 2018) extended the mandate of the Panel of Experts of the 1718 DPRK Sanctions Committee until 24 April 2019. S/RES/2397 (22 December 2017) tightened sanctions further in response to a DPRK nuclear test. **Security Council Presidential Statement S/PRST/2017/16** (29 August 2017) condemned the launch of a missile over the territory of Japan and urged the DPRK to comply with previous Council resolutions and presidential statements. **Security Council Meeting Record S/PV.8210** (21 March 2018) was the adoption of resolution 2407, which extended the mandate of the Panel of Experts assisting the sanctions committee. **Sanctions Committee Documents SC/13413** (9 July 2018) was on amending two entries, one individual and one entity, on the sanctions list. **SC/13352** (23 May 2018) was on amending one entity on the sanctions list. **S/2018/171** (5 March 2018) was the final report of the Panel of Experts, including findings and recommendations for the Council.

## DPRK (North Korea)

the meaning of the term “complete denuclearisation”, however, or provide any timeline for this process.

Pompeo travelled to Beijing on 14 June, where he held meetings with Chinese President Xi Jinping and Foreign Minister Wang Yi. Among other things, Pompeo emphasised that the US is determined to achieve “the complete, verifiable and irreversible denuclearisation of the Korean Peninsula”. He further stressed the importance of full implementation of the relevant Council resolutions on the DPRK.

On 18 June, Xi hosted Kim during a two-day visit to Beijing. While the exact details of the discussions were not revealed, Chinese state media reported that both leaders agreed to deepen the relations between the two countries and that Xi praised the outcome of the 12 June summit. The meeting took place amid an escalating trade dispute between the US and China.

In early July, Pompeo travelled to Pyongyang, where he met with Kim Yong Chol to assess progress and continue consultations following the 12 June summit. After the meeting, Pompeo described the talks as productive. The North Korean foreign ministry, however, issued a statement describing the US attitude at the meeting as regrettable and contrary to the spirit of the 12 June summit.

On 20 July, Pompeo held an informal meeting with the members of the Security Council as well as South Korea and Japan. The hour-long meeting, held at the South Korean mission, was chaired by the country’s foreign minister, Kang Kyung-wha. Pompeo briefed the meeting on his trip to the DPRK and ongoing diplomatic efforts on the denuclearisation of the Korean peninsula and took questions. He emphasised the importance of maintaining the pressure of sanctions. After the meeting, Pompeo met with Secretary-General António Guterres.

Later that day, Pompeo and US ambassador Nikki Haley held a press stakeout at the UN. Pompeo emphasised that sanctions enforcement by member states remains crucial to the prospects of denuclearisation. He noted that the DPRK has continued to engage in illegal procurement of petroleum products, exceeding the import limits established by the sanctions regime. During the first five months of the year, the US recorded at least 89 illegal ship-to-ship transfers of

petroleum products bound for the DPRK, said Pompeo.

In her remarks, Haley specifically called out Russia and China for blocking US efforts in the sanctions committee to address these violations. After the US informed the committee of the sanctions violations earlier in July, it requested the committee to issue a statement that would inform member states about the DPRK’s breach and call on members to enforce sanctions measures. Russia and China blocked the committee from issuing the statement, apparently saying they would need more time to examine the US claims.

### Human Rights-Related Developments

In a 25 April statement, the special rapporteur on human rights in the DPRK, Tomás Ojea Quintana, warned that states involved in denuclearisation negotiations must not avoid the topic of human rights. “A denuclearisation deal will remain fragile if it sidelines the rights and needs of the DPRK population”, Quintana said. “Peace and security cannot be achieved only in the form of intergovernmental agreements but also, and perhaps more importantly, in the shape of domestic policies that guarantee the full enjoyment of human rights without discrimination”.

Quintana visited Seoul from 2 to 10 July, during which he met senior government officials of the Republic of Korea, diplomats, representatives of civil society, the Korean Red Cross, the National Human Rights Commission of Korea, and people who had recently left the DPRK. In a 10 July press release, he urged the DPRK to open a parallel track for dialogue on human rights alongside peace and denuclearisation. He also emphasised the worsening humanitarian crisis. According to the press release, the UN has reported that chronic food insecurity, early childhood malnutrition, and nutrition insecurity are widespread in the DPRK, and that over 10 million people, or 40 percent of the population, are said to require humanitarian assistance.

### Key Issues and Options

The Council faces a myriad of interrelated issues on the DPRK. Chief among them continues to be how to reduce tensions on the Korean peninsula amid the still-volatile environment. The recent diplomatic efforts have provided the Council with some cautious optimism about reaching this goal. Most of the diplomatic activity continues to take place outside the Council, and the Council’s role will be largely determined by how these broader geo-political developments play out. Given the relative success

of the recent inter-Korean and US-DPRK summits, an option for the Council is to consider a formal product encouraging further similar engagements.

Finding the right balance between applying pressure through sanctions and exploring the diplomatic track will become an increasingly relevant issue. In light of the current diplomatic activity, the Council may need to consider whether it needs a new approach to the DPRK that provides both a “carrot” and a “stick”.

Keeping in mind the Council’s powers under Chapter VIII, an issue for the Council is whether it should encourage regional organisations, such as the Association of Southeast Asian Nations, to develop confidence-building mechanisms that could support positive diplomatic developments.

A central issue for the committee remains the implementation of sanctions as emphasised by the US last month. One option for the Council would be to bring the issue to the Council and produce a statement calling for full sanctions implementation.

Some Council members are concerned about the impact of sanctions on the humanitarian situation in the DPRK. The Council could consider working with OCHA to obtain the information it needs for humanitarian exemptions. Another option would be to consider adding to the monitoring panel assisting the committee an expert on humanitarian issues who could analyse the impact of sanctions on the civilian population.

### Council Dynamics

During the past several months, the Council has kept a low profile on the DPRK, letting diplomatic efforts outside the Council play out and in anticipation of the tangible results stemming from these efforts. While most Council members remain cautious in their optimism about the DPRK’s denuclearisation, they continue to support diplomatic efforts between the US and the DPRK as well as between the two Koreas. Some members are starting to question whether a new approach is needed in the Council’s relationship with the DPRK, including a greater response to positive developments through Council outcomes and other possible means of showing support for serious dialogue on the denuclearisation of the Korean peninsula. At the moment, it seems that some



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## DPRK (North Korea)

members, such as China and Russia, are open to considering some form of sanctions relief for the DPRK. Other members, and the US in particular, hold the view that the Council should maintain the pressure on the DPRK until it demonstrates concrete actions towards denuclearisation.

The relationship between China and the US has continued to shape Council dynamics on this issue. For many years, these two permanent members have negotiated Council

outcomes with little or no involvement from the rest of the Council members. Over the past year, however, Russia has become a more active player on this file.

Last month, Russia, with the support of China, took the lead in blocking the US request for the committee to issue a statement calling on member states to comply with the sanctions on refined petroleum products based on US claims that the DPRK had breached the limit of its annual

quota as set out by the sanction regime. China was seen as the main interlocutor with the US because of its perceived leverage with the DPRK. While China is still a key player on this issue, it is possible that ongoing direct talks between the US and the DPRK might alter the long-standing dynamic on this issue.

The US is the penholder on the DPRK, and the Netherlands chairs the 1718 DPRK Sanctions Committee.

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## Democratic Republic of the Congo

### Expected Council Action

In August, the Council will receive the latest Secretary-General's report on the political and technical progress towards the holding of elections in the Democratic Republic of the Congo (DRC).

The UN Organization Stabilization Mission in the DRC's (MONUSCO) mandate expires on 31 March 2019.

### Key Recent Developments

The political uncertainty in the DRC continues to be a major concern for the Council. President Joseph Kabila, whose second and final term (under the country's constitution) ended in December 2016, remains in office. According to an agreement reached between Kabila and the opposition on 31 December 2016, elections were to be held by the end of 2017, and Kabila was not to run for a third term or initiate amendments to the constitution. Citing logistical difficulties that prevented the elections from being held on 5 November 2017, the Independent National Electoral Commission (CENI) published a new electoral calendar for combined presidential, legislative and provincial elections to take place on 23 December 2018.

The political tensions have been exacerbated by Kabila's failure to reveal his own intentions. On 7 June, parties from the ruling coalition formed a "grand political electoral coalition" called the Common Front

for Congo (FCC) and designed to "provide support for a single candidate for the presidential elections". Kabila was named as the FCC's "moral authority". On 12 June, Prime Minister Bruno Tshibala said that Kabila would respect the constitution and not seek another term. Kabila was expected to address the issue in his state of the nation speech before parliament on 19 July; while voicing commitment to elections on 23 December, he did not clarify his own plans. According to the electoral calendar, presidential candidates must register between 25 July and 8 August.

The DRC was discussed on 19 July during the 12th annual meeting of the members of the Security Council and the AU Peace and Security Council (PSC). A joint communiqué issued after the meeting reaffirmed that effective and swift implementation of the 31 December 2016 agreement, as well as respect for fundamental rights and the electoral timeline, are essential for a peaceful and credible electoral process. It underscored the need for the elections to be transparent, credible and inclusive, and to lead to a peaceful and democratic transfer of power, in accordance with the constitution, the 31 December 2016 agreement, Security Council resolutions 2348 and 2409, and the African Charter on Democracy, Elections and Governance. Members of the two councils called on the DRC

government, CENI and all stakeholders to work together towards the holding of elections on 23 December. They stressed their commitment to "take appropriate measures against all Congolese actors, and any others, whose actions and statements impede the implementation of the Agreement and the organization of the elections".

The political field in the DRC has seen the return of former Vice President Jean-Pierre Bemba, who had spent the last ten years in ICC custody. The ICC convicted Bemba in 2016 for war crimes and crimes against humanity committed as the leader of the Movement for the Liberation of Congo when his forces fought in an attempted coup in the Central African Republic in 2002 and 2003. On 8 June, the ICC overturned the verdict on appeal. Bemba was released from custody while he awaits sentencing on separate charges of bribing witnesses. Following his acquittal, his party, the Movement for the Liberation of the Congo (MLC), announced that Bemba will be its nominated presidential candidate.

The Eastern DRC continues to be plagued by the activities of rebel groups, attacking civilians, the Forces Armées de la République Démocratique du Congo (FARDC), and fighting amongst each other. The Allied Democratic Forces (ADF), an Islamist armed group, has been particularly active in North Kivu. On 16 July, suspected

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**UN DOCUMENTS ON THE DRC** Security Council Resolution S/RES/2424 (29 June 2018) renewed the DRC sanctions regime until 1 July 2019 and the mandate of the Group of Experts assisting the 1533 DRC Sanctions Committee until 1 August 2019. [S/RES/2409](#) (27 March 2018) renewed MONUSCO's mandate until 31 March 2019. [Secretary-General's Report S/2018/655](#) (2 July 2018) was the latest MONUSCO report. [Security Council Meeting Record S/PV.8318](#) (26 July 2018) was a briefing on the Secretary-General's latest report on MONUSCO by its head, Leila Zerrougui, and on the work of the 1533 DRC Sanctions Committee, by its chair, Ambassador Mansour Al-Otaibi (Kuwait). [Security Council letter S/2018/727](#) (18 July 2018) was from the Secretary-General on contingency planning for a temporary reinforcement of MONUSCO. [Sanctions Committee Document S/2018/531](#) (20 May 2018) was the final report by the Group of Experts on the DRC. [Other SC/13430](#) (19 July 2018) was the joint communiqué issued by Council members and members of the AU Peace and Security Council following their annual meeting.



# Democratic Republic of the Congo

ADF rebels attacked an FARDC base near Beni, killing three soldiers and three civilians. Meanwhile, tensions have flared between the FARDC and the Ugandan military on the border between the two countries. In clashes between the militaries on Lake Edward, more than 30 people have reportedly been killed since early July, including local fishermen and three Ugandan soldiers, who were attacked by an angry mob along the border. Also in North Kivu, fighting between various rebel groups between 13 and 17 July resulted in 13 civilians killed.

Violence in Ituri, particularly in the Djugu area, which erupted in December 2017 amid conflict between the Hema and Lendu ethnic groups, has lessened over the last few months. The fighting has cost the lives of more than 260 people and over 350,000 have fled their homes. As fighting has eased, some 150,000 people have returned to the area. On 13 July, however, a spokesperson for UNHCR said that its team in the area had received numerous reports of “barbaric violence”, including “armed groups attacking civilians with guns, arrows and machetes, [and] entire villages razed”.

On 26 July, Special Representative and head of MONUSCO Leila Zerrougui and Justine Bihanga of the non-governmental organisation Synergy of Women for Victims of Sexual Violence briefed the Council. The chair of the DRC Sanctions Committee, Ambassador Mansour al-Otaibi (Kuwait), also briefed. Under-Secretary-General for Peacekeeping Operations Jean-Pierre Lacroix attended the consultations that followed.

France circulated a draft presidential statement to Council members on 26 June, mainly focused on the tense political situation in the DRC surrounding the electoral process. The draft statement, largely based on previously agreed language, called on all stakeholders in the DRC, including President Kabila, to implement swiftly the 31 December 2016 Agreement. It also called on the DRC to put an end to restrictions on political space and to respect, protect and fulfil human rights and fundamental freedoms, especially the rights of peaceful assembly and freedom of expression, and to exercise maximum restraint in their response to protests. It called on the ‘opposition forces’, for their part, to show responsibility by ensuring the

peaceful character of their demonstrations and respecting national legislation. Failing to reach agreement on the text over the course of a month, on 25 July, France withdrew the draft, explaining that it prefers to focus on the unity of messaging from both the Council and the PSC, as reflected in the joint communiqué of 19 July.

On 24 July, the World Health Organization (WHO) declared the Ebola outbreak in the DRC to be over, after 42 days had passed since the last infected patient was released from care. According to the WHO, Ebola was first detected on 4 April and since then there had been 38 confirmed cases, including 29 deaths.

## Sanctions-Related Developments

On 29 June, the Council adopted resolution 2424, renewing the sanctions regime, which includes a partial arms embargo, travel ban and assets freeze, until 1 July 2019 and the mandate of the Group of Experts assisting the 1533 DRC Sanctions Committee until 1 August 2019. It requests the group to provide to the Council, after discussion with the committee, a mid-term report no later than 30 December 2018 and a final report no later than 15 June 2019, as well as to submit monthly updates to the committee, except in the months when the mid-term and final reports are due.

The committee held a formal open meeting for member states on 27 July. Addressing those present was Al-Otaibi, the coordinator of the group of experts and the representatives of neighbouring countries.

## Human Rights-Related Developments

In a 26 June statement, a team of international experts appointed by the Human Rights Council (HRC) in June 2017 said it believed that a number of the violations perpetrated by defence and security forces, the Kamuina Nsapu militia, and the Bana Mura militias constitute crimes against humanity and war crimes. The statement said that the perpetrators deliberately killed civilians, including children, and committed atrocities such as mutilations, rapes and other forms of sexual violence, torture, and exterminations. The experts submitted a report to the HRC during its 38th session on the situation in the Kasai regions, which High Commissioner for Human Rights Zeid Ra'ad Al Hussein presented to the HRC at an enhanced interactive dialogue on 3 July (A/HRC/38/31).

Also during its 38th session, on 6 July, the HRC adopted without a vote resolution 38/20 on technical assistance to the DRC and accountability concerning events in the Kasai regions. The resolution requests the team of international experts to continue collecting and preserving information concerning alleged human rights violations and abuses as requested in resolution

35/33 and to submit its conclusions to the HRC at its 39th session in September.

## Key Issues and Options

The primary political issue for the Council in the upcoming period is that the elections take place as scheduled and that they are free and fair. The Council may choose to issue a presidential or press statement calling on the DRC to take action to guarantee that elections are held in a safe environment conducive to full public participation in the political process and that there is a peaceful transition of power.

Additionally, the Council may, in coordination with regional actors and particularly the AU, reiterate its call on all stakeholders to refrain from violence and to remain committed to the electoral calendar as the only way forward.

As implied in the 19 July joint communiqué following the meeting with the PSC, the Council can utilise the sanctions regime by amending the listing criteria to include acts that hinder a free and fair electoral process and sanction actors who undermine the electoral process.

Unable to agree on dates for a visiting mission to the DRC in August, Council members are now contemplating conducting the trip later in the year, possibly October, to reinforce the importance of free, fair and timely elections and to assess the security situation and MONUSCO's response. The Council has visited the DRC 13 times, first in 2000 and most recently in November 2016.

## Council and Wider Dynamics

All Council members remain concerned about the ongoing political crisis and the dire security situation. There is consensus about the imperative of holding elections on 23 December without further delays, in alignment with the position of regional actors, as reflected in the recent joint UN-AU communiqué.

Differences between Council members persist, however, regarding their assessment of the nature of the political crisis, with some seeing it as a constitutional issue and others as one with wider national and regional implications. Some of the latter group, such as France and the US, have publicly called on Kabila to step down. They are also concerned that while logistical preparations for

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## Democratic Republic of the Congo

the elections are, on the whole, progressing as scheduled, the DRC government has done little to guarantee that elections will be free, fair and inclusive.

On the other hand, earlier in the year it

seemed that there was consensus regarding the need for the Council to remain focused on the DRC in 2018, but more recently some Council members, such as Russia, have questioned whether the Council is not overly

focused on the DRC political process compared to other situations on its agenda.

France is the penholder on the DRC, and Kuwait chairs the 1533 DRC Sanctions Committee.

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## South Sudan

### Expected Council Action

In August, the Council may receive a briefing on the situation in South Sudan. Although not on the programme of work at press time, a briefing may be requested given that the Council was last briefed publicly on the issue on 28 June. Council members also expect to receive the Secretary-General's monthly report on obstructions to the UN Mission in South Sudan (UNMISS). An Arria-formula meeting with the Commission on Human Rights in South Sudan, established by the Human Rights Council in March 2016, may also take place in August.

The mandate of UNMISS expires on 15 March 2019.

### Key Recent Developments

On 13 July, the Council adopted resolution 2428, imposing an arms embargo on South Sudan until 31 May 2019 and designating two additional individuals to be subject to targeted sanctions: Paul Malong Awan, the former chief of staff of South Sudan's army who became a rebel leader, and Malek Reuben Riak, former deputy chief of general staff of South Sudan's army. The resolution, adopted with nine votes in favour and six abstentions (Bolivia, China, Equatorial Guinea, Ethiopia, Kazakhstan and Russia) also renewed the South Sudan sanctions regime until 31 May 2019 and the Sanctions Committee's Panel of Experts until 1 July 2019. It expressed "deep concern at the failures of South Sudan's leaders to bring an end to the hostilities" and condemned the "continued and flagrant violations" of the 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS), the 21 December 2017 Cessation of Hostilities Agreement (CoHA) and the 27

June Khartoum Declaration, signed by South Sudanese President Salva Kiir and opposition leader Riek Machar, which among other things declared a permanent ceasefire. It also expressed the Council's intent to monitor and review the situation every 90 days and said that the Council was "prepared to adjust the measures contained in this resolution...at any time in light of the progress achieved in the peace, accountability, and reconciliation process...and implementation of the parties' commitments, including the ceasefire". (For more details, see our *What's In Blue* story from 12 July.)

Ahead of the adoption of resolution 2428, on 5 July, Council members were briefed in consultations by Under-Secretary-General for Peacekeeping Operations Jean-Pierre Lacroix on the Secretary-General's assessment of the security and political situation in South Sudan, requested by resolution 2418. The assessment observed that there had been credible reports of fighting involving parties to the peace agreement during the 31 May to 27 June reporting period and that UNMISS had documented "gross violations of international human rights and humanitarian law, particularly in central and southern Unity". It further noted that UNMISS patrols came under direct fire three times during the reporting period. It also included a report by the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM), the body mandated to monitor violations of the CoHA, which said that there had been 11 verified incidents of fighting between the parties since 1 June, with 12 other potential incidents under investigation. (For more details, see our *What's In Blue* story from 3 July.)

Amid reports of continued fighting in South Sudan, Machar and Kiir had further face-to-face meetings in July. These followed the signing of the Khartoum Declaration on 27 June, which stipulated that a "Revised Bridging Proposal"—intended to address key outstanding power-sharing and security issues—would be concluded by the end of the current round of talks in Khartoum and that following this, a pre-transitional period of 120 days and a transitional period of 36 months would commence, during which the country would prepare for national elections. On 7 July, Kiir and Machar continued their talks in Entebbe, Uganda, facilitated by Ugandan President Yoweri Museveni and Sudanese President Omar al-Bashir. This meeting resulted in a transitional governance and power-sharing proposal being presented to the parties. On 25 July, representatives of the Transitional Government of National Unity, Sudan People's Liberation Movement in Opposition and other political parties initialled an "Agreement on Outstanding Issues of Governance" in Khartoum. At press time, the South Sudan Opposition Alliance (with the exception of one group) and Former Detainees had refused to initial the agreement. A formal signing ceremony was expected on 5 August.

On 19 July, members of the UN Security Council and the AU Peace and Security Council held their 12th annual joint consultative meeting in New York. The agreed agenda for the meeting included the situation in South Sudan. Also on 19 July, a joint communiqué was issued following the meeting, strongly condemning the repeated violations of the CoHA, expressing serious concern over reports of violations of the permanent

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**UN DOCUMENTS ON SOUTH SUDAN** [Security Council Resolutions S/RES/2428](#) (13 July 2018) imposed an arms embargo and additional targeted sanctions and renewed the sanctions regime and mandate of the Panel of Experts. [S/RES/2418](#) (31 May 2018) renewed the sanctions regime and mandate of the Panel of Experts. [Secretary-General's Report S/2018/609](#) (14 June 2018) was the 90-day report on South Sudan. [Security Council Meeting Records S/PV.8310](#) (13 July 2018) was the adoption of resolution 2428. [S/PV.8273](#) (31 May 2018) was the adoption of resolution 2418. [Security Council Press Release SC/13430](#) (19 July 2018) was the joint communiqué following the 12th annual joint consultative meeting between the UN Security Council and the AU Peace and Security Council. [Sanctions Committee Document S/2018/685](#) (10 July 2018) extended the appointments of the Sanctions Committee's Panel of Experts until 14 August.

## South Sudan

ceasefire declared in the Khartoum Declaration and the need to hold the violators accountable. The communiqué urged the South Sudanese parties to make further compromises on outstanding issues that result in a credible, inclusive and sustainable agreement.

On 26 July, Special Representative on Sexual Violence in Conflict Pramila Patten briefed the Council under “any other business” on her trip to South Sudan earlier that month.

### Sanctions-Related Developments

On 10 July, the Secretary-General extended the appointments of four of the five members of the Sanctions Committee's Panel of Experts until 14 August. On 25 July, the committee was briefed by the Acting Coordinator of the Panel of Experts and discussed the sanctions measures imposed by resolution 2428.

### Human Rights-Related Developments

On 10 July, UNMISS and OHCHR published a joint report documenting what appear to be deliberate, ruthless and brutally violent attacks on civilians, particularly against women and children, by the government and aligned forces and by armed youth in parts of Unity State. The report found that between 16 April and 24 May at least 232 civilians were killed in attacks, and many more injured. The report also documented the use of sexual violence as a weapon of war, with at least 120 women and girls raped or gang-raped. At least 132 others were abducted. As a result of these attacks, more than 5,000 people sought sanctuary at UN protected sites in Leer and Bentiu, another 8,000 are estimated to be hiding in bushes and swamps, and 18,000 have sought refuge in Mayendit town. Also on 10 July, High Commissioner for Human Rights Zeid Ra'ad Al Hussein called on the government to halt all attacks against civilians and to establish the Hybrid Court for South Sudan to ensure accountability for gross human rights violations.

### Key Issues and Options

An immediate issue for the Council is the implementation of the arms embargo and targeted sanctions as set out in resolution 2428, including in the context of key

regional actors not being supportive of the Council's imposition of such measures. An option would be to seek more effective use of the various ways in which the Council can receive relevant information, as set out in resolution 2428. These include encouraging the South Sudan Sanctions Committee to consider visits to selected countries by the chair or committee members or both; requesting the Special Representative for Children and Armed Conflict, the Special Representative for Sexual Violence in Conflict, and the High Commissioner for Human Rights to share relevant information with the committee; and inviting the Joint Monitoring and Evaluation Commission, mandated in the CoHA to report serious violations of that agreement, to brief the Council on steps taken by the parties to implement the CoHA and the Khartoum Declaration as well as the facilitation of unhindered and secure humanitarian access.

A key issue is how the Council can support the ongoing peace process and regional efforts in this regard. As noted in the Secretary-General's assessment, “the outcome of regional and international efforts to deliver a political settlement of the conflict is yet unclear” and “will require the continued political engagement of the Security Council”. An option would be to invite Special Envoy for Sudan and South Sudan Nicholas Haysom, who has been supporting the peace process at the regional level, to brief.

### Council Dynamics

Whether to impose an arms embargo and further targeted sanctions remained very controversial during the negotiations on resolution 2428, as with resolution 2418. Both resolutions received nine votes, the minimum required for adoption. The issue has been a long-standing one. On 23 December 2016, the Council failed to adopt a draft resolution to impose an arms embargo and targeted sanctions; it received seven affirmative votes

(France, New Zealand, Spain, Ukraine, the UK, the US and Uruguay) and eight abstentions (Angola, China, Egypt, Japan, Malaysia, Russia, Senegal and Venezuela).

The timing of an arms embargo and additional targeted sanctions was a particular area of disagreement during the negotiations on resolution 2428. Those Council members supportive of such measures questioned the commitment of the parties to the peace process and maintained that those responsible for the violence should be held accountable. Bolivia, China, Equatorial Guinea, Ethiopia, Kazakhstan and Russia, all of which abstained on resolutions 2418 and 2428, maintained that the peace process is at a critical juncture and would be undermined by coercive measures. These members also emphasised the importance of following the lead of regional actors involved in the peace process, which have maintained that now is not the appropriate time to pursue sanctions.

In its explanation of vote on 13 July, the US said that while it fully supports the regional peace process, the resolution is a way to protect civilians, end violence and show the parties “that we are fed up with the delays and the stalling”. (The US, as penholder, is responsible for drafting resolutions on South Sudan.) Ethiopia stressed that it was not the appropriate time for sanctions, saying they would have very serious implications for the peace process and that the Council taking action without synchronising its position with regional organisations reflected a lack of cooperation between the Council and regional actors. Côte d'Ivoire, which was the only member besides Peru not to give an explanation of vote, voted in favour of resolution 2428 as it did with resolution 2418. In so doing, it did not vote with the other two African members on the Council.

The US is the penholder on South Sudan. Poland chairs the 2206 South Sudan Sanctions Committee.

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