



SECURITY COUNCIL REPORT

MONTHLY FORECAST

FEBRUARY 2007



1 February 2007

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OVERVIEW FOR FEBRUARY

Slovakia will have the presidency of the Council in February.

Traditionally, the February agenda has relatively few scheduled “country specific” matters. Accordingly, Slovakia has taken the opportunity this month to initiate a major new thematic area of Council work. They have proposed that the Council take up the difficult crosscutting issue of “**Security Sector Reform**”—a matter which is at the heart of restoring peace and security in war shattered countries. Several preparatory meetings have been organised and opportunities have been taken to involve countries outside the Council with significant experience, as well as practitioners, academics and NGOs. A concept paper is expected and an “Arria formula” meeting on 20 February will also help prepare the ground for an

open debate on 21 February. (Security Council Report will also issue an in-depth *Update Report* on Security Sector Reform, after the concept paper is circulated.)

Other open meetings in February will include:

- the traditional monthly meeting on the **Middle East**;
- adoption of a resolution on Timor-Leste, renewing the UNMIT mandate; (There is a possibility of an open meeting at which Timor-Leste would participate.)
- a resolution on the **DRC** to approve a short interim rollover of the **MONUC** mandate at the request of the new DRC government. (The DRC would prefer a little more time to prepare for a full discussion of the situation in DRC and the future

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Aide-Memoire

Important matters pending before the Council include:

- The 2005 World Summit requested reforms relating to the **Military Staff Committee**. This has yet to be addressed.
- It is now almost six months since the Council in resolution 1701 requested the Secretary-General to develop proposals on the critical issues facing **Lebanon** with a view to a long term solution. Nothing substantive has been submitted and the Council has not followed up its promise in resolution 1701 to continue to be actively involved in steps toward a long term solution. Meanwhile the situation in Lebanon has become increasingly fragile.
- The establishment of a hybrid operation in **Darfur** and a multidimensional UN presence in **Chad** and **Central African Republic** as envisaged in resolution 1706 are still pending.

- No action has been taken (as promised in resolution 1706 on **Darfur**) to impose “strong effective measures, such as asset freeze or travel ban, against any individual or group that violates or attempts to block the implementation of the [Darfur Peace] Agreement or commits human rights violations.”
- On **Somalia**, the Council is still to act on its “intention to consider taking measures against those who seek to prevent or block a peaceful dialogue process, overthrow the Transitional Federal Institutions by force, or take action that further threatens regional stability” expressed in resolution 1725.
- The draft resolution on **small arms** circulated by Argentina in March seems to have lapsed. The issue is no longer included as a footnote on the Council’s calendar. The absence of a Council decision on this matter

leaves future periodic Secretary-General’s reports in abeyance. Because of the absence of a request from the Council, the Secretariat has no mandate to proceed to produce the report.

- The Secretary-General’s report on **cross border issues and inter-mission cooperation in West Africa** requested in August is now overdue. (It seems likely that this item will appear as a footnote to the February calendar.)
- The December 2004 report by the Secretary-General on human rights violations in **Côte d’Ivoire**, requested by a presidential statement, has still not been made public. Also on Côte d’Ivoire, the December 2005 report by the Secretary-General’s Special Adviser on the Prevention of Genocide has not been published.

- of MONUC.) An “Arria formula” meeting on the DRC is also being considered;
- adoption of a resolution on **Haiti** renewing the mandate of MINUSTAH (assuming agreement can be reached between China and Haiti on some unrelated matters);
 - an open session on the work of the **counter-terrorism committees** (with briefings from the CTC, 1267 and 1540 committees).

There has also been some discussion in the margins of the Council about holding a second substantial thematic debate in February to address “**Non-Proliferation**”—in particular the issues arising in connection with implementation of resolutions 1540 and 1673 and the role of the wider UN system which deals with weapons of mass destruction.

The Council is also expected to hold consultations on the **Peacebuilding Commission** to follow up the open debate on 31 January. This may also result in formal action by the Council in an open meeting, although a letter or note from the President is also possible.

Darfur will be an early and intense focus for the month. There are hopes that high-level diplomacy by China will make a positive contribution. The Council expects a briefing from the Secretary-General on his return from Africa on developments at and following the AU Summit. The main concern will be whether Sudan is genuinely committed to a good faith implementation of the earlier AU decision that there should be a phased transition from a purely AU operation to a hybrid AU-UN operation with a robust protection mandate.

In public the new Secretary-General has continued the role that his predecessor, Kofi Annan, began of championing the need for a UN intervention to protect civilians in Darfur. Ban Ki-moon has been blunt—further delay is “unacceptable.”

The situation on the ground continues to worsen and there seems to be little tolerance for further prevarication by Khartoum. The failure of Sudan to secure election to the AU presidency (the second time that it has been rejected because of its role in Darfur) indicates the level of frustration in the region.

If good progress is made with Khartoum, Council action in February may include a resolution endorsing the details of the hybrid operation. A second major feature for the Council will be how to reinforce the Darfur peace process. It will be interesting to see if the Council is ready to be more actively engaged in this than previously.

The situations in **Chad** and the **Central African Republic** will also be a major pre-occupation. While there are similarities and many common factors with the conflict in Darfur, the Council is conducting its decision making on these situations separately.

The UN system is again torn in two directions. On the one hand there is, like in Darfur, an imperative to protect civilians (both refugees from Darfur and locally displaced victims of the war). On the other hand the Secretariat feels that it must point out to the Council—as enjoined in the 2000 Brahimi report—that in the absence of a peace process and without consent of all the parties, the UN would be perceived not as an impartial body, but as taking sides in the conflict. That of course is not a reason to fail to act, but it establishes certain clear requirements about the robustness of the forces that would be required and an acceptance of the fact that this would not be peacekeeping, but in all probability peace enforcement.

Since UNPROFOR’s failure in Srebrenica, in similar circumstances, the Council has preferred that such operations be conducted by coalitions of the willing (although there have been some exceptions such as the UN operation in eastern DRC). There seem to be no leaders for such a coalition in Chad. However, the risks in Chad are not as high as Darfur (where intervention without consent would have involved the risk of confrontation with the Sudanese army) or for that matter Bosnia. A robust protection operation in Chad under UN command and control may be possible and the risks reduced to manageable levels if the Council can:

- reach agreement on a sufficiently large and well equipped force (avoiding the mistakes in 1993/94/95 over the Bosnia “safe areas”);

- play a leading role in helping the Secretariat with force generation (and in particular securing the robust assets required); and
- overcome the resistance (including among some of its members) to the UN putting in place in parallel a peace process to lower the level of violence and begin to address some of the grievances fuelling the conflict.

Somalia will be the other major conflict situation looming over the Council in February. Council members are expecting a briefing from Under Secretary-General Ibrahim Gambari on 2 February and are likely to begin working on a statement or resolution very soon.

Most Council members see the military success of the Transitional Federal Government, on the back of the Ethiopian intervention in December, as offering a new window of opportunity to restore peace and security in Somalia.

The AU decision on 19 January to establish an interim regional security force (AMISOM) to support the TFG is another important development. Not only does it offer some prospect of replacing the security capacity that will disappear with the departing Ethiopian forces, but it is an important political gesture of regional support and recognition for the TFG. However, it seems the AU decision was a conditional one. The AMISOM force will be raised on the understanding that there is a transition to UN command and control by mid year.

But the situation remains perilous. The legitimacy of the TFG remains an issue for some in Somalia—not least because of the Ethiopian role in securing their current position. The clans, and the warlords associated with some of them, remain fiercely independent and, over the past 20 years, have learned a culture of almost permanent war. Finally the question is whether the Islamic fighters associated with the UIC were actually defeated or whether they have mostly just faded into the backstreets of Mogadishu, waiting to raise up an Iraq style insurgency as urged by Al-Qaida.

Perhaps one positive lesson from the period of UIC control is that a large number of ordinary Somalis are tired of constant war and really appreciate the calm and safety that effective governance can bring.

For the Council, these developments raise a number of major issues:

- First, it will want to consider further reinforcing the security position of the TFG and this may lead it to consider a complete exemption for the TFG from the arms embargo.
- For the same reason it may want to encourage states to assist the AMISOM deployment, including providing support with logistics and funding.
- In order to expand the legitimacy of the Federal Institutions, it may look at formally endorsing the need for a broad based government and a reconciliation process—and perhaps encourage a higher level of UN involvement in order to strengthen the comfort levels of those currently excluded.
- Various options for recalibrating the

sanctions in order to better synchronise with the current situation may also be considered.

- Funding for humanitarian assistance as well as development will be an immediate priority.
- The question of a new UN operation to replace AMISOM will be the most difficult. It is sure to be discussed, but the Council is unlikely to take any decision in February. A request to the Secretary-General to send a scoping mission to assess the feasibility is a likely step. But some members may also want the Secretary-General to look at early transition options involving interim UN assistance to AMISOM (as is currently under way with respect to UN assistance to AMIS in Darfur).
- Finally, the evolving security situation will play an important role in Council consideration. If an insurgency type situation emerges, it may prove too dangerous not only for a UN military operation, but also for civilian and humanitarian components. ■



Sudan (Darfur)

Expected Council Action

Council members will be looking for concrete action on deployment of a hybrid AU-UN operation in Darfur. Agreement from Khartoum on key details, including mandate and size, was pending at press time. A positive outcome is likely to lead to Council action triggering wider UN approval of funding and resources.

However, it seems increasingly possible that discussions will turn to sanctions if there is evidence that Sudan is stalling the phased approach.

Key Recent Developments

Widespread chaos and indiscriminate attacks against civilians and aid workers in Darfur continued unabated in January, now

Status Update since our January Forecast

Recent developments on the situations covered in our January *Forecast* are covered in the relevant briefs in this issue. However, other interesting Council developments in January included:

- **Lebanon:** On 5 January, Russia proposed a formal request to UNIIC Commissioner Serge Brammertz for the names of the countries that were not fully cooperating with his investigation (referred to in his previous report S/2006/962). Most members seemed to prefer an alternate proposal, expressing readiness to assist the Commission further, but leaving it to Brammertz to decide if and when to reveal the names. However, Russia was reluctant to compromise and on 22 January decided to defer discussion of the draft letter.
- **Threats to International Peace and Security:** Secretary-General Ban Ki-moon addressed the Council on 8 January. The Council adopted a presidential statement (S/PRST/2007/1) welcoming the new Secretary-General and reaffirming its commitment to working in partnership with him. (See our 5 January *Update Report*.)
- **Côte d'Ivoire:** On 10 January the Council adopted resolution 1739, extending the mandate of the United Nations Operation in Côte d'Ivoire (UNOCI) until 30 June. The resolution adjusted the mandate of UNOCI to emphasise the implementation of the roadmap and authorised UNOCI and the French forces to cooperate with the UN mission in Liberia (UNMIL) in preventing arms from crossing the border.
- **Georgia:** The report of the Secretary-General on the situation in Abkhazia came out on 11 January 2006 (S/2007/15).
- **North Korea:** On 11 January the chairman of the Sanctions Committee on the Democratic People's Republic of Korea (DPRK) briefed the Council on the status of the implementation of resolution 1718.
- **Israel/Palestine:** A draft presidential statement on the situation in the Occupied Palestinian Territories, circulated by Indonesia, failed on 12 January due to lack of consensus within the Council. (See our 11 January *Update Report*.)
- **Myanmar:** A draft resolution on Myanmar (S/2007/14) was vetoed by China and Russia on 12 January (S/PV.5619). (See our 22 November *Update Report*.)
- **Nepal:** Arms registration began on 17 January. On 23 January the Council established the UN Mission in Nepal (UNMIN) (S/RES/1740) as recommended by the Secretary-General in his latest report (S/2007/7). (See our 17 January *Update Report*.)
- **Subsidiary Bodies:** On 18 January the Council finalised the appointments of its 2007 chairpersons to Council committees, sanctions committees, working groups chairs and vice-chairs (S/2007/20). (See our 17 January *Update Report*.)
- **Peacebuilding Commission:** Panama and South Africa were elected as new members of the Peacebuilding Commission Organisational Committee. On 23 January the Council held informal consultations on the Peacebuilding Commission, followed by an open debate on 31 January. (See our 25 January *Update Report*). Future consultations are scheduled for 26 February.
- **Ethiopia/Eritrea:** The Council on 30 January adopted resolution 1741, renewing the mandate of the UN mission in Ethiopia and Eritrea (UNMEE) until 30 July. The resolution reduced troop levels from 2300 to 1700 in accordance with the recommendations made in the Secretary-General's reports (S/2006/992 and S/2007/33).
- **Children and Armed Conflict:** The Secretary-General issued two reports to the Council on children and armed conflict in country specific situations, one on Nepal (S/2006/1007) and one on Sri Lanka (S/2006/1006).
- **Southern Sudan:** Discussions on the Secretary-General's quarterly report on the United Nations Mission in Sudan (UNMIS) have been postponed until February.

including major towns, despite a 60-day ceasefire agreed in mid-January. The AU Mission in the Sudan (AMIS) reported that Khartoum indiscriminately bombed rebel-controlled areas. Thirty humanitarian organisations launched an unprecedented appeal in mid-January for hostilities to cease.

On 23 December, Khartoum provided a written response to the 18 December letter of the Secretary-General on the three-phased approach. It agreed with the approach but subject to discussions within the tripartite committee of the UN, the AU and the Sudanese government. Media statements attributed to Sudanese sources indicate, however, that Khartoum continues to prevaricate, questioning any UN role beyond technical, advisory and financial support.

Deployment of the “light” support package has started with some 47 military staff officers (out of a planned 105) and 30 police advisers (out of 33) now in Sudan.

AU-UN agreement seems to have been reached on the “heavy” package, details of which the Secretary-General sent to Khartoum on 24 January. He says he awaits Sudan’s “prompt and positive” response. In the interim, contacts with potential contributors in early January have yet to reveal sufficient pledges for the “heavy” package (which reportedly requires about 2,200 troops, 300 security forces and 600-700 police.)

AU-UN consultations continue on finalising the hybrid operation proposal. At press time, it seemed that the consultations produced agreement on a preliminary “basic framework”, including size (about 17,300 troops and 5,300 police in accordance with the findings of the June 2006 AU-UN assessment mission) and a joint command mechanism based in Addis Ababa.

The consultations have been accompanied by intensive bilateral and regional diplomatic contacts, including a visit by US envoy Andrew Natsios to China. (Chinese president Hu Jintao is expected to visit Sudan in early February.)

At the AU summit in Addis Ababa on 29-30 January, the Secretary-General stressed that “the toll of the crisis remained unacceptable” and urged a broad collective

effort to “end the violence and scorched-earth policies adopted by various parties.”

On the sidelines, the Secretary-General met Sudanese president Omar al-Bashir to reiterate the need to move on with the political process and the phased approach, but a final agreement on the details of the “heavy” package remained pending.

At the AU summit, Sudan renewed its bid to hold the chair for 2007, but withdrew after considerable pressure. Ghana’s president John Kufuor was elected to the chair.

In Darfur itself, efforts to re-energise the political process took place in January, including a visit by the Secretary-General’s envoy Jan Eliasson and US envoy Natsios. The prospects are hindered by fragmentation among rebels and disparate political agendas. There are reports that rebel groups are planning a conference with AU-UN facilitation but need security assurances from Khartoum.

Eliasson and AU envoy Salim A. Salim are expected to make a second visit to Khartoum and Darfur in early February.

The International Criminal Court (ICC) chief prosecutor, Luis Moreno-Ocampo, appears ready to unveil his charges in connection with crimes committed in Darfur. A team of ICC investigators is expected to visit Khartoum in February.

Options

On Darfur, available options include:

- renewed Council pressure on Sudan to realise in practice its “in principle” commitments to the hybrid operation;
- making clear to the Secretary-General that concessions should not be made to Khartoum which could compromise the force’s effectiveness and independence; and
- renewing Council interest in the reactivation of the Darfur peace process.

The sanctions option is less likely as long as Sudan cooperates in the phased approach and on final agreement on the hybrid force.

It may be, however, that domestic sanctions against Khartoum will start to appear in order to signal that, as time passes, there will be a corresponding increase in pressure. Such an approach has the merit of preserving communication channels between the UN and Khartoum.

Key Issues

On Darfur, the key issue is progressing the deployment of the assistance packages and the hybrid operation and how best to address the possibility that Sudan might impose fatal impediments to their implementation.

Another question is how to re-establish a peace process in Darfur and overcome the rebels’ fragmentation and different political agendas.

Members know the next steps will require continuing leadership from the Secretary-General given the number of key issues still open, including:

- the practical meaning of UN command and control structures in AMIS;
- the hybrid operation’s practical mandate, size and cost;
- generating enough troops for the “heavy package” and the hybrid operation;
- AU-UN agreement on a special representative and force commander; and
- approval from the General Assembly’s Fifth Committee, which is likely to involve questions about UN procedures on mandate, procurement, control, management and accountability for UN assessed contributions.

In the event of a final agreement, the question of a new Council decision endorsing the hybrid operation may become an issue. (Khartoum already requested a new Council resolution endorsing the phased approach in its December written response.) Most members will want to ensure that the final outcome should not undermine resolution 1706, but the absence of an explicit decision could complicate discussions in the Fifth Committee.

Council Dynamics

There is unity in the Council on the need to press rapidly ahead with the hybrid operation. Members agree that Sudan needs to turn its words into deeds on its commitment to the phased approach agreed in Addis Ababa in November. Members expect to receive the Secretary-General’s views and recommendations following his trip to the AU summit prior to considering the next steps at a briefing on 6 February.

Members do differ on how best to address Sudan’s flouting of Council demands and deliberate delaying tactics. China, Russia and Qatar have favoured a cautious, quieter approach taking into account the concerns of the Sudanese government and their own

interests. Others—including African members irritated with the damage done to the AU's reputation and the conditions into which AMIS is operating—are already losing patience and are counting on China to demonstrate that quiet, behind-the-scenes efforts can work.

Even for those most critical of Khartoum, it is unclear whether sanctions could be a viable alternative given their potential damaging effects at this stage and as long as there is a viable possibility of getting agreement to a hybrid operation.

UN Documents

Selected Security Council Resolutions

- S/RES/1714 (6 October 2006) extended UNMIS until 30 April 2007.
- S/RES/1706 (31 August 2006) set a mandate for UNMIS in Darfur.
- S/RES/1590 (24 March 2005) established UNMIS.

Selected Presidential Statement

- S/PRST/2006/55 (19 December 2006) endorsed the phased approach agreed upon by the AU.

Selected Secretary-General's Reports

- S/2006/1041 (28 December 2006) was the latest monthly report on Darfur at press time.
- S/2006/591 (28 July 2006) and Add. 1 (28 August 2006) made recommendations for UNMIS' mandate in Darfur and for UN assistance to AMIS. The report was complemented by an update, S/2006/645 (10 August 2006).

Other

- S-4/101 (13 December 2006) was the Human Rights Council decision on Darfur.
- S/2006/961 (6 December 2006) contained the 30 November AU Peace and Security Council communiqué.
- S/2006/795 (2 October 2006) was the latest Panel of Experts' report.

Other Relevant Facts

UNMIS: Special Representative of the Secretary-General

Vacant

Special Envoy of the Secretary-General

Jan Eliasson (Sweden)

UNMIS: Size, Composition and Cost

- Maximum authorised strength: up to 27,300 military and 6,015 police

- Strength as of 31 December 2006: 9,326 military and 680 police
- Key troop contributors: India, Pakistan and Bangladesh
- Cost: 1 July 2006—30 June 2007 \$1,126.30 million (excludes Darfur)

UNMIS: Duration

24 March 2005 to present; mandate expires 30 April 2007

AU Special Envoy

Salim A. Salim

AMIS: Size and Composition

- Total authorised strength: about 10,000 military and 1,500 police
- Strength as of 1 September 2006: 5,703 military and 1,425 police
- Key troop contributors: Nigeria, Rwanda and Senegal

AMIS: Duration

25 May 2004 to present; mandate expires 1 July 2007

For the full historical background, please see our February, July and January 2006 *Forecasts*.

Chad/Central African Republic

Expected Council Action

The Council is expected to discuss the Secretary-General's recommendations on a peacekeeping mission in Chad and the Central African Republic (CAR). Given the risks surrounding such an operation—including the lack of clear consent from all parties—it is unclear whether members will be ready to authorise an operation in February.

It is expected that a key element in the discussion will be whether a political mandate should be part of an overall package.

Key Recent Developments

Attacks against civilians, military conflict and humanitarian chaos continued unabated in Chad and CAR in January. Chad now holds 100,000 Chadian displaced and 230,000 Sudanese refugees. UN agencies also report 150,000 displaced and serious violations of human rights in the CAR.

Both countries suffer persistent cross-border activity of Darfurian militia (both pro- and anti-Khartoum) and indigenous rebel movements. In Chad, concerns have



heightened particularly with a new rebel front closer to the Libyan border and increased forceful recruitment in refugee camps by militia.

Short-term, the prospects for ceasefire and a locally generated political process in either country are low. The Chadian and CAR governments rely heavily on French military aid. The CAR also counts on troops from Chad, the Republic of Congo and Gabon deployed under FOMUC (*Force multinationale en Centrafrique*), the military mission from the Central African Economic and Monetary Community.

The Secretary-General unveiled preliminary findings on a UN peacekeeping operation in Chad and the CAR in late December. He noted that opposition parties in both would regard an operation as “partial and supportive of the two governments” and that the operation would, as a result, be seen as taking sides and face considerable security risks. His report strongly cautioned against deploying until hostilities cease, political dialogue is established, and consent is obtained from all parties. Conditions, he said, for effective peacekeeping “do not, therefore, seem to be in place.”

The report presented two options: (a) a smaller monitoring mission, or (b) a larger operation with a strong protection component, which would be robust, requiring significant logistics and aviation assets. It would comprise three brigades in eastern Chad (about 7,500 plus supporting troops), one battalion in northeastern CAR (about 800 plus supporting troops), plus over 160 police supported by domestic gendarmes, to:

- observe the situation in the border areas;
- liaise with and promote confidence-building among the parties;
- facilitate a political process/dialogue within the countries and between the CAR, Chad and the Sudan, including existing regional agreements; and
- deter attacks and provide protection, within its capabilities, to civilians under imminent threat.

The preferred option was the robust mission, contingent upon:

- consent from all parties and cessation of hostilities;
- a reconciliation process; and
- ascertaining that the necessary troops, police and logistics assets are available, given that the UN's capacities in the area are already stretched; and
- clarifying the positions of both governments on size and mandate.

The report recommended that the Council authorise an advance team to collect information and explore the possibilities for a political agreement between governments and rebels.

The report was presented in a briefing on 10 January in a tense climate, in which some appear to have criticised the lack of finalised recommendations requested in resolution 1706 in August 2006. On 16 January, the Council adopted a presidential statement requesting that the Secretariat submit finalised recommendations by mid-February and deploy the advance mission as soon as possible.

Options

Options facing the Council are framed by two imperatives. The first is the protection needs of the civilian population and refugees. The second is the security dilemma, under which a UN operation in a war zone without consent and without the ability to project overwhelming force risks protecting neither civilians nor its own personnel.

The Council could authorise a very robust UN presence with a strong monitoring and protection mandate and rely on the force to change the realities on the ground despite the absence of consent. This is both costly and risky.

A second approach is to authorise such a force, but at the same time insist on a strong political/reconciliation mandate in parallel, with a view to improving the feasibility of the operation and reducing the risks to manageable levels by lowering the level of violence and resolving some of the grievances which have fuelled the conflict.

A third option is to approve in principle such an operation but conditioning actual deployment upon actual progress in addressing the political dimension.

Under either of the options involving a political/facilitation mandate, a sub-option (which is a step that could be implemented

quickly) is to request the appointment of a special representative of the Secretary-General to:

- liaise domestically and regionally to facilitate a cessation of hostilities, or, at a minimum, consent from all parties for the future operation;
- facilitate a reconciliation process and coordinate with key international partners in that regard; and
- clarify the mission's impartial nature to the parties, particularly to the opposition in Chad and the CAR.

A further similar sub-option which is immediately available is to task the recently authorised advance mission with additional specific responsibilities to explore active peace facilitation opportunities.

(The Council has previously created similar special advance missions and/or given strong backing for early facilitation of peace talks prior to deployments, such as in Sudan (UNAMIS).)

A related option might be a facilitation role involving active backing from key international partners, including some Council members, perhaps as a group of friends.

Other options are:

- engaging firmly the governments of Chad and the CAR to secure agreement that the UN will relate to and seek to obtain consent from the rebel factions; and
- provide proactive and collective assistance to the Secretariat with the troop generation exercise.

Key Issues

The key issue for the Council is improving civilian security and containing the spill-over along the borders of Sudan, Chad and the CAR. Issues related to proposed deployment are:

- the mission's mandate, size and cost (bearing in mind the assets mentioned in the Secretary-General's report);
- the time frame necessary for deployments (possibly around six months);
- the relationship with French military assistance and FOMUC;
- the future of the UN Peacebuilding Office in the CAR (BONUCA);
- the positions of the governments and rebels in Chad and the CAR;
- developments in the security situation in Darfur and the resumption of negotiations between Khartoum and rebel groups; and

- coordination with the deployment of the Darfur hybrid operation.

The associated issue is that, left to themselves, neither Chad nor the CAR seem ready to seriously address the political demands of Chadian and CAR rebels. This lies behind the Secretary-General's warning that the lack of a political process has a huge impact over the prospects for sustainable peacekeeping.

The third issue is finding sufficient troops and police for the operation. There are no troop or police contributors lining up for the operation. The current scarcity in peacekeeping resources is acute and, in addition, potential future deployments in Somalia and Darfur are on the horizon.

Council Dynamics

There is sympathy in the Council for a robust operation in Chad and in the CAR to improve security and minimise the cross-border spill-over effect from Darfur.

Most members appear ready to start discussions on the mandate and size of the mission once the final recommendations from the Secretary-General are known. There is a degree of frustration—in particular from the US, the UK and France—at the time taken for the Secretary-General's report (given that it was requested in resolution 1706 in August last year) and that its recommendations were cautious. Domestic public opinion, concerned at the possible repeat of delays in deployment in Darfur, may also have played a role in the position of some members.

On the other hand, there seems to be a general recognition that the ongoing war, the lack of clear consent from all parties and the absence of a political process represent a huge challenge to any proposed operation in Chad and the CAR.

Members are also mindful of the security concerns of potential troop and police contributors who are likely to favour the less risky environment of an established political process with clear consent from all parties.

Most Council members appear to support UN involvement in facilitating the start of a domestic political process and would likely welcome leadership from the Secretary-General in that regard. Those members are also conscious, nonetheless, that any proposals for a UN political involvement would require strong backing from Council members and key international players.

Some, however, including France and Congo, appear sympathetic to the position of the Chadian and CAR governments that political questions should be set aside. They may be uncomfortable with pressure on either government to enter into negotiations with the rebels.

UN Documents

Selected Security Council Resolution

- S/RES/1706 (31 August 2006) mandated a multidimensional UN presence in Chad and the CAR.

Selected Presidential Statements

- S/PRST/2007/2 (16 January 2007) requested further recommendations on a peacekeeping presence in Chad and the CAR by mid-February.
- S/PRST/2006/47 (22 November 2006) renewed BONUCA until 31 December 2007.

Selected Secretary-General's Reports

- S/2006/1034 (28 December 2006) is the latest Secretary-General's report on the CAR.
- S/2006/1019 (22 December 2006) was the report on protection of civilians and a UN peacekeeping presence in Chad and the CAR.

Other

- S/2006/934 (30 November 2006) contained the new modalities for BONUCA.

For the full historical background, please see our February, July and December 2006 *Forecasts*.

Other Relevant Facts

CAR: Special Representative of the Secretary-General

Lamine Cissé (Senegal)

BONUCA: Size and Composition

Strength as of 30 September 2006: 19 international civilians, 5 military advisers, 6 police

BONUCA: Duration

15 February 2000 to present; mandate expires 31 December 2007

FOMUC: Size and Composition

- Current strength: 380 troops
- Contributors: Gabon, Republic of Congo and Chad

FOMUC: Duration

October 2002 to present; mandate expires 30 June 2007

Somalia

Expected Council Action

The Under Secretary-General for Political Affairs, Ibrahim Gambari is expected to brief the Council in early February. The Council is also expected to examine the request from the African Union (AU) for the UN to take over from AU peacekeepers in Somalia in six months. However, a decision in February seems unlikely. Discussion on lifting the arms embargo is likely and action is possible.

At the time of writing, a draft resolution welcoming progress with the AU peacekeeping mission and emphasising the importance of inclusive dialogue and the need for humanitarian aid was being canvassed informally.

Key Recent Developments

In late December our *Forecast* report for January highlighted the worsening situation in Somalia and the risk that resolution 1725 would lead the Union of Islamic Courts (UIC) to try to take pre-emptive action, with the consequent potential for wider regional conflict. As fighting broke out around Baidoa, the headquarters of the Transitional Federal Government (TFG), the Council met on 22 December. In a presidential statement, the Council urged all parties to resume negotiations and immediately implement resolution 1725.

The situation escalated into full-scale fighting. Ethiopia on 24 December confirmed that its forces were fighting in Somalia and said that it had launched a "self-defensive" operation against the UIC. Under heavy assault from Ethiopian ground and air forces (and with reported US assistance), the Islamists were quickly driven out of strongholds including Jowhar and Burhakaba.

The Council held an emergency meeting on 26 December when Special Representative of the Secretary-General François Lonseny Fall briefed on the spiralling violence. Qatar proposed a draft presidential statement but failed to get consensus. The main point of contention was a call for the withdrawal of all unauthorised foreign forces. On 27 December the Secretary-General appealed to Somalia's neighbours to stay out of Somalia.



In a letter to the president of the Council on 28 December, former Secretary-General Kofi Annan reported on the slow progress regarding the Peacekeeping Mission of the Intergovernmental Authority on Development in Somalia (IGASOM), which the Council had authorised on 6 December in resolution 1725.

On 28 December the TFG forces backed by Ethiopia captured Mogadishu, taken by the UIC last June, and forced the Islamists to flee to the Kenyan border.

For the second time in 15 days, the Council met on 10 January. In a media statement the president said that the Council had agreed on the need for an inclusive political process involving religious leaders, clan leaders and women, for IGASOM to deploy its mission so that Ethiopia could withdraw its troops, and for humanitarian funding.

On 10 January, the US launched air strikes aimed at suspected Al-Qaida members in southern Somalia. In his first press conference as Secretary-General on 11 January, Ban Ki-moon said that he understood the necessity behind the attack but stressed the importance of diplomatic efforts. The TFG president, Abdullahi Yusuf, indicated that his government supported the US action.

Subsequently, the US sent ground personnel into Somalia to check results of its air strikes. Having missed some Al-Qaida targets, it launched a second round of strikes in the third week of January.

On 19 January, the AU Peace and Security Council authorised deployment of an 8,000-strong African Union Mission in Somalia (AMISOM) with the "clear understanding that the mission will evolve to a UN operation." At the time of writing, only Uganda, Malawi and Nigeria had agreed to contribute troops. Possible contributors include Tanzania, Rwanda and Ghana. South Africa and Sudan have chosen not to participate.

On 22 January, Ethiopia began to withdraw its troops. Ethiopian Prime Minister Meles

Zenawi said this would take place in three phases and that he expected AU peacekeepers to be in place before Ethiopia completed its withdrawal. By the end of the January one-third of the Ethiopian troops were expected to have withdrawn.

In early January the International Contact Group on Somalia (Italy, Norway, Sweden, Tanzania, the UK and the US) met to coordinate international efforts for stability and reconciliation. The EU pledged \$19 million and the US \$14 million to the proposed African peacekeeping force. The EU made funding conditional on the TFG holding talks with moderate elements of the UIC and released the funds only when Somali president, Abdullahi Yusuf, agreed on 30 January to call a broad conference of clan and religious leaders.

The Somali speaker of parliament, Hassan Sheik Adan, who was open to working with the UIC, was removed from office on 17 January. Sheik Sharif Ahmed, one of the top leaders of the UIC, turned himself over to Kenyan authorities on 24 January. The TFG has asked that Ahmed be returned to Somalia so that he can participate in talks. This was the first indication that the TFG might be willing to engage with moderate Islamists.

In early January, Usama bin Laden's deputy, Ayman al-Zawahiri called on Islamists in Somalia to rise up in an Iraq-style insurgency against Ethiopian troops in the country. In recent days the security situation has become increasingly volatile with attacks being carried out on TFG and Ethiopian soldiers and police stations in Mogadishu as well as key buildings like the airport and presidential palace. Islamist insurgents posted a video on the UIC website warning AU peacekeepers that they will be killed when they come to Somalia.

A UN humanitarian mission arrived in Mogadishu on 24 January to discuss aid issues with the TFG.

Options

Options for the Council include:

- adopting a wait-and-see approach;
- welcoming and indicating support for AMISOM as well as encouraging states to provide logistic and financial assistance;
- insisting on a balanced and inclusive approach by the TFG in dealing with the

political factions and clans;

- initiating an international process and creating a framework for peace and reconciliation;
- indicating willingness to deploy peacekeepers, perhaps subject to positive developments regarding a peace process;
- giving stronger support to the TFG to buttress its legitimacy;
- partially lifting the arms embargo to fully exempt the TFG; and
- focussing targeted sanctions against spoilers.

The next Secretary-General's quarterly report is due in late February. A possible option would be for the Council to ask the Secretary-General to become more actively involved in establishing a peace process.

If the Council wants to show support for the AU's decision to send a peacekeeping force but make clear that a UN force cannot be authorised until certain conditions are met, an option is for the president of the Council to outline the Council's views at a press stakeout.

Key Issues

The key issue is the volatility of the situation which stems from several sources:

- rival clans jockeying for power;
- the call for an Iraq-style Islamic insurgency; and
- the legitimacy of the TFG (especially given Ethiopia's role).

The Council will be concerned that the situation is ripe for an Islamist insurgency either alone or in parallel with a resumption of clan warfare. The TFG's weak institutions and lack of popular support seem likely to make it difficult to maintain security. The Council will therefore see the issue of building a credible, inclusive government as crucial to long-term stability.

A related issue is the large number of weapons in circulation in Somalia. The existence of weapons like shoulder-fired missiles was documented by the UN Monitoring Group on Somalia last November. These could increase the risk of clan warfare and may encourage the Council to want to maintain (and enforce more vigorously) the arms embargo against all parties except the TFG.

A particular issue for the Council will be the security risks for the AU and the UN and the

humanitarian community if the situation deteriorates into an Iraqi style insurgency. All remember the fate of the UN in Baghdad. In such circumstances security issues and force protection requirements would be huge.

A related question for the Council is whether and when to decide on a UN operation to succeed AMISOM. An issue will be how to avoid acting hastily given the uncertain security situation. However, if the UN is to take over in mid-2007, it will take time to pull together a mission. The key question will be whether it faces a peacekeeping or peace enforcement role. The UN is well configured for the former but, as the UN Operation in Somalia (UNISOM) in the 1990s demonstrated, it is not well equipped for the latter.

Finally, there is the issue of the impact on the region. Kenya has had an influx of refugees and has tightened security around its borders.

Council Dynamics

In the short term, there appears to be consensus in the Council on the need to take advantage of the window of opportunity created by the reinstatement of the TFG to Mogadishu. Council efforts to buttress TFG legitimacy are likely to be supported. But the need for an all-inclusive political dialogue to create long-term stability and the concern that this process should include moderate Muslims may be more divisive. Given its strong views on extremist elements in the UIC, the US may be cautious about who is included.

Council members are also generally supportive of the AU decision to create AMISOM. The US has said the peacekeeping force should be led by Africans and likened this situation to Burundi (where the AU mission led by South Africa was instrumental in bringing initial peace and stability and acted as a transition to a wider UN presence.) It is unclear at this point what Council members feel about a renewed UN peacekeeping force in Somalia. However, important elements include the fact that Ghana, an elected Council member, as a possible troop contributor to AMISOM and in its capacity as AU president is likely to press for an early transfer to UN control and funding. Italy with its deep historical roots in the region is showing signs of willingness to be actively involved in this issue. (It offered

on 29 January to host a peace conference for Somalia.)

As in the past, differences of opinion are expected to continue over the arms embargo. The US may propose that the Council lift the embargo completely as far as the TFG is concerned so as to equip the police force and national army. Based on past positions China and the UK are likely to be supportive of this while Russia may still be more cautious.

Underlying Problems

Drought and crop failure early last year, coupled with serious flooding at the end of the year, have created a serious humanitarian situation, particularly in the Lower Juba region. Until the security situation is stabilised and restrictions on border crossings into Kenya are lifted, the humanitarian crisis is likely to escalate.

UN Documents

Selected Security Council Resolutions

- S/RES/1725 (6 December 2006) authorised IGASOM.
- S/RES/733 (23 January 1992) imposed the arms embargo.

Selected Presidential Statements

- S/PRST/2006/59 (22 December 2006) expressed the Council's concern over intensified fighting and called upon all parties to draw back from conflict.
- S/PRST/2006/31 (13 July 2006) expressed willingness to consider exemptions to the arms embargo and support for the Transitional Federal Institutions.

Latest Secretary-General's Report

- S/2006/838 (23 October 2006) was the last quarterly report.

Selected Letters from the Secretary-General

- S/2006/1042 (28 December 2006) was the letter containing the Secretary-General's report on the implementation of IGASOM.
- S/2006/986 (15 December 2006) was the letter on the re-establishment of the Monitoring Group on Somalia.

Latest Monitoring Group's Report

- S/2006/913 (21 November 2006)

Other Relevant Facts

Special Representative of the Secretary-General

François Lonseny Fall (Guinea)

Chairman of the Sanctions Committee

Dumisani S. Kumalo (South Africa)

For a full historical background and more details please see our January and September 2006 and January 2007 *Forecasts*.

Useful Additional Sources

- Communiqué of the 69th meeting of the AU Peace and Security Council, 19 January 2007.
- International Crisis Group, *Somalia: The Tough Part Is Ahead*, 26 January 2007 (<http://www.crisisgroup.org/home/index.cfm?id=4630&l=1>).

Iran

Expected Council Action

Council action on Iran is not expected in February. The EU3+3 (France, Germany and the UK, plus China, Russia and the US) is likely to caucus once the Director General of the International Atomic Energy Agency (IAEA) presents his report on Iran's compliance with resolution 1737. (His report is due by 21 February.) However, it may take this group some time before it is ready to present a unified position to the Council.

Key Recent Developments

The Council on 23 December unanimously adopted resolution 1737 calling on Iran to suspend all proliferation-sensitive nuclear activities, including all enrichment-related and reprocessing activities and work on heavy water-related projects. The resolution also banned trade with Iran of all items, materials, equipment, goods and technology that could contribute to Iran's proliferation-sensitive nuclear activities. The resolution listed those specific items considered as "proliferation-sensitive" using the guidelines of the Nuclear Suppliers Group (NSG) and the listings of the Missile Technology Control Regime (MTCR).

The resolution also required all states to prevent the provision to Iran of any technical or financial assistance or training, and the transfer of resources or services related to the supply, sale, transfer, manufacture or



use of the prohibited items. Although the resolution does not include a travel ban for individuals engaged in proliferation-sensitive activities, it calls upon states to exercise vigilance regarding their entry into their territory. Furthermore, the resolution contains a list of those persons and entities subject to a freeze on their financial assets.

The resolution also established a sanctions committee to monitor compliance, maintain the lists and rule on any exemptions. On 18 January it was agreed that Belgium would chair the committee (S/2007/20).

By February 21, 60 days after the resolution, the Director General of the IAEA must report to the Council on whether Iran has suspended uranium-enrichment activities. The Council threatened "further appropriate measures" under Chapter VII, article 41, of the UN Charter in event of non-compliance.

The sanctions committee held its first meeting on 23 January. The resolution also requested that all states report to the committee on steps taken to implement the measures within 60 days. The reports are therefore due by 21 February. The committee is also expected to report to the Council on the fulfilment of its mandate every 90 days; its first report is due on 21 March. At press time, it had yet to adopt its guidelines.

Iran was critical of the resolution. However, although Iran had previously threatened to withdraw from the Non-Proliferation Treaty and terminate its IAEA membership, Iranian officials only said that was still an option. But there were reports on 22 January that Iran denied entry of 38 IAEA inspectors and subsequently expelled the leader of the IAEA mission.

Pursuant to resolution 1737, the IAEA has suspended some technical aid projects in Iran.

EU foreign ministers on 22 January announced a decision to ban trade with Iran in all the goods on the NSG and MTCR lists.

Although there is already a de facto embargo on all these goods in the EU, the EU may make this measure legally binding. Also noteworthy is that the full NSG and MTCR lists are slightly wider in scope than what is required under resolution 1737.

Results of recent local elections in Iran have been interpreted as a setback for President Mahmoud Ahmadinejad, perhaps linked to unhappiness over the handling of the nuclear issue.

The US seems to be active in persuading international banks and energy companies to pull out of Iran and is encouraging the EU to follow suit.

Tensions between Iran and the US rose further when US forces on 11 January raided an Iranian facility in Iraq. US forces detained five Iranians accused of helping to supply cash, weapons and training to Shiite militias on behalf of the Iranian regime. Iran complained that the facility was a consular one and complained to the Council in a letter (S/2007/28). US officials responded that Iranian officials assisting attacks on US troops or civilians in Iraq would be targeted.

In addition, the US dispatched a second aircraft carrier to the Gulf.

The UN Secretary-General made unusually strong statements on 24 January, saying that he was “very worried” by the Iranian nuclear programme, that Iran’s nuclear ambitions were a “serious threat to international security” and that the international community should prevent Iran “from further advancing its nuclear technology.”

In a bid to revive a diplomatic solution to the current standoff, IAEA Director General Mohammed ElBaradei suggested on 26 January a “timeout” on the Iranian nuclear issue, which would include a freezing of Iran’s nuclear programme while the Council would temporarily suspend sanctions. This would allow a return to negotiations. Both Iran and the US have rejected the proposal.

Options

Given Iran’s responses to date, it seems likely that the IAEA will report that Iran has failed to comply with the resolution. Indeed, Iran’s denial of entry to inspectors may also be reported as a violation of the safeguards

agreement (for more details on the safeguards agreement, please see our February 2006 Forecast). In these circumstances, the Council would have two primary options.

The first option would be to follow the logic of incremental pressure and further tighten the sanctions regime by limiting the scope of exemptions. This could also include imposing a travel ban on the individuals involved in proliferation-sensitive activities, adding more names to the list of persons and entities, effectively prohibiting the training of Iranian nationals in any proliferation-sensitive subject and adopting broader economic sanctions, perhaps initially including items such as luxury goods.

The second option would be to explore other routes, including new diplomatic initiatives, such as ElBaradei’s proposal. Past practice suggests that these initiatives would be options for the EU3+3, not the Council. Recent history suggests that, on the Iran issue, few options will remain open by the time the substance of the issue comes before the Council for consideration.

Key Issues

In the short term, the main issue is that the stakes are likely to rise significantly if Iran fails to make some concessions. Agreement on resolution 1737 proved very hard to reach. In a tenuous environment, adopting further measures under Chapter VII could prove even more difficult for the EU3+3 to negotiate.

A related issue, therefore, especially given the new composition of the Council, is whether the elected members may seek to play a larger role, including by helping to find common ground in the Council.

The sanctions committee will be the focus of another test of the Council’s ability to maintain consensus on Iran. All committee decisions are adopted by consensus, and the committee is not yet fully operational because it has not yet adopted its procedural guidelines. However, since the list of individuals and entities subject to sanctions is contained in the resolution, the absence of guidelines is unlikely to prevent these measures from being implemented.

Resolution 1737 does not request that a group of experts be established. However, some of the issues the committee will have

to handle are very technical and there may be a need for experts at some future point. Another issue that may appear over time is how the committee will oversee the implementation of measures that are at the discretion of states. Such measures include vigilance required for the travel of people suspected of taking part in proliferation-sensitive activities and the embargo on other items deemed proliferation-sensitive, called for by the resolution. At present, both the US and to a lesser extent the EU seem to be interpreting this rather widely.

Council Dynamics

Among Council members fundamental differences in approach remain. Perceptions of when and how “incremental pressure” should be applied vary among the P5 and the elected 10. Some new members, such as South Africa and Indonesia (who as members of the IAEA Board of Governors in February 2006 abstained on the resolution requesting the Director General to report to the Council), seem likely to prefer that negotiations with Iran be reactivated promptly.

With respect to the sanctions committee, it seems that there is a wide consensus among members on the programme of work of the committee. The chair of the committee, Belgium, has emphasised the need to interpret resolution 1737 scrupulously.

Selected Documents

Security Council Resolutions

- S/RES/1737 (23 December 2006) imposed measures under Chapter VII, article 41, of the UN Charter against Iran and expressed its intention to adopt further measures under article 41 in case of Iranian non-compliance.
- S/RES/1696 (31 July 2006) demanded that Iran suspend all enrichment-related and reprocessing activities, requested a report from the IAEA and expressed its intention to adopt measures under article 41 of the UN Charter in case of Iranian non-compliance.

Security Council Presidential Statement

- S/PRST/2006/15 (29 March 2006) called upon Iran to take the steps required by the IAEA Board of

Governors, in particular full suspension of all enrichment-related and reprocessing activities, in order to build confidence in the peaceful purpose of its nuclear programme.

Last IAEA Board Resolution

- GOV/2006/14 (4 February 2006) underlined the necessary steps that Iran should take to re-establish confidence in the peaceful nature of its nuclear programme and reported the issue to the Security Council.

Last IAEA Report

- GOV/2006/64 (14 November 2006) noted that enrichment-related activities have continued in violation of previous IAEA Board resolutions and Security Council resolution 1696.

Selected Letters

- S/2007/28 (19 January 2007) was a letter from Iran strongly condemning the US military attack on the Iranian consulate in the Iraqi city of Erbil and the abduction of the Iranian officers.
- S/2007/20 (18 January 2007) was a note by the president of the Council listing the newly elected chairmen and vice-chairmen of the subsidiary bodies for 2007.
- S/2006/1024 (23 December 2006) was a response from Iran to the adoption of resolution 1737.
- S/2006/1008 (19 December 2006) was a letter from Iran drawing attention to unlawful possession of nuclear weapons by Israel.
- S/2006/985 (7 December 2006) was a letter from the UK containing the guidelines for sensitive missile-relevant transfers.
- S/2006/815 (13 October 2006) was the letter from France containing the NSG list of items, material, equipments, goods and technology related to ballistic missiles programmes.
- S/2006/814 (13 October 2006) was the letter from France containing the MTCR list of items, material, equipments, goods and technology related to nuclear programmes.

Historical Background

For historical background, please see our February 2006 *Forecast*.

Useful Additional Sources

- *Iran: Looking Ahead*, Middle East Report No. 241—Winter 2006, <http://www.merip.org/mer/mer241/mer241.html>

Timor-Leste

Expected Council Action

The Council will receive the Secretary-General's report on Timor-Leste by early February, and it will consider renewal of the UN Integrated Mission in Timor-Leste (UNMIT) before its mandate expires on 25 February. Approval of the extension is expected, but the timing may be influenced by the availability of the Timor-Leste prime minister, José Ramos Horta, who wants to attend the discussions.

The Council will also be mindful of the security situation in the lead-up to the elections expected before May.

Key Recent Developments

In creating UNMIT, the Council was split over the command and control of the military forces. Australia, supported by the US and UK, had pushed for the international forces to remain under its command. Members of the Core Group, such as Portugal and Brazil, strongly preferred UN command. Unable to agree, the Council decided not to authorise either a UN military component or an Australia-led force in resolution 1704. Instead, it asked the Secretary-General to consult all stakeholders, review the arrangements and to present his views on 25 October. However, in a letter to the Secretary-General on 19 October, the Timor-Leste government asked that the police be under UN command but accepted an international security force rather than a UN military contingent. As reported to the media by the president of the Council during its informal consultations on 27 October, the Council noted this request. The Secretary-General is expected to report to the Council if there is any need to change the arrangement.

On 26 January the UN, Timor-Leste and Australia signed a security agreement. The agreement sets up a Trilateral Coordination Body which will allow better coordination on security issues. This is seen as particularly important in the lead-up to the elections.

UNMIT on 1 December signed a Police Supplemental Agreement with the Timor-Leste government. This provides the legal framework for UNMIT's role in reforming, restructuring and rebuilding the national



police of Timor-Leste (PNTL). On 7 December the Timor-Leste government asked the Secretary-General for reinforcements to UN police (UNPOL) in the run up to the elections, seeking specifically an additional company of Portugal's Guarda Nacional Republicana.

On 30 October the Secretary-General appointed Atul Khare as his Special Representative in Timor-Leste to replace Sukehiro Hasegawa, who left at the end of September. Khare, who started work on 17 December, was the deputy special representative of the Secretary-General at the UN Mission of Support in East Timor (UNMISSET) from May 2004 to May 2005.

In January, the chairman of the Commission of Truth and Friendship, which was created by the governments of Indonesia and Timor-Leste in May 2005, announced that the Commission was ready to commence the truth-seeking phase of its investigations. Seventy people suspected of human rights violations during the 1999 independence referendum events will be invited to share information from February to June 2007. These include former Indonesian President B.J. Habibie and current Timor-Leste President Xanana Gusmão. Council members and human rights organisations will watch this process with interest, but there will still be concerns that the Commission is unlikely to prove an effective mechanism for dealing with serious human rights violations.

The Timor-Leste parliament set up an ad hoc parliamentary committee to examine the recommendations of the Report of the Independent Special Commission of Inquiry for Timor-Leste issued on 17 October. So far, no public action has been taken. (This Commission was established by the UN High Commissioner for Human Rights after the Timor-Leste government asked the Secretary-General to establish an independent mechanism to investigate the violence of April and May 2006.)

Options

Options are:

- Renew UNMIT for six months but increase the maximum authorised strength to include an additional police company. This is the most likely outcome. Most members do not want major changes to the mandate but appear open to a small increase in UNPOL's numbers.
- Renew UNMIT for six months at existing strength. This is possible, but seems less likely.
- Roll over UNMIT's mandate for a short period to enable continuing discussions on changes to its size and mandate. This is possible if the Secretary-General's report produces a wider discussion involving more fundamental changes to the mandate.

Less likely options include renewing UNMIT's mandate for three months but agreeing to review the situation closer to the elections and renewing UNMIT for a year instead of six months.

Key Issues

The main issue is whether there are additional elements of guidance the Council can give at this stage to help ensure that UNMIT is able to maintain public security before, during and after the elections. UNMIT's security role is crucial given the ongoing fragile situation.

The timing of presidential and parliamentary elections is a related issue. The former will likely take place in April as the president's five year term ends on 20 May. However, political parties want to hold the parliamentary elections in August. Some Council members are concerned that this could give peace-spoilers an opportunity to create trouble. This would also significantly extend the intensive period of UNMIT's commitment beyond what was planned when the mission was established.

Another issue arises from concern about UNMIT's slow progress in assisting the PNTL. While the recent Police Supplemental Agreement seems an encouraging development, little has been done on the comprehensive review of the security sector requested in resolution 1704. Screening for readmission of PNTL officers began in September 2006 and by last month, 250 officers had been screened. The process will need to accelerate to meet security needs during elections.

The fourth issue is whether to meet Timor-Leste's request for another police unit. Council consent is needed to increase the maximum authorised strength of UNMIT. Differences between members could reopen the previously divisive debate about police numbers and UN command and control of forces.

As we flagged in our October 2006 *Forecast* report on Timor-Leste, pressure on troop and police generation for peacekeeping in other parts of the world is making it difficult to staff UNMIT. At the time of writing, only one-third of the political section was filled and the key position of Deputy Special Representative for Security Sector Support and Rule of Law was still being advertised. A full complement would be vital to ensure that UNMIT carries out its mandate in the coming months.

Council and Wider Dynamics

In the short-term, the Council seems agreed that the UN has a crucial role in ensuring free, fair and peaceful elections. It is possible that new members, including Indonesia, may produce different dynamics. However, Indonesia has built up a good relationship with the Timor-Leste leadership and is keen to see stable government. Indonesia's past history in Timor-Leste is only likely to seriously impact Council dynamics if it becomes necessary to revisit the 1999 events. South Africa, not a member of the Core Group, is lead country on this issue but the US, the UK and France as Core Group members may also want to play a leading role. Non-Council members of the Core Group—Australia, Brazil, Japan, New Zealand, and Portugal—are likely to continue to be active behind the scenes.

Underlying Problems

Accountability for past serious crimes and human rights abuses remains a neglected area. While resolution 1704 on 25 August 2006 authorised international investigators through UNMIT, little action has been taken. Dili has been reluctant to use the Serious Crimes Unit set up under the UN Transitional Administration in East Timor, preferring to focus on the bilateral Commission of Truth and Friendship.

In the past, there has been general agreement in the Council that the Timor-Leste government should be responsible for bringing to justice those involved in the

unrest last year and events in 1999. But there has been little appetite to pressure Timor-Leste to act on issues of justice. Council members were sensitive to Dili's claims that it first needed to build a healthy relationship with Indonesia. However, the renewed violence in 2006 led to some revision of thinking on justice and impunity issues. If little headway is made by way of the truth and friendship reconciliation process, the need for greater Council involvement to uphold the principle of accountability is likely to reappear.

While the overall security situation has improved since August, gang activity continues and there is increasing discontent among internally displaced Timorese in camps.

UN Documents

Selected Security Council Resolution

- S/RES/1704 (25 August 2006) created UNMIT.

Selected Secretary-General Reports

- S/2006/822 (17 October 2006) was the report of the Independent Special Commission of Inquiry for Timor-Leste.
- S/2006/628 (8 August 2006) was the report with recommendations for the future UN presence in Timor-Leste.
- S/2006/580 (26 July 2006) was the report on justice and reconciliation.

Selected Letters

- S/2006/1022 (21 December 2006) was the letter from the Timorese government asking for the deployment of another company of Portugal's Guarda Nacional Republicana.
- S/2006/924 (29 November 2006) was a letter from the president of the Security Council noting the Secretary-General's appointment of Atul Khare as Special Representative.
- S/2006/923 (30 October 2006) was the letter from the Secretary-General on his intention to appoint Atul Khare as Special Representative of Timor-Leste.
- S/2006/831 (19 October 2006) was a Timorese letter requesting that the police remain under the UN and the military under the international security force.

For the historical background, please see our May, August and October 2006 *Forecasts* and 19 January, 17 August and 20 October 2006 *Updates*.

Other Relevant Facts

Special Representative of the Secretary-General

Atul Khare (India)

UNMIT: Size and Composition

- Maximum authorised strength: up to 1,608 police and 34 military liaison and staff officers
- Size as of 31 December 2006: 1,099 police and 32 military observers
- Key police contributors: Bangladesh, Malaysia and Philippines

UNMIT: Duration

25 August 2006 to present; mandate expires 25 February 2007

Haiti

Expected Council Action

The Council is expected to renew the mandate of the UN Stabilization Mission in Haiti (MINUSTAH), which is due to expire on 15 February.

China has hinted at some reluctance to support renewal, however, because of recent complications over Haiti's relations with Taiwan. But at press time, China and Haiti were informally discussing ways to defuse tensions.

Key Recent Developments

The Secretary-General issued his latest report on MINUSTAH on 19 December. The report noted that the completion of the electoral process was "largely successful", and that the overall security situation remained relatively stable, although still somewhat volatile. Indeed, on 22 December, when UN forces and the Haitian police launched a joint operation aimed at fighting gangs in Cité Soleil, a shantytown in Port-au-Prince, at least nine civilians were killed.

The Secretary-General's report also noted progress in the reform of rule of law structures. However, progress in disarmament remained limited.

The Secretary-General recommended a 12-month extension of the mission, maintaining the same level of troops and police units.

Council members received a briefing by the Special Representative of the Secretary-General Edmont Mulet on 29 January and during consultations it appeared that there was broad support for the Secretary-General's recommendations. More detailed

developments and background are contained in our January 2007 *Forecast* report.

Options

The Council has the following options:

- Accommodate China's likely demand that renewal be for six rather than 12 months, or reach a compromise, such as a renewal of nine months and a reduction in troop levels.
- If the situation between Haiti and China is not resolved, adopt a short-term technical rollover of the mission coupled with an informal request that the Secretary-General use his good offices to facilitate a solution.

Non-renewal is a remote possibility. The Group of Friends of Haiti (comprising Argentina, Brazil, Canada, Chile, France, Peru and the US) are extremely reluctant to envisage this alternative. They remain hopeful that a solution will be found and in that spirit have encouraged Peru to initiate discussion amongst Council experts on a draft resolution. This process commenced on 29 January.

Key Issues

The main issue is whether Haiti and China can reach an understanding that will facilitate the renewal of MINUSTAH.

In preparing a draft resolution, the Group of Friends is focussing on the following issues:

- **The duration of the mandate renewal.** While the Group of Friends supports the recommendations of the Secretary-General for a 12-month renewal, it will have to take into account the Chinese position that a six-month renewal is preferable. (China's position seems to be driven by the perception that Haiti has given active support to Taiwan's endeavours to become a member of the UN.)
- **Troop levels.** The issue is whether these should stay at present authorised levels, or whether they should be reduced, perhaps to the earlier pre-election levels. Although the election process has now been completed, it is argued that the presence of extra troops in Haiti acts as a preventive measure against further destabilisation of the country. A related issue is that, although the current maximum authorised strength is up to 7,500 military personnel and 1,897 police, this level has never been reached.
- **Increased efficiency** may be seen as a reason to adjust some of MINUSTAH's

activities. Although the mandate would remain the same, the Council may want to send a signal that additional efforts have to be made in some fields (such as disarmament, demobilisation and reintegration, justice sector reform and the work of the Provisional Electoral Council).

Council Dynamics

China argues that a downsizing of MINUSTAH's troop level and adjustments of its composition are necessary. It also favours a six-month renewal. China would like to see MINUSTAH more involved in peacebuilding activities and is considering a request for Haiti to be added to the agenda of the Peacebuilding Commission.

China also seems to resent Haiti's recent public statements on Taiwan and has asked for a formal apology coupled with a lower profile on this issue as a condition for supporting MINUSTAH's mandate. While China has made its position clear, Haiti's response to China's request remains unclear at this time.

The Group of Friends strongly supports the recommendations of the Secretary-General. But it also seems ready to be flexible to accommodate China, as long as it does not affect the work of MINUSTAH too negatively. Some of its members, individually, appear willing to provide assistance in attempting to resolve the current tensions between China and Haiti.

A meeting of most members of the Core Group convened by US Under Secretary for Political Affairs Nicholas Burns is scheduled on 1 February in Washington as a follow-up of a similar meeting that took place on the margins of the General Assembly in September 2006. The aim will be to discuss the mandate renewal, the security situation and how to improve coordination between donors. The Core Group is composed of the leading countries, troop-contributing countries, donors and regional organisations.

Assuming that the issues raised by China can be resolved, the positions of the elected members of the Council are not expected to diverge from the Group of Friends.

Selected UN Documents

Selected Security Council Resolution

- S/RES/1702 (15 August 2006) prolonged the mandate of MINUSTAH for six months with the intention to renew for further periods.
- S/RES/1658 (14 February 2006) renewed the mandate of MINUSTAH until 15 August.
- S/RES/1608 (22 June 2005) extended the mandate of MINUSTAH until 15 February 2006 and temporarily reinforced the mission.
- S/RES/1542 (30 April 2004) established MINUSTAH.

Most Recent Presidential Statement

- S/PRST/2006/22 (15 May 2006) congratulated René Préval on his inauguration as president of Haiti and underlined that many challenges remain to be tackled.

Latest Secretary-General's Report

- S/2006/1003 (19 December 2006)

Latest Letters

- S/2007/11 (8 January 2007) and S/2007/12 (10 January 2007) were letters confirming the appointment of Major General dos Santos Cruz as Force Commander of MINUSTAH.
- S/2006/726 (31 August 2006) was a letter from the Secretary-General conveying a letter from Haiti confirming the adoption of the police reform plan and enclosing a copy of the plan.

Other Relevant Facts

Special Representative of the Secretary-General

Edmond Mulet (Guatemala)

Force Commander

Major General Carlos Alberto dos Santos Cruz (Brazil)

Size and Composition of Mission

- Current strength (30 November 2006): 8,360 total uniformed personnel, including 6,668 troops and 1,692 police
- Key troop contributing countries: Brazil, Uruguay, Sri Lanka, Jordan, Nepal, Argentina, Chile

Cost

1 July 2006 - 30 June 2007: \$510.039 million

Democratic Republic of Congo

Expected Council Action

The Council is expected to agree to the request by the Democratic Republic of Congo (DRC) to delay its substantive review of the mandate of the UN Mission in the Congo (MONUC), which expires on 15 February. How long this technical extension might be is still under discussion. The DRC government is still finalising its cabinet appointments and has argued that it needs more time to prepare its position on MONUC's future role.

As a result, the Secretary-General's report on MONUC's post-transition role is also likely to be delayed.

An Arria formula meeting on the Democratic Republic of the Congo is possible for mid February.

On sanctions, the Group of Experts' mid-term report, including recommendations on economic measures, is now expected for February. While the report was presented to the Sanctions Committee in December, discussions in the Sanctions Committee were postponed to January. The Secretary-General's report on the potential economic, humanitarian and social impact of economic sanctions requested in resolution 1698 is expected in February. No Council action on economic sanctions is expected in February but movement on targeted sanctions is possible.

Key Recent Developments

On 9 January, the Council held consultations on the DRC. It was briefed by Under Secretaries-General Jean-Marie Guéhenno and Ibrahim Gambari. Guéhenno underlined major challenges still being confronted in implementing the transitional agenda such as governance and security sector reform. He warned that "early [international] disengagement following elections elsewhere resulted in the resumption of conflict a few years later, requiring a new, costlier international intervention". The forthcoming local elections in the latter part of 2007 were stressed as a critical example of the need for continuing international engagement.

In late December, President Joseph Kabila's alliance secured all key positions in the executive and the legislative branches of the new government. (Antoine Gizenga was appointed prime minister of the DRC and congressmen from Kabila's alliance

secured all the chairmanships of National Assembly committees.) The new senate was elected on 19 January with the majority also going to Kabila's alliance. However, former presidential candidate Jean-Pierre Bemba did secure a seat. Kabila's strong control of the executive and the legislative branch (in addition to six out of nine provincial governorships elected on 27 January) suggests that the opposition may struggle to function as a significant political force.

On his first official trip to the DRC, the Secretary-General visited Kinshasa on 26-27 January and reportedly sought to allay concerns about imminent cutbacks on MONUC's size. He also stressed the value of political diversity and the importance of a viable opposition.

Despite the political and electoral progress, violence resumed in eastern DRC, particularly involving forces loyal to former general Laurent Nkunda, who is on the DRC travel ban and assets-freeze list. With Rwandan mediation and MONUC assistance, agreement was reached on 18 January to integrate Nkunda's militia into the army. There were reports that options on Nkunda's future were being discussed, including exile. In early January, there were clashes involving militia loyal to Peter Karim, who in December had agreed to demobilise his militia and join the DRC army as a colonel. There were also reports of widespread abuse, including looting and raping, during riots that involved Congolese army troops complaining of unpaid salaries and mistreatment.

Options

A technical rollover of MONUC's mandate seems likely and, at this stage, no other options are likely to be considered. Renewal for six to eight weeks seems a possible option.

Key Issues

The key underlying issue is how best to assist the DRC to consolidate its state authority, reform the security sector, improve governance and begin the process of economic development. Council members are aware that success will involve a comprehensive, integrated strategy that avoids hasty cutbacks.

The immediate issue for now, however, is how long a delay in addressing the long term issues is reasonable. It seems that most members are comfortable with a tech-

nical rollover that allows sufficient time for consultations with the new government but does not send the wrong signals by postponing for too long a decision on MONUC's future.

A practical issue is whether to renew the temporary additional contingents for MONUC authorised in resolutions 1621, 1635 and 1736. In this regard, the fact that the electoral process will not be finalised until the local elections are complete is a relevant factor. On the other hand, the ever-present US concern to keep down expenditures on MONUC may also emerge as an issue.

In this post-transition context, an important issue will also be how best to proceed with sanctions, particularly economic measures. This is another issue in which the views of the new government will be sought. (As experience with Liberia last year demonstrates, the Council is likely to take a cautious approach to this issue.)

A related issue is whether to move on with the lists of targeted sanctions envisaged in resolutions 1649 and 1698. (Members have formally received proposed names from the Working Group on Children and Armed Conflict.)

Council Dynamics

There seems to be consensus within the Council that there should be a technical rollover for MONUC.

Positions on MONUC's future are unlikely to emerge until the Secretary-General's recommendations and the new government's position become clear. Most Council members already anticipate strong support for maintaining MONUC's size, at least in the short run. Most members also seem concerned about the need to avoid a repeat of the Burundi precedent, in which the newly elected government requested in November 2005 that the UN Operation in Burundi (ONUB) be withdrawn within one year. (Since ONUB's withdrawal, there have been heightened concerns about human rights, governance and long-term stability.)

There is not much enthusiasm among Council members for economic measures, especially in the post-election environment. Most did not support the Group of Experts' recommendations (which seem to have included sanctions on the basis of violations of Congolese law), feeling that the Group did not consult sufficiently with the

government and went beyond the Council's original request in resolution 1698. Most instead are sympathetic to the view that improving resources control should be the responsibility of the Congolese government. However, because of the potential impact of natural resources on security issues, there is likely to be an interest in continuing to monitor developments and asking the Secretary-General to keep the Council informed.

Some are open to increasing the list of individuals subject to targeted sanctions, particularly as envisaged by resolution 1698 against individuals responsible for recruiting child combatants.

UN Documents

Selected Security Council Resolutions

- S/RES/1736 (22 December 2006) re-hatted ONUB troops as MONUC.
- S/RES/1711 (29 September 2006) extended MONUC until 15 February 2007.
- S/RES/1698 (31 July 2006) strengthened sanctions, expressed the intention to consider measures over natural resources, and renewed sanctions and the Group of Experts until 31 July 2007.
- S/RES/1649 (21 December 2005) strengthened sanctions and requested the Secretary-General's report on foreign armed groups.
- S/RES/1635 (28 October 2005) and 1621 (6 September 2005) authorised temporary increases in MONUC's strength for the elections.
- S/RES/1565 (1 October 2004) revised MONUC's mandate set forth in resolution 1493 (28 July 2003) and 1291 (24 February 2000).

Selected Secretary-General's Reports

- S/2006/759 (21 September 2006) was the latest MONUC report.
- S/2006/310 (22 May 2006) was the Secretary-General's report on foreign armed groups in the DRC.

Other Relevant Documents

- S/2007/17 (15 January 2007) was a DRC government letter requesting the rollover of MONUC's mandate.
- S/2006/525 (18 July 2006) is the latest available Group of Experts' report.

For full historical background, please refer to our April, September and January 2006 *Forecasts*.



Other Relevant Facts

Special Representative of the Secretary-General and Head of Mission

William Lacy Swing (US)

Size, Composition and Cost of Mission

- Authorised strength: 17,221 military and 1,316 police
- Strength as of 31 December 2006: 17,390 military and 1,075 police
- Main troop contributors: India, Pakistan, Bangladesh and Uruguay
- Cost: 1 July 2006 – 30 June 2007 US\$ 1.138 billion

Duration

30 November 1999 to present, mandate expires on 15 February 2007

Sanctions Implementation: Recent Developments

The Council took a step towards improving the effectiveness of UN sanctions in December. It brought to a conclusion the work of its Informal Working Group on General Issues of Sanctions. After nearly seven years of work, most recently under the leadership of Ambassador Adamantios Th. Vassilakis of Greece, the Council in resolution 1732 decided on 21 December that the Working Group had fulfilled its mandate. It took "note with interest" (see below) of the best practices and methods suggested in the Working Group's report, and also requested its subsidiary bodies to take note of the recommendations.

Background

The Council has traditionally been reluctant to adopt a settled, generic policy on the implementation of sanctions and on the working methods of the sanctions committees. But under pressure from elected members in 2000, the Working Group was established. As we noted in our January 2006 *Forecast* no consensus had been achieved after more than 5 years of discussion, largely due to the positions of various permanent members.

In 2006, however, a significant breakthrough occurred. The Working Group adopted a report listing:

- a number of best practices related to sanctions design, implementation, evaluation and follow-up;
- committee working methods;
- monitoring and enforcement; and
- methodological standards and a reporting format for expert groups.

In deciding that the Working Group had fulfilled its mandate, the Council seems to have signalled its tacit approval of the recommendations contained in the Working Group's report. However, the language used gave less than a fulsome endorsement and perhaps reflects the undercurrent of disagreement that plagued the Working Group in the past.

Sanctions design, implementation, evaluation and follow-up

Despite significant progress in recent years in the design of targeted sanctions, the Council still has not managed to achieve consistent clear and precise language in all of its sanctions regimes. In this regard, the report notes that "proper design, implementation, ongoing evaluation and follow-up of sanctions regimes are key elements that contribute to the effectiveness of sanctions."

First, the Working Group recommended that the Council, in designing targeted sanctions, give special weight to:

- feasibility;
- wider implications;
- an appropriate mix of targeted measures; and
- the likelihood of the target taking evasive action to avoid the sanctions.

Secondly, the Working Group recommended that the Council include clearly defined criteria for the lifting of sanctions, including:

- the desired change in the behaviour of the target; and
- ongoing evaluation of sanctions regimes by the Council.

It noted that clarity about the intended outcome of the sanctions and the desired behaviour of the targets would reduce the risk of disparate enforcement of sanctions based in part on differing interpretations by individual states. It would also help to reduce situations in which there are differ-

ing views in the Council on when the target has met the criteria for lifting of the sanctions.

In the past, some members had argued that, in every case, there should be a policy of time-bound sanctions linked to clear criteria for lifting or suspension of sanctions. This approach was not reflected in the Working Group recommendations.

Thirdly, the Working Group recommended that the Council establish credible mechanisms to monitor the implementation of the sanctions. The development of monitoring mechanisms to assist sanctions committees has had a positive impact on the implementation of sanctions. However, there are often long delays in establishing these mechanisms, in some cases several months after the Council has adopted the sanctions. Also, there is no standardised methodology for their work such as investigatory and evidentiary standards and a reporting format. In some cases, the credibility of reports has been questioned.

Finally, the Working Group recommended that the Council encourage sanctions committees to adopt listing and "delisting" guidelines based on fair and clear procedures. (This issue was addressed separately by the Council as a result of the work in the Al-Qaida and Taliban sanctions committee on listing and delisting, including adoption of new listing criteria which provides a new standard for all sanctions committees. The Council on 22 December approved these new standards in resolution 1735, which also annexed the new format for member states' listing submissions to the committee.)

In addition, resolution 1730 addressed certain delisting issues including the establishment of a "focal point" in the Secretariat, which will serve all sanctions committees, and help with the processing of delisting requests. (For some initial analysis of listing and delisting and due process, see our January 2007 *Forecast*.)

Capacity Issues

The Working Group's report also recommended that sanctions committees and the Secretariat assist states in implementing sanctions. Many states, particularly those in close proximity to the targets, often lack the capacity—both legal and operational—to implement sanctions. As a result, imple-

mentation and enforcement of sanctions are often ineffective.

The Working Group's report included recommendations for providing capacity-building assistance to states and helping the Secretariat to facilitate this. However, the report recognised that with the proliferation of sanctions regimes and supporting monitoring mechanisms, the Council's Subsidiary Organs Branch is strained in its ability to provide needed substantive, administrative, logistical and analytical support. The Working Group recommended that the Council request the Secretary-General to explore ways to strengthen the Secretariat's capacity to effectively meet the new demands. It seems the Council did not pick up on this suggestion.

Comment

While the Council has been making progress through the use of monitoring mechanisms comprised of panels of experts in the monitoring of sanctions, there is far less success in implementing sanctions. There are now six monitoring mechanisms in place (Al-Qaida/Taliban, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia, Somalia and Sudan). But the outstanding recommendations from these mechanisms show that there are many instances of persistent sanctions violations that remain to be addressed.

This is due in part to political dynamics in the Council that have led to Council indecision. Sometimes there is the concern that strictly enforcing sanctions could produce adverse effects on any political process that might be underway in a conflict situation. However, that only reinforces the need for the pre-feasibility considerations recommended by the Working Group as part of the design of sanctions and the decision-making process leading up to the approval of sanctions measures. It also reinforces the need to move quickly when violations become apparent rather than waiting until vested interests have built up around a pattern of sanctions avoidance.

Expert Groups

The Working Group also suggested clear guidelines for the committees on expert groups. These include recommendations for:

- The working methods of expert groups and in particular that there are clear stan-

dards in the conduct of all areas of their work, including in investigations and the format of reporting, while maintaining their independence. Also, that there should be increased cooperation and sharing of information among expert groups to help to avoid duplication of work. At present, monitors, particularly when investigating arms embargos, travel to the same countries, ask the same questions, and investigate the same sanctions violators.

- Improved implementation of the recommendations of the reports of expert groups. This is aimed at addressing gaps in the presentation of reports to the committees, their consideration, and their subsequent adoption by the Council. The Working Group recommended that the reporting of recommendations be standardised and prioritised according to criteria such as urgency and ease of implementation. With an increasing number of recommendations being put forward by monitoring mechanisms, many are being left without any action taken for a long period of time. For example, there are more than 50 recommendations of the Al-Qaida and Taliban sanctions Monitoring Team, some of which have been before the committee for as much as a year without being acted upon.
- On the establishment of the roster of experts, which includes criteria for their selection, the Working Group recommended transparency in the selection process for the Secretariat's roster and periodic review to determine availability of experts.

Working methods of Sanctions Committees

The Working Group recommended improved working methods and increased transparency for the committees. Its recommendations also included harmonisation of guidelines, providing a template for reporting and disseminating them to states.

This would help to remove the delays experienced by new sanctions committees in adopting guidelines, and the confusion caused in states' reporting requirements.

The potential impact of the Working Group Report

The Working Group's recommendations seem likely to provide a useful benchmark

to be achieved by the Council, the committees and monitoring mechanisms. Some members of the Council, particularly new members that may be unfamiliar with various recent sanctions initiatives (such as Interlaken, Bonn-Berlin and Stockholm) now have a reference point to help the effectiveness of sanctions regimes, and may improve the working methods of the committees and monitoring mechanisms.

However, it is clear from the Working Group report that there remains unfinished work on sanctions issues, especially to ensure the consistent application of the Working Group recommendations across the various committees. Despite this, the Council disbanded the Working Group. A new mandate to develop methodology and guidance to sanctions committees on how best to implement the Working Group's recommendations, including the drafting of standard guidelines for all committees, would have been an option. But in the absence of the Working Group, members wishing to pursue such issues will have to raise it in the Council itself.

Thinking outside the box: 1267 Monitoring Team engages Bankers' Group

An interesting development on sanctions implementation that was separate from the Working Group's report, but very much in line with its spirit, comes from the Monitoring Team of the Al-Qaida and Taliban Sanctions Committee (1267 Committee). It is reaching out to bankers, bankers' associations and other private-sector financial experts in an effort to find ways to improve the effectiveness of international financial sanctions applicable to Al-Qaida and the Taliban and their associated entities. This initiative was launched by the Monitoring Team in September when it sent a letter to possible candidates inviting them to participate in a "Bankers' Group" for this purpose. The Group's first meeting will be held on 2 February.

In its latest, but still unpublished, report, the Team recommended that the Committee re-examine the assets freeze process. More effort will be needed to properly supervise and implement the freeze since terrorist groups and their financiers are deploying new techniques to disguise assets. The team concluded that so far, monitoring and supervision costs far exceed the amount of

assets being identified and are disproportionate to the amount of assets located and frozen.

Following from that, the Council in Annex II to resolution 1735 authorised the Monitoring Team "to consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure."

With this new mandate, the Monitoring Team has proposed the formation of a working group from among the Bankers' Group, which would include major players from the financial sector. It is proposed that at this meeting a working group comprised of members of the Bankers' Group and the Monitoring Team would participate in discussions leading to the drafting of a report that would contain recommendations to the Council.

Issues on the meeting's agenda will include the following:

- the Council's expectations from the assets freeze;
- ways in which national authorities should implement the assets freeze;
- actions demanded of financial institutions;
- the extent to which each such action is likely to achieve the Council's expectations;
- ways to better meet the Council's expectations; and
- the main impediments to effective sanctions implementation through financial institutions.

Selected participants, including representatives of the International Monetary Fund and the World Bank, will join discussions in the working group. Any recommendations from the working group, if adopted by the Council, would also have a bearing on the work of all sanctions committees monitoring assets freezes.

UN Documents

Selected Security Council Resolutions

- S/RES/1735 (22 December 2006) *inter alia*, adopted new listing guidelines, a format for listing information, renewed the mandate of the 1267 Committee Monitoring Team and directed the Team to consult with the financial private sector.
- S/RES/1732 (21 December 2006) decided that the Working Group had fulfilled its mandate and noted its recommendations.
- S/RES/1730 (19 December 2006) established the delisting “focal point” in the UN Secretariat.
- S/RES/1616 (29 July 2005) established the group of experts on the DRC sanctions.
- S/RES/1526 (30 January 2004) established the Monitoring Team on the Al-Qaida and Taliban sanctions.

Other Selected Documents

- S/2006/997 (22 December 2006) was the Sanctions Working Group final report.
- S/2005/841 (29 December 2005) was a note by the Council president establishing the renewed mandate for the Working Group.
- S/2000/319 (17 April 2000) was a note by the Council president establishing the Working Group.
- S/1999/92 (29 January 1999) was a note by the Council president on proposals to improve the work of sanctions committees.

Review of the Counter-Terrorism Executive Directorate

Recent Council Action

On 20 December the Council adopted a presidential statement completing its review of the Counter-Terrorism Executive Directorate (CTED). Its review was undertaken on the basis of a report by the Counter-Terrorism Committee (CTC). The outcome does not bode well for the future of the CTED which must now prove that it can live up to the original expectations of providing support to the CTC on combating terrorism.

The CTC raised serious questions over the performance of the CTED. It provided a blunt assessment of the CTED and found it wanting in several areas. For its part, CTED

has a very different analysis of the problems and there may be many reasons for the delays that have been identified. However, the overall issue raises difficult questions for the Council in the future.

According to the CTC report, while the CTED made some progress in the monitoring aspects of its mandate, very little was accomplished in counter-terrorism capacity-building assistance facilitation. Many benchmarks set by the Council were not achieved. (For analysis of the benchmarks set for the CTED evaluation, please see our December 2006 *Forecast*.)

Moreover, although the CTED’s mandate requires it to support the work of the CTC, the report suggests that the CTED appears to lack focus and needs to be more proactive in carrying out its responsibilities while taking policy guidance from the CTC as required.

Establishment of CTED

When it was established in 2001 by resolution 1373, the CTC was viewed as the central focus of UN counter-terrorism activities. In resolution 1535, the Council in 2004 decided to provide the CTC with a permanent professional staff. The CTED was conceived as a “special political mission of the Security Council” with a unique political accountability. Its executive director was to be appointed “after consultation with and subject to the approval of the Council.” Moreover, the resolution said the CTED was to be “under the policy guidance” of the CTC. The resolution also asserted an unprecedented role for the Council in terms of approval of the administrative set-up of the CTED.

There were, no doubt, many reasons driving this new experiment. But a major concern perhaps was that the new support staff should be insulated from what some Council members saw as the bureaucratic and inefficient culture of the Secretariat. Ironically, precisely these kinds of problems seem to have emerged (according to the critics of the CTC) despite the special oversight role the Council carved out for itself. The CTED experiment may have failed to deliver the new responsive and politically supportive culture that was being sought. One issue is whether in part the Council itself is at fault for not having effectively utilised the unique power that it had given itself in resolution 1535.

But the underlying question that remains is: what should be done in terms of the sub-

stance of the CTED’s work if by the time of the next review it continues to fail to achieve the stated objectives?

CTED Reporting Lines

From the outset, there was controversy within the Secretariat about CTED reporting lines. This was initially resolved on the basis that the CTED must—like all other sections of the Secretariat—report to intergovernmental machinery through the Secretary-General.

It seems that some Council members concluded that this reporting requirement may have been construed by the CTED as a basis for pursuing an independent approach rather than accepting CTC policy guidance.

Aware of the emerging problems between the Council and the CTED and always cognisant of the Council’s desire that the CTED should remain its own creature, Secretary-General Kofi Annan in December decided to remove any misunderstanding. In a letter to the president of the Council, he made it clear that from the Secretariat’s perspective it had no interest in overseeing the CTED’s policy role. Annan suggested that the Council should ask the CTED to submit its reports directly to the CTC. The Council adopted that approach and in its presidential statement in December decided that the CTED would present its draft work programmes and semi-annual reports directly to the CTC.

CTED role in assistance to member states

The outgoing CTC chair, Denmark’s Ambassador Ellen Margrethe Løj, in presenting the CTC’s report to the Council on 20 December expressed disappointment with the lack of measurable results and said that the CTED could do much better. “The measuring stick for evaluating the effectiveness has been the degree to which member states implement the resolution,” she said. She was not pleased that requests for assistance remained unanswered. The CTED had not provided the CTC with the support that it needed to achieve these objectives.

By the end of 2006, the CTED had conducted 15 country visits (five in 2005 and 10 in 2006) but could point to only two countries that had received assistance as a result of those visits. A related concern was that the CTED’s emphasis on conducting country visits prior to engaging

potential assistance providers has contributed to an even larger backlog of candidates for assistance.

By the end of 2006, states had filed several hundred reports in response to CTC requests. In addition, new requests for assistance have been received by the CTC. The CTC seems concerned that the CTED has not been more proactive in matching assistance needs with potential providers. It is looking for a regularly updated assistance matrix so that it will be able to provide information on requests for assistance to potential providers on demand.

The CTC now proposes detailed discussions on the functioning and results of the technical assistance work by the CTED that is based on an updated analysis of results in this area. This will take place during the first quarter of 2007.

Assessments of Implementation

According to the CTED's semi-annual report, the number of assessments promised to the CTC would be 130 by the end of 2006. However, at the time the report was sent to the Council on 18 December, only 42 preliminary implementation assessments had been provided. The CTED reported in March that it had completed priority needs assessments for 91 states, which only increased to 96 by December.

According to Ambassador Løj, to realise "its great potential to become a key partner of states in their implementation of resolution 1373," the CTC "will require appropriate guidance from CTC to the CTED, a proactive approach from the CTED, as well as due respect for the CTC's and, thereby, for the CTED's mandate."

Outcome from Council review in December

One likely outcome in practice from this review is a more interactive relationship on policy guidelines between the CTC and the CTED, including setting specific objectives and measurable benchmarks to be achieved within a reasonable timeframe (but without micromanaging the CTED, for which the CTC has been criticised from time to time).

Nonetheless, the reality is that the CTC and the Council have already provided straightforward benchmarks. What may be needed is a much more intensive and informal relationship between the CTC bureau and the CTED leadership. But the limited available time for Council ambassadors is a genuine

constraint, given the other pressures on Council members.

Transparency

In its discussions in December, the Council did not hold an open debate on the work of the CTED. All discussions were held during closed consultations and only Council members were afforded an opportunity to participate in them. This lack of transparency in the review process and lack of opportunity for input is contrary to the expectations of the wider UN membership, some of whom had expressed concerns in this regard when the CTED was established. Firsthand experience from states outside the Council with the difficulty of interacting with the CTED could have provided important input to the review process.

On the other hand, however, there is increased transparency as a result of the CTC setting out in its report specific expectations for the work of the CTED in 2007. This includes completion of tasks assigned by the CTC in 2006 that were not accomplished.

Council Decisions

The CTC's report was endorsed by the Council in its presidential statement of 20 December 2006, which also agreed with the recommendations and conclusions contained in the report. These will be the measure by which the CTED's future work is evaluated.

Will CTED survive?

An important new development is the General Assembly UN Global Counter-Terrorism Strategy, which was approved in 2006 and which makes specific calls on the CTC and the CTED regarding steps they could take in order to implement the strategy. It is too soon to conclude that the strategy will displace the CTC and CTED as the central focus of UN counter-terrorism activity. However, it will reinforce the growing calls by many states, including a number in the Council, for the focus to be less exclusively on the Council. The difficulties in December over CTED and its performance seem likely to encourage that trend.

Outside the Council, the apparent failure of the CTED to meet expectations will fuel discussions about whether it is the right body to be entrusted with responsibility for leading efforts to coordinate assistance to UN member states that need capacity building measures. While there now appears to be broad acceptance that such efforts are



needed, views are beginning to emerge that other parts of the UN system with capacity-building expertise may be better equipped for the task, which would leave the CTED with a strictly monitoring and policy support role.

The new CTC chair is Panama's Ambassador Ricardo Alberto Arias. In the course of this year, Council members will have to determine whether the results they want from the CTED are achievable within the current structure and whether this will require much greater and perhaps higher-level input from Council members. This could result in a challenging period ahead.

UN Documents

Selected Security Council Resolutions

- S/RES/1535 (26 March 2004) established the CTED and its mandate.
- S/RES/1373 (28 September 2001) established the CTC and its mandate.

Selected Presidential Statements

- S/PRST/2006/56 (20 December 2006) endorsed the 2006 report of the CTC on the CTED review.
- S/PRST/2005/64 (21 December 2005) adopted the 2005 report of the CTC on the CTED review and set benchmarks for the 2006 review.

Other Selected Documents

- S/PV.5601 (20 December 2006) was a record of the Council open briefing by chairpersons of Council subsidiary bodies.
- S/2006/989 (18 December 2006) was the CTC report for the comprehensive review of the CTED in December 2006.
- S/2006/1002 (15 December 2006) was a letter of the Secretary-General to the president of the Council on the reporting of the CTED.
- A/RES/60/288 (8 September 2006) was a General Assembly resolution adopting the UN Global Counter-Terrorism Strategy.
- S/2005/817 (13 December 2005) was the CTC report for the preliminary review of the CTED in December 2005, including the benchmarks for the 2006 review.

Notable Dates for February

Reports due for Consideration in February	Relevant Document
1 February	<i>SG report on UNMIT (UN Integrated Mission in Timor-Leste)</i> S/RES/1704
early February	<i>SG report on MONUC (UN Mission in the DRC)</i> S/RES/1711
15 February	<i>SG report on the impact on economic sanctions on the DRC</i> S/RES/1698
mid February	<i>SG recommendations on a UN presence in the CAR and Chad along the border with Sudan</i> S/PRST/2007/2
21 February	<i>IAEA report on Iranian compliance with resolution 1737</i> S/RES/1737
late February	<i>SG report on Somalia (every two months)</i> S/RES/1725
28 February	<i>SG report on Darfur (monthly)</i> S/RES/1590

February 2007	Mandates Expire	Relevant Document
15 February	<i>MONUC (UN Mission in the DRC)</i>	S/RES/1711
15 February	<i>MINUSTAH (UN Stabilization Mission in Haiti)</i>	S/RES/1702
25 February	<i>UNMIT (UN Integrated Mission in Timor-Leste)</i>	S/RES/1704

February 2007	Other Important Dates
1 February	<i>A meeting of the core group on Haiti will take place in Washington DC.</i>
1 February	<i>An ECOWAS meeting on Côte d'Ivoire is scheduled.</i>
2 February	<i>A meeting of the Middle East Quartet will take place in Washington DC.</i>
6 February	<i>Six-party talks on North Korea are tentatively scheduled to resume.</i>
8 February	<i>The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council will hold a meeting.</i>

Also expected in February:

- A thematic debate in the Council (on 21 February) and an Arria formula meeting (on 20 February) on Security Sector Reform are expected.
- An open debate on implementation of resolution 1540 is possible.
- The ICC Chief Prosecutor's filing of first charges in connection with crimes committed in Darfur is possible February.
- A session of the Special Committee on Peacekeeping Operations is being planned for late February or early March.
- An Arria formula meeting on the Democratic Republic of the Congo is possible for mid February.

Important Dates over the Horizon

- The Council is tentatively planning visiting missions for 2007 to West Africa (including Côte d'Ivoire), Timor-Leste and Central Africa.
- The IAEA Board of Governors will meet 5-9 March.
- The report from the Secretary-General's Special Envoy for the Future Status Process for Kosovo, Martti Ahtisaari, was submitted to the Contact Group and the parties in late January, but discussion in the Council is unlikely before March.
- Parliamentary elections in Chad are scheduled for April.
- Human Rights Council elections are scheduled for May.
- Elections in Timor-Leste are expected in May.
- The Special Court for Sierra Leone has reported that Charles Taylor's trial at The Hague will begin in June.
- Election of Nepal's constituent assembly is expected in June.
- Elections in Sierra Leone are expected in July.
- The Secretary-General's next reports on the thematic issues of Protection of Civilians in Armed Conflict and Women, Peace & Security are expected by October.
- Presidential elections in Côte d'Ivoire are expected by 31 October.
- Local elections in the DRC are expected in the second half of 2007.

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