



SECURITY COUNCIL REPORT

MONTHLY FORECAST

JUNE 2010



28 May 2010

This report is available online and can be viewed together with Update Reports on developments during the month at www.securitycouncilreport.org

OVERVIEW FOR JUNE

Mexico will hold the presidency of the Security Council in June. It will be an exceptionally busy month with several mandates due for renewal, an election of an ICJ judge, a Council trip to Afghanistan and a retreat in Istanbul. In addition, two major issues—further sanctions against **Iran** and Council consideration of the issue between the Republic of Korea and the Democratic People's Republic of Korea arising from the **naval incident in the Yellow Sea**—seem likely to occupy a good deal of Council time.

Two open debates were planned at press time. In the middle of June, the Council is expected to hold an open debate on **children and armed conflict**, to be presided over by Mexico's Foreign Minister Patricia Espinosa. Late in the month a debate on **justice and the rule of law** is likely.

There is also a debate expected on the **international criminal tribunals**, ICTY and ICTR. A debate on **Afghanistan** and a

briefing on the Council visit are also possible but may be delayed until July.

The Council is planning to hold a meeting on **Sudan** with briefings by Joint Chief Mediator Djibril Bassolé and the former South African President, Thabo Mbeki, who headed the AU Panel on Darfur. The heads of the two operations in Sudan, Haile Menkerios and Ibrahim Gambari, will also participate.

Several more **briefings** are expected:

- on **Sudan** by the ICC Prosecutor Luis Moreno-Ocampo, to be followed by a private meeting;
- on the **humanitarian situation in Sudan and Chad** by OCHA in consultations;
- on the situation in **Cyprus**, in consultations, by the Secretary-General's Special Adviser on Cyprus, Alexander Downer;
- on the **Middle East**;
- on the work of the **Iran Sanctions Committee** (1737 Committee) by its chair, Ambassador Yukio Takasu of Japan;
- in consultations, on the work of the **Sudan**

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Sanctions Committee (1591 Committee) by its chair, Ambassador Thomas Mayr-Harting of Austria;

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Aide-Memoire

Important matters pending include:

- Two matters related to **Children and Armed Conflict** remain to be addressed: The request in resolution 1882 to the Secretary-General to provide administrative and substantive support for the Security Council Working Group on Children and Armed Conflict has yet to be complied with. And the request in resolution 1460 (2003) that all the Secretary-General's reports to the Council on country-specific situations

include the protection of children is not fully implemented. Protection of children has been incorporated into only half of the relevant country-specific reports.

- The December 2004 report by the Secretary-General on human rights violations in **Côte d'Ivoire**, requested in a May 2004 presidential statement (S/PRST/2004/17), 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.

- UNAMI reports on human rights in **Iraq**, in the past produced every two to three months, have decreased in their frequency and regularity. The last report, released in December 2009, covered the period from 1 January to 30 June 2009.
- The Secretary-General has not reenergised his **Advisory Committee on the Prevention**

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OVERVIEW FOR JUNE (continued)

- on the peacekeeping operation in **Côte d'Ivoire**, in consultations;
- on the **Kuwaiti missing persons** issue in Iraq, by the High-level Coordinator Gennady Tarasov, also in consultations; and
- on the mission in the **Central African Republic** by the head of BINUCA, Sahle-Work Zewde.

Consultations are expected on several other matters:

- on the UN operation in the **Golan Heights**;
- on the mission in the **Central African Republic**; and
- on the **Middle East**.

Formal meetings of the Council will be held to adopt a number of resolutions:

- setting a date for the election to fill another vacancy at **ICJ**;
- to extend the mandate of **UNFICYP** (Cyprus);
- to extend the terms of **ICTY** judges;

- to extend the terms of **ICTR** judges;
- to extend the mandate of **UNDOF** (Golan Heights); and
- to extend the mandate of **UNOCI** (Côte d'Ivoire).

The Council is also likely to extend the mandate of the **DPRK sanctions Panel of Experts** through a resolution. The **Liberia Sanctions Committee** (the 1521 Committee) is expected to meet and consider the midterm report of its Panel of Experts.

Aide-Memoire (continued)

- **of Genocide** (it has not met since 2008).
- The Council has yet to address the Secretary-General's summary of the report of the UN Board of Inquiry into incidents involving UN facilities and personnel in **Gaza** between 27 December 2008 and 19 January 2009, submitted to it on 4 May 2009 (S/2009/250).
- A biennial report by the Secretary-General on **small arms** requested on 29 June 2007 in a presidential statement (S/PRST/2007/24) is yet to be produced for 2010. The last report on **small arms** was published in April 2008.
- The Secretary-General is yet to report to the Council on **Kenya** as requested in a February 2008 presidential statement (S/PRST/2008/4).
- The Council requested the Secretariat on 21 November 2006 (S/2006/928) to **update the index to Council notes and statements on working methods**. This has not

been published.

- The Secretary-General continues to delay responding to the mandate to assist with the delineation of the international borders of Lebanon, especially **Sheb'a Farms**, in accordance with resolution 1701.
- The 2005 World Summit requested that the Security Council consider reforms for the **Military Staff Committee**. This has yet to be addressed.

Status Update since our May Forecast

- **Cooperation between the UN and regional and subregional organisations in maintaining international peace and security:** On 4 May the High Representative for Foreign Affairs and Security Policy of the EU, Catherine Ashton, spoke at a Council meeting on cooperation between the EU and the UN (S/PV.6306). It was her first appearance before the Council following the entry into force of the EU Lisbon Treaty last December. Ashton highlighted EU's growing cooperation with the UN in specific situations like Darfur, the DRC, Kosovo, Chad, Afghanistan and Haiti and in areas such as conflict prevention, mediation and peacebuilding.
- **Nepal:** In consultations on 5 May Council members discussed the Secretary-General's report on Nepal (S/2010/214). The Representative of the Secretary-General and head of UNMIN, Karin Landgren briefed the Council. On 12 May resolution 1921 was adopted renewing UNMIN's mandate till 15 September 2010. The Secretary-General issued a statement on 27 May expressing concern about the failure of the parties in Nepal to reach agreement to extend the term of the Constituent Assembly.
- **Burundi:** On 10 May the Security Council was briefed on the country's upcoming elections by BINUB's head, Charles Petrie, Permanent Representative Zacharie Gahutu of Burundi, and Heidi Grau of Switzerland, on behalf of the Swiss Permanent Representative who chairs the PBC country-specific configuration for Burundi (S/PV.6309). The briefing was followed by consultations. Petrie said that the groundwork for the elections had been prepared but challenges remained, including the possibility of post-election tensions (SC/9921).
- **Counter-Terrorism:** The chairs of the Council's three counterterrorism committees, the 1267 Committee (Al-Qaida and Taliban Sanctions), the 1373 Committee (Counter-Terrorism Committee, or CTC) and the 1540 Committee (weapons of mass destruction and terrorism) briefed the Council on 11 May. (The chairs of the three committees brief the Council jointly twice each year.) Ambassador Claude Heller of Mexico delivered a joint statement on behalf of the three committees. He reported that the three expert groups continued to share information on reporting issues and coordinate joint

country visits. In his capacity as chair of the 1540 Committee, Heller said that the committee's comprehensive review confirmed that the resolution has been successful in prompting member states to take concrete steps to prevent non-state actors from developing or using nuclear, chemical or biological weapons, though some continue to fall short of addressing all the resolution's requirements.

Ambassador Ertugrul Apakan of Turkey, chair of the CTC, reported that the committee had recently streamlined some of its working methods to reduce committee time spent on the adoption of preliminary implementation assessments of member states' implementation of resolution 1373 and had focused on utilising informal briefings to member states to improve the committee's thematic discussions.

Ambassador Thomas Mayr-Harting of Austria, chair of the 1267 Committee, said the committee was in the final phase of reviewing names on its consolidated list and would do its utmost to meet the 30 June deadline for completing this work. He also said a number of candidates had applied for the position of

Ombudsperson, which was mandated in resolution 1904 (2009), and that the Committee was in the process of finalising its consultations and would then convey its views to the Secretary-General.

Twelve member states not on the Council also participated and made statements.

- **Somalia:** On 12 May the Council heard a briefing on the Secretary-General's latest Somalia report (S/2010/234) by his Special Representative Ahmedou Ould Abdallah, followed by a debate in which Somali Deputy Prime Minister Abdurahman Ibrahim, and AU's Commissioner for Peace and Security Ramtane Lamamra, also spoke (S/PV.6313). Ould-Abdallah stressed that the most effective approach to improving the situation in Somalia was to continue supporting the Transitional Federal Government and at the same time asking it to make progress in areas under its responsibility. He said the recovery and reconstruction conference on Somalia to held Istanbul from 21 to 23 May should be seized as an exceptional opportunity for the international community to demonstrate its support for Somalia.
- **Kosovo:** On 17 May the Secretary-General's Special Representative and head of UNMIK, Lamberto Zannier, briefed the Council on the latest UNMIK report (S/2010/169) in an open meeting (S/PV.6314). In addition to Council members, the foreign ministers of Serbia and Kosovo, Vuk Jeremić and Skender Hyseni, also spoke in the debate. Zannier reported that direct cooperation between Belgrade and Pristina on practical issues remained limited. While he described the security situation in Kosovo as stable, Zannier also stressed that the lack of progress on reconciliation between communities and economic difficulties could lead to social unrest.
- **Middle East:** On 18 May the Security Council was briefed by Robert Serry, the Special Coordinator for the Middle East Peace Process, followed by consultations (S/PV.6315). Serry reported on the start of US-mediated proximity talks between Israel and the Palestinian Authority which were being closely followed by the Quartet and the need for a different and more positive strategy towards Gaza (SC/9929).
- **Horn of Africa:** On 19 May the president of Djibouti, Ismail Omar Guelleh, presented his views on the situation in the Horn of Africa in an open Council meeting (S/PV.6316). (Djibouti had sent a request earlier in May for

its president to address the Council on these issues.) Concerning the situation in Somalia, Guelleh stated that a new approach by the international community was needed to save the Transitional Federal Government, which in his view was threatened by "imminent demise" and whose authority was shrinking fast. The first priority must be to restore law and order in Mogadishu to ensure the functioning of the government and expansion of its authority. In relation to Djibouti's border dispute with Eritrea, Guelleh asserted that the Eritrean occupation of his country's territory was a matter of the gravest national security concern and warned against any notion that the recent meetings in Asmara between Eritrean officials and Mexican ambassador Claude Heller in his capacity as chair of the Eritrea/Somalia sanctions committee was a sign that Eritrea was becoming more cooperative. He therefore urged the Council to address "the wider implications of Eritrea's intransigence and increasing violence".

- **Bosnia and Herzegovina:** On 24 May the Council was briefed (S/PV.6319) by the High Representative for Bosnia and Herzegovina, Valentin Inzko, on his latest report to the Council (S/2010/235). Serbia, Croatia and the EU also spoke at the meeting. While Inzko underlined that considerable progress had been made in terms of Bosnia and Herzegovina's relations with the EU and NATO and that regional cooperation also had improved, he said the political situation inside the country had in fact deteriorated and that the authority of the Dayton Peace Agreement and of his office continued to be challenged. He also asserted that there had been no further progress on the five objectives and two conditions established by the Peace Implementation Council Steering Board in February 2008 for the closure of his office.
- **MINURCAT:** On 25 May, the Council held an open debate on MINURCAT (S/PV.6321). The Council adopted resolution 1923 extending the mandate of MINURCAT until 31 December 2010. In this arrangement, UN troops will be reduced from its current 3,300 to 2,200. The military component in Chad will be 1900 and 300 will remain in Central African Republic. The Council called upon the Secretary-General to implement the initial withdrawal of the exceeding number of troops by 15 July, with a final withdrawal to begin on 15 October 2010. All military and civilian personnel are to be withdrawn by 31

December 2010. The Council also took note that the Government of Chad had committed itself to take full responsibility for the security of the civilian population in the eastern part of the country, and requested the Government and the Secretary-General to establish a joint high-level working group to make monthly assessments of the situation on the ground with respect to the protection of civilians.

- **Intercultural Dialogue for Peace and Security:** On 26 May the Prime Minister of Lebanon presided over a Council meeting on the theme of intercultural dialogue (S/PV.6322). (Lebanon distributed a concept paper for the meeting, S/2010/248.) Hariri said that a resolution, along the lines of the Arab Peace Initiative, to the Israeli-Palestinian conflict would have "substantial impact on relations between cultures and religions" and that a just and durable peace would allow for the success of dialogue to achieve "genuine rapprochement between the Western world and the Arab and Muslim worlds." (SC/9936)
- **Peacekeeping:** Council members had informal consultations with Head of the Peacekeeping Department Alain Le Roy and Chief of Field Support Susana Malcorra on 27 May on a range of peacekeeping issues.
- **DRC:** On 28 May the Council extended the mandate of the UN peacekeeping presence in the DRC for 13 months (S/RES/1925). On 1 July MONUC will become the UN Organisation Stabilisation Mission in the DRC (MONUSCO). Earlier on 27 May the Council discussed the interim report of the DRC Sanctions Committee's Group of Experts (S/2010/252) in closed consultations. On 19 May Permanent Representative of France Gerard Araud briefed the Council on the 13-16 May Council mission to the DRC. The Council visited Kinshasa and met with President Joseph Kabila, Prime Minister Adolphe Muzito and Cabinet ministers, as well as parliamentarians, international agencies and civil society. Also on 19 May Kevin Kennedy, the DPKO team leader for the Great Lakes region briefed Council experts in a closed session on the outcome of the inter-agency mission to the DRC to assess on the implementation of MONUC's conditionality policy. On 10 May Under-Secretary-General and Emergency Relief Coordinator John Holmes briefed the Council on his early May visit to the DRC. Holmes visited South Kivu, Orientale Province and Equateur Province.

Expected Council Action

Iran's nuclear programme is expected to be an active issue on the Council's June calendar. In addition, the chair of the 1737 Sanctions Committee on Iran is expected to brief the Council in June. An IAEA report on Iran's compliance with previous Council resolutions is also likely. Adoption of a resolution imposing additional sanctions on Iran is a likely outcome.

Key Recent Developments

Iran's agreement to a nuclear fuel swap plan was indicated on 17 May. President Luiz Inácio Lula da Silva of Brazil, Prime Minister Tayyip Erdoğan of Turkey and President Mahmoud Ahmadinejad of Iran announced the development. Brazil and Turkey had voiced reservations with regard to imposing further sanctions on Iran and had met with Iran bilaterally to seek a negotiated solution involving a fuel exchange as a first step.

A fuel swap as a confidence building measure had been offered to Iran by the International Atomic Energy Agency (IAEA) in October 2009 after talks involving Iran, France, Russia and the US. The May 2010 plan brokered by Brazil and Turkey apparently calls for Iran to ship 1,200 kilograms of its low-enriched uranium (LEU) to Turkey within one month and receive 120 kilograms of more highly enriched fuel rods for use in the Tehran Research Reactor (TRR) within one year. (Which country will process the uranium and manufacture the fuel assemblies for the TRR is one of the details yet to be agreed upon.) Iran would have the right unilaterally to request that its LEU be returned and Turkey would be obliged to ship the LEU back to Iran. The head of Iran's Atomic Energy Organisation said that Iran's current enrichment activities would continue.

On 18 May the US announced that the E3+3 (Germany, France and the UK and China, Russia and the US) had reached agreement on proposals for new sanctions against Iran and had circulated it to members in a Council meeting.

Elements of the draft:

- reaffirm past resolutions on Iran;

- prevent Iran from undertaking any commercial activity related to uranium mining, production or enrichment;
- prevent states from supplying Iran with heavy weapons or missiles;
- prevent Iran from undertaking any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology;
- provide for a travel ban and asset freeze on additional individuals and entities (to be provided in an annex);
- call on states to inspect the cargo of Iranian ships if information indicates a possible sanctions violation;
- establish a panel of experts to assist the Iran Sanctions Committee in carrying out its work;
- call upon states to exercise vigilance over transactions involving Iranian banks and to take measures to prohibit the opening of new branches; and
- stress the Council's willingness to enhance diplomatic efforts and dialogue with Iran.

In comments to the press after the 18 May meeting, US Ambassador Susan Rice said that annexes to the resolution providing more detail about the targets of the sanctions were still being finalised in consultations among the full Council. The UK Ambassador Sir Mark Lyall Grant said that these consultations were beginning at the level of experts and might take weeks to complete. Rice said that it was hoped that the deal announced by Brazil, Iran and Turkey would proceed. However, she said that the fuel swap deal, even if implemented, did not address root concerns about Iran's enrichment activities including its intention to continue enriching uranium well above the level required for fuelling a nuclear power plant. She also emphasised that the amount of LEU Iran would transfer to Turkey is now a much smaller percentage of Iran's overall LEU stockpile than it was in October 2009.

President Lula said on 20 May that, since Iran had proven willing to engage in negotiations on the nuclear issue, the rest of the international community should also focus on negotiating a solution. Brazil's Foreign Minister Celso Amorim reiterated on 21 May

that a negotiated solution to the issue of Iran's nuclear programme remained possible. But he also warned that continuing enrichment of uranium to the 20 percent level would be an ongoing concern. However, the issue had not been part of discussions between the two countries because Brazil had been pressured by Western countries to focus its efforts with Iran on implementing a fuel swap deal. Amorim said Brazil had not been warned that the sanctions resolution would continue until Iran made concessions on its further enrichment activities.

On 21 May the US removed domestic sanctions that had been imposed on several Russian entities, including the government arms export agency, for past transfers of weapons and related technology to Iran. The US and Russian officials were also reported as stating that the draft sanctions resolution currently under consideration would not prohibit Russia from continuing with a suspended sale of anti-aircraft missiles to Iran.

On 24 May Iranian officials gave a letter to IAEA Director-General Yukiya Amano outlining the fuel swap plan. It seems, however, that Iran's ultimate position with regard to the fuel swap remains somewhat unclear. One prominent member of Iran's parliament stated that the plan would lapse if any new sanctions are imposed by the Council, while another said Iran would proceed with implementing the agreement in any case.

On 24 May the Secretary-General said that if implemented the fuel swap deal might provide an opportunity for a negotiated settlement with regard to Iran's nuclear programme if Iran follows up with further engagement with the IAEA. He also reaffirmed, however, that Iran must comply with existing Security Council resolutions (which prohibit any enrichment).

US Secretary of State Hillary Clinton said on 25 May the fuel swap plan was a "transparent ploy" by Iran to avoid further Council action. Rice said the same day that while negotiations on the draft resolution are ongoing, suggestions received from elected members so far have improved the text and been welcomed as constructive.

Lula wrote to the presidents of France, Mexico, Russia and the US on 25 May arguing that Iran's openness to a fuel swap plan showed that Iran was ready for further dialogue, and saying that Brazil continued to oppose new sanctions on the country.

On 26 May Ahmadinejad said the fuel swap deal might be the last opportunity to resolve the situation, and urged the US to accept it. He also said Russia's support for the draft sanctions resolution was unacceptable. A Russian official said the same day that Russia's position was determined solely by Russian interests.

Human Rights-Related Developments

The withdrawal of Iran as one of five nations that had been bidding in the May elections for four Asian regional seats on the Human Rights Council (HRC) meant that the Asian seats, as with those in all the other regions, were ultimately uncontested. US Ambassador Susan Rice observed that Iran's withdrawal from the race for a seat on the HRC (there had been wide spread criticism of this candidacy) constituted progress toward a stronger UN human rights body. She noted, however, that greater competition was desirable to ensure strong membership on the HRC, echoing concerns voiced by Human Rights Watch that improvements to the HRC's membership practices were needed to avoid the practice of agreed "slates" of regional candidates and thus to give states a greater choice of candidates in all regions.

Key Issues

A key issue for the Council is whether the elected members have proposals to amend the draft sanctions resolution circulated by the P5 in major ways, and if so, to what extent the P5 are prepared to accommodate such proposals. A related issue is whether the apparent willingness on the part of Iran to accept the proposal to exchange part of its LEU stockpile for fuel rods to be used in the TRR will be reflected in some way in the draft resolution.

Underlying Problems

A key underlying problem is the continuing distrust between Iran and members of the E3+3. Iran's past behaviour has exacerbated this distrust, for example with regard to lack of cooperation with the IAEA, concealing facets of its nuclear programme, noncompliance with Council resolutions and the manner in which it appeared to accept then reject the original fuel swap deal discussed in October 2009.

Options

Options for the Council include:

- adopting a resolution imposing new sanctions on Iran substantively in the form presented by the P5;
- adopting a sanctions resolution that includes substantive amendments to the proposed sanctions measures suggested by elected members, including addressing in some manner the implications of the Brazil/Turkey/Iran fuel swap plan; or
- holding off on the adoption of a new sanctions resolution in order to test whether the Brazil/Turkey swap plan can open the way to quick and substantive negotiations on the wider issues on Iran's nuclear programme.

Council and Broader Dynamics

Permanent members do not hold identical views with regard to Iran, but they appear to be maintaining their joint support for the draft resolution currently under consideration. They also seem to place high value on meaningful consultation with the full Council and are prepared to give time for this to take place.

While there is a sense among elected members that the P5 might have usefully included them earlier in the drafting process, most are satisfied that the P5 are so far allowing them adequate time to examine the draft and confer with capitals on the more complicated aspects of the resolution, for example those provisions dealing with financial issues.

The response of some elected members to the draft text at time of writing was cautious, reflecting the fact that they await further instructions from capitals.



Brazil and Turkey did not appear to have actively engaged in negotiations on the draft resolution at time of writing and seemed to be opposed to imposing more sanctions on Iran. Both countries expended considerable political energy in obtaining the provisional agreement with Iran on a fuel swap plan.

UN Documents

Selected Council Resolutions

- S/RES/1887 (24 September 2009) reaffirmed previous resolutions related to Iran's nuclear activities.
- S/RES/1835 (27 September 2008) reaffirmed commitment to a negotiated solution within the E3+3 dual-track framework, and called upon Iran to comply with previous Council resolutions.
- S/RES/1803 (3 March 2008) reiterated existing measures against Iran and imposed additional ones.
- S/RES/1747 (24 March 2007) established a ban on Iran's arms exports and added names to the list of people and entities subject to assets freeze.
- S/RES/1737 (23 December 2006) banned trade with Iran of certain items related to nuclear activities and weapon delivery systems, imposed an asset freeze on certain persons and entities and established a sanctions committee.
- S/RES/1696 (31 July 2006) demanded that Iran suspend all enrichment-related and reprocessing activities, including research and development, to be verified by the IAEA.

Selected Meeting Record

- S/PV.6280 (4 March 2010) was the last briefing by the chair of the 1737 Committee.

Selected Letter

- S/2009/633 (7 December 2009) was from the Secretary-General to the

Council conveyed the resolution on Iran adopted by the IAEA Board of Governors on 27 November 2009.

Latest IAEA Reports

- GOV/2010/10 (18 February 2010)
- GOV/INF/2010/2 (10 February 2010)
- GOV/2009/74 (16 November 2009)

Other Relevant Facts

Sanctions Committee Chairman

- Yukio Takasu (Japan)

Naval Incident in the Yellow Sea: ROK/DPRK

Expected Council Action

The Council seems likely to take up the situation involving the ROK and DPRK arising from the sinking of the *Cheonan*, a South Korean navy ship, on 26 March as a result of an explosion which killed dozens of sailors. The ship was near a disputed maritime border between the ROK and the DPRK in the Yellow Sea.

The ROK has indicated it plans to request the Council to take action on the matter.

Key Recent Developments

On 26 March a Republic of Korea (ROK) navy ship, the *Cheonan*, sank as a result of an explosion. Forty-six sailors were killed in the incident, which occurred near disputed waters about a mile off the coast of Baengnyeong Island in the Yellow Sea. Initial indications were that the explosion was external and therefore might have been caused by a torpedo or mine. A detailed investigation into the incident was undertaken which included experts from Australia, Canada, Sweden, the UK and the US.

On 17 April the Democratic People's Republic of Korea (DPRK) state news service, quoting an unnamed military commentator, reported that North Korea had no involvement in the sinking of the *Cheonan*.

DPRK leader Kim Jong Il travelled on an unofficial visit to China from 3 to 7 May. After Kim's return, the DPRK state news service reported that the visit came at the invitation of Chinese president Hu Jintao and was meant to continue development of relations

between the two countries. Some media accounts reported that Kim told Hu that the DPRK was prepared to rejoin the six-party talks.

Two DPRK ships crossed into ROK waters on 16 May near the site of the *Cheonan* sinking and then returned to DPRK waters after warning shots were fired by ROK forces.

US President Barack Obama spoke with ROK President Lee Myung-bak on 17 May to discuss the investigation of the sinking. Obama expressed full US support for ROK efforts to secure justice for the attack, as well as for its defence against any aggression. ROK government officials had stated previously that the six-party talks could not resume until the sinking was fully resolved.

On 20 May the ROK released the report on the sinking prepared by the investigation team with international experts. The investigation confirmed an external explosion caused the disaster, and after examining eyewitness accounts and forensic evidence—including torpedo parts found at the site of the incident that are consistent with weapons used by the DPRK—the report concluded that a DPRK attack was the likely cause of the sinking.

A statement issued by the US on 19 May [US time] said the report "points overwhelmingly" to the conclusion that the DPRK was responsible. A Chinese statement on 20 May called for restraint by all parties and said China would be making its own assessment of the incident. The DPRK on 21 May again denied any involvement in the sinking.

On 24 May Lee announced an ROK response involving economic measures against the DPRK including a trade ban and the closing of a commercial shipping route. Lee also said he planned to take the issue of the sinking of the *Cheonan* to the Council. (At time of writing, the Council had not received a request from the ROK on the matter.) Also on 24 May, Clinton said that the US fully supported the ROK's actions and would work with other Council members to agree on a way forward. The Secretary-General said he expected the Council to take appropriate action promptly

and that he hoped it would lead to a quick resumption of the six-party talks involving the DPRK, China, Japan, the ROK, Russia and the US.

The DPRK on 25 May said that it would cut ties and halt cooperation with the ROK, and accused it of repeatedly violating its territorial waters.

On 26 May US Secretary of State Hillary Clinton said during a visit to the ROK that the international community should address the *Cheonan* incident with a strong and measured response.

On 27 May the ROK military conducted an anti-submarine drill, and the DPRK said it would cancel joint agreements with the ROK that aim to improve communication and prevent naval confrontations.

Key Issues

A key issue is whether Council members will agree to a meeting to discuss the matter of the *Cheonan*, and if so, whether the Council will take formal action.

Another issue is whether the DPRK will seek to use the possibility of a return to negotiations on its nuclear disarmament within the six-party framework to try to deflect Council members from taking up the *Cheonan* incident. (The DPRK withdrew from the talks in April 2009.)

Underlying Problems

An underlying problem is the lack of confidence between the DPRK and other members of the six-party talks. Past provocative acts on the part of the DPRK in the form of missile launches and military clashes and noncompliance with Security Council resolutions have exacerbated this lack of trust.

Options

Options for the Council include:

- an initial debate to hear a presentation by the ROK of its concerns (and no doubt a response by the DPRK);
- adopting a resolution or statement on the *Cheonan* incident;
- requesting the Secretary-General to convene an independent panel to review the claims by both the ROK and DPRK;
- indicating an intention to consider

sanctions in response to the *Cheonan* incident; or

- deferring action on the *Cheonan* for a defined period and calling on the parties and regional countries together with interested states to meet for a period of dialogue for a limited period of say eight weeks.

Council and Wider Dynamics

Council members seem generally very cautious about next steps until the ROK decides how and when the matter of the *Cheonan* will be formally brought to the Council. Members are aware that the leaders of China, Japan and the ROK are set to meet on 29-30 May to discuss cooperation in East Asia, and some view this as a chance for regional dialogue prior to the Council's involvement.

US officials have said that the sinking of the ship represents a very challenging situation, and have promised strong support for the ROK. Clinton met with top officials in China in the last week of May to discuss the issue. With China bordering the DPRK to the north and thousands of US troops stationed in the ROK to the south, a common understanding between these two permanent members appears to be crucial in addressing the issue.

Sudan

Expected Council Action

In June, the Council is expected to hold a high-level meeting on the implementation of the Comprehensive Peace Agreement (CPA) and the Darfur peace process with the heads of the two operations in Sudan, Haile Menkerios and Ibrahim Gambari, AU-UN Joint Chief Mediator Djibril Bassolé and former South African President Thabo Mbeki, who headed the AU Panel on Darfur.

Also in June the prosecutor of the International Criminal Court, Luis Moreno-Ocampo, is expected to brief the Council regarding Sudan and the chair of the Sudan Sanctions Committee is to brief the Council and present the mid-term report from its Panel of Experts.

No Council decision is expected. However, Council members are looking to these

briefings to help them monitor developments in Sudan more closely in the coming months.

The mandates of the two peacekeeping operations in Sudan, UNAMID in Darfur and UNMIS in South Sudan, expire on 31 July 2010 and 30 April 2011 respectively. Sanctions and the mandate of the Panel of Experts expire on 15 October 2010.

Key Recent Developments

Continued clashes between the Sudanese Armed Forces and the Justice and Equality Movement (JEM) in North Darfur, South Darfur and West Darfur are again threatening security. These clashes have also reportedly led to more displacement of internally displaced persons (IDPs) living in camps near the areas of conflict.

Renewed abductions and attacks on peacekeepers have occurred in Darfur in recent months. The Secretary-General's April report on the AU-UN Hybrid operation in Darfur (UNAMID) condemned these and urged all parties to ensure the safety and security of those working in Darfur.

On 18 May, three aid workers were abducted by unknown gunmen in a village near Nyala, South Darfur.

On 7 May, two Egyptian peacekeepers were killed and three wounded after their convoy was attacked by armed gunmen who opened fire without warning in a remote area in South Darfur. The Secretary-General called on the Sudanese government to launch an immediate investigation and apprehend those responsible for the attacks.

UNAMID's freedom of movement continues to be restricted by all parties. The Secretary-General noted in April numerous instances when the mission was restricted.

In May, UNAMID brought together a large number of aid agencies working in the area to better coordinate their efforts in light of the current security situation.

On 10 May, the Tripartite Mechanism on Darfur was held in Addis Ababa. It was established in 2008 to build confidence between the AU, the UN and the Sudanese government. The AU Commissioner for Peace and Security, Ambassador Ramtane

Lamamra; UN Under-Secretary-General for Peacekeeping Operations Alain Le Roy; the head of UNAMID, Ibrahim Gambari; and representatives from the Sudanese government participated in this meeting, which reviewed the latest security developments in Darfur and UNAMID's current deployment.

On 8 May, representatives from the AU and the UN and the heads of UNAMID and UNMIS convened a consultative meeting on Sudan in Addis Ababa. Special envoys for Sudan from China, Finland, Japan, Norway, Sweden, Qatar, Italy, Russia, the UK and the US, as well as representatives from the Intergovernmental Authority on Development, the League of Arab States, the Organisation of the Islamic Conference, the EU and some neighboring countries, participated. The meeting focused on the implementation of the CPA, post-referendum issues and a political solution to the conflict in Darfur.

Following April's elections, reports of harassment of opposition leaders and censorship of newspapers continued. On 20 May, Farouk Abu Eissa, a leader of the opposition alliance, was detained and questioned about his call for the release of Hassan al-Turabi, the leader of the opposition Popular Congress Party (PCP), who was arrested on 15 May by National Intelligence and Security Forces (NISS). Many think Turabi's arrest was sparked by his public rejection of the election results. Turabi's party was one of the few opposition parties that participated in the April polls. The NISS also occupied the offices of the newspaper al-Rai al-Shaab, seen as aligned with the PCP, and arrested the executive manager and editors of the newspaper.

On 19 May, Sudanese security forces censored two papers. Ajas al-Huriya—which is allied to South Sudan's main party, the Sudan People's Liberation Movement—reported that censors from the intelligence

services removed half of its contents. The paper also said it is facing five court cases filed by the intelligence services, the army and the police. The same day, the editor-in-chief of al-Sahafa said that pages and articles were removed before publication by security forces.

Several international groups have expressed concern that human rights violations and electoral irregularities had undermined the freedom and fairness of the vote throughout Sudan. Human Rights Watch urged Sudanese authorities to investigate human rights abuses immediately and bring those responsible to justice. It also urged international agencies and elections observers to monitor the post-election environment closely and to condemn human rights violations, intimidation and violence. The Carter Center and the EU—each had provided observers for the elections—made similar assessments. The Carter Center said that it had “observed important flaws and found that the process fell short of Sudan’s obligations and related international standards” while the EU commented that the elections had “struggled” to reach international standards. “They have not reached them all” the EU added.

Key Issues

A key issue on Darfur is whether the Council can be more active in supporting UNAMID and the AU-UN Joint Chief Mediator in bringing the parties together to commit to the peace process. A related issue is what more can be done to unify the different armed movements. Some rebels’ refusal to participate in the process has thus far limited any progress towards the establishment of ceasefire arrangements and a comprehensive agreement in Darfur. It seems some innovative ideas to resolve issues related to access to land, compensation and reconciliation through an inclusive decision making process may be necessary to improve the momentum.

Another issue for the high-level meeting is to understand the real impact on UNAMID as its freedom of movement continues to be restricted. A related issue is whether Council action can be more helpful in supporting UNAMID and humanitarian aid agencies

which provide assistance to those affected by the conflict.

A related issue is how to address the continued violations of the Council-imposed arms embargo, as attacks and counter attacks between the Government of Sudan and JEM impedes the peace process and affects the Darfurian population who continue to suffer from these attacks.

An issue for the North-South peace process is how the Council can support the parties in addressing the major outstanding issues in the full implementation of the CPA including:

- creating conditions for peaceful referenda and post-referenda process;
- establishment of functional commissions for both Abyei and South Sudan; and
- management of security in the south.

A final issue is how to support comprehensive peace throughout Sudan and connecting the CPA, Darfur Peace Agreement and Eastern Sudan Peace Agreement. The Secretary-General’s April report on UNAMID suggested that elections could strengthen opportunities for the people of Sudan to play active roles in the political life of their country. To date the evidence suggests that the opposite may have occurred.

Options

One option in June is for Council members to simply absorb the various briefings.

Another option is a statement which might highlight:

- concerns of the challenges faced by UNAMID in the implementation of its mandate;
- the need for UNAMID to work with all parties to enhance the security of civilians and IDPs in Darfur;
- support for a more proactive role in the ongoing peace process; and
- taking more of a lead in promoting the normalisation of relations between Chad and Sudan.

Council Dynamics

Council members support the current mediation efforts but are well aware of the challenges in achieving lasting peace in the region. There is a firm condemnation of the

attacks on UNAMID peacekeepers and full support in general terms for UNAMID. But it is unclear how far the idea of a more proactive Council role on Darfur in the post-election situation has been tested.

Most Council members seem to believe that any future peace agreement in Darfur must take the interest of all Darfurians into account and address more equitably the problem of political and economic marginalisation in Darfur.

Council members are encouraged by the efforts taken by the Sudanese and Chadian governments to improve relations following the Doha Agreement, but others are concerned that the end to cross-border violence will not improve security for displaced persons on either side of the border.

Council members welcome the efforts of regional countries in supporting the Sudan peace process both for the CPA and for the peace process in Darfur.

The UK is the lead country on Darfur in the Council.

UN Documents

Selected Security Council Resolutions

- S/RES/1919 (29 April 2010) renewed UNMIS.
- S/RES/1891 (13 October 2009) renewed the mandate of the Darfur Sanctions Panel of Experts for another year.
- S/RES/1881 (30 July 2009) renewed UNAMID.
- S/RES/1593 (31 March 2005) referred the situation in Darfur to the ICC.
- S/RES/1591 (29 March 2005) and S/RES/1556 (30 July 2004) imposed sanctions.

Selected Presidential Statement

- S/PRST/2009/13 (8 May 2009) called on Chad and Sudan to respect and fully implement their mutual commitments.

Latest Secretary-General’s Reports

- S/2010/213 (28 April 2010) was on UNAMID.
- S/2010/168 (5 April 2010) was on UNMIS.

Key Recent Developments

Afghan President Hamid Karzai visited Washington from 10 to 13 May. At a joint press conference on 12 May, US President Barack Obama and Karzai reaffirmed their commitment to a long-term strategic partnership between the two countries.

The Taliban went on the offensive in May with three attacks on high-profile NATO targets. On 18 May a suicide bomber killed six NATO soldiers and 12 civilians, on 19 May there was an assault against Bagram air base north of Kabul and on 22 May insurgents fired rockets into the Kandahar airfield and attempted to storm the base.

The Afghan peace jirga is expected to take place on 2-4 June. A key issue for discussion will be how to reach out to the Taliban, including economic incentives for members of the Taliban. At the Kabul conference in late July, the Afghan government is expected to present concrete plans to flesh out its commitments for stabilising and developing Afghanistan made during the January London Conference.

The UN Office on Drugs and Crime said on 13 May that a fungus had infected half the country's poppies. As a result opium prices have risen by 50 percent. There is speculation that the Taliban have stockpiles of opium and are waiting for prices to rise further before cashing in.

On 11 May the Secretary-General's Special Representative in Afghanistan, Staffan de Mistura, signed an agreement with the chair of the Independent Election Commission, Fazel Manawi, pledging financial support for the parliamentary elections.

On 17 April the Electoral Complaints Commission (ECC) appointed two foreign commissioners. (In February Karzai had tried to ban non-Afghan nationals from the ECC but was blocked by Afghanistan's upper house of parliament.) It also agreed to guarantee 68 seats to women in the lower house of parliament.

Selected Security Council Meeting Record

- S/PV.6251 (21 December 2009) was the briefing by former South African President Thabo Mbeki and AU Commission Chair Jean Ping on the recommendations of the AU High-Level Panel on Darfur.

Other

- SG/SM/12880 (7 May 2010) was the Secretary-General's statement condemning attacks on peacekeepers in Darfur.
- SC/9920 (7 May 2010) was a Security Council press statement condemning recent attacks on UNAMID peacekeepers.

Other Relevant Facts

UNAMID: Joint AU-UN Special Representative for Darfur

Ibrahim Gambari (Nigeria)

Joint AU-UN Chief Mediator

Djibril Yipènè Bassolé (Burkina Faso)

UNAMID: Force Commander

Lieutenant General Patrick Nyamvumb (Rwanda)

UNAMID: Size, Composition and Cost

- *Maximum authorised strength:* up to 19,555 military personnel, 3,772 police and 19 formed police units (total police 6,432)
- *Main troop contributors:* Nigeria, Rwanda, Egypt and Ethiopia
- *Military Strength as of 15 April 2010:* 17,157 military personnel
- *Police Strength as of 15 April 2010:* 4,677 police personnel
- *Cost:* 1 July 2009 - 30 June 2010: \$1,598.94 million

UNAMID: Duration

- 31 July 2007 to present; mandate expires 31 July 2010.

UNMIS: Special Representative of the Secretary-General and Head of Mission

Haile Menkerios (South Africa)

UNMIS: Force Commander

Major-General Paban Jung Thapa (Nepal)

UNMIS: Size, Composition and Cost

- *Maximum authorised strength:* up

to 10,000 military and 715 police personnel

- *Main troop contributors:* India, Pakistan and Bangladesh
- *Military Strength as of 28 February:* 9,867 military personnel
- *Police Strength as of 28 February:* 674 police personnel
- *Cost:* 1 July 2009 - 30 June 2010: \$958.35 million

UNMIS: Duration

24 March 2005 to present; mandate expires 30 April 2011.

Sanctions Committee Chairman

Thomas Mayr-Harting (Austria)

Afghanistan

Expected Council Action

In June there will be a number of Afghanistan-related activities involving Council members. The Council is planning to travel to Afghanistan from 19 to 24 June. At press time the terms of reference for the visit had been circulated but not finalised. Turkey will lead the mission.

The Secretary-General's report on Afghanistan is also due in the third week of June and it will review developments since the modification of the UN mission's mandate in March. Council members are looking for information on the implementation of the new mandate, the security situation, the peace jirga (expected to take place in early June) and preparations for the forthcoming Kabul conference.

Following the visit to Afghanistan, the Council will have an informal retreat in Istanbul from 25 to 27 June where it will discuss peacekeeping, peacemaking and peacebuilding. Afghanistan is expected to be one of the case studies discussed at the retreat.

At press time it was unclear whether the Council would hold a separate debate on the Secretary-General's report or whether it would be combined with a Council meeting covering its visit to Afghanistan. Expected timing was also unclear—possibly at the end of June or in early July.

On 22 March the Council adopted resolution 1917 renewing and modifying the mandate of the UN Assistance Mission in Afghanistan (UNAMA) until 23 March 2011. The mandate was sharpened to reflect priorities, particularly the transition to greater Afghan responsibility, as well as UNAMA's preparedness to be responsive to the government's needs and requests. The resolution highlighted UNAMA's role in supporting the Afghan government in security, governance, economic development and regional cooperation and the implementation of commitments in these areas made at the 28 January London Conference. It decided that UNAMA would continue to lead the international civilian efforts and spelled out UNAMA's priorities in this area, including:

- promoting more coherent support by the international community to the Afghan government's development and governance priorities as co-chair of the Joint Coordination and Monitoring Board;
- strengthening cooperation with the International Security Assistance Force (ISAF) and NATO senior civilian representatives to improve civil-military coordination;
- providing political outreach and good offices to support, if requested by the Afghan government, the implementation of Afghan-led reconciliation and reintegration programmes;
- supporting, at the Afghan government's request, the legislative elections by providing technical assistance, coordinating international funding and supporting through civil society Afghan participation in the elections, as well as electoral reform; and
- playing a central coordinating role in the delivery of humanitarian assistance.

On 18 March the Council held a debate on Afghanistan during which it was briefed by Under-Secretary-General for Peacekeeping Operations Alain Le Roy. He highlighted the importance of allowing for Afghan leadership while providing capacity-building and support in developing Afghan institutions. Afghanistan's representative to the UN, Zahir Tannin, stressed that the government would focus on Afghanisation in the coming year and that its priorities would

be reversing the Taliban's momentum, reconciliation, building capacity and the September parliamentary elections. Among other non-Council members who spoke were Australia, Canada, Germany, India, Italy, the Netherlands, New Zealand, Norway, Pakistan, India and Poland. A number of these countries touched on the issues of reintegration and reconciliation, the parliamentary elections and UNAMA's mandate.

Since the adoption of the new mandate, UNAMA has been reconfigured according to the key priorities of electoral assistance, reconciliation and reintegration of the Taliban into Afghan society, regional cooperation and aid coherence. (Under de Mistura, "aid coherence" is the term being used for donor or aid coordination, emphasising UNAMA's role in promoting coherence and national ownership in this area.)

Since January, 50,000 refugees have returned home from Pakistan and Iran with assistance from the UN High Commissioner for Refugees.

Key Issues

A continuing issue is the security situation in Afghanistan which continues to be a constraint for UNAMA in carrying out its mandate in some parts of the country.

A related issue is whether the unstable security situation will affect UNAMA's ability to support the elections.

An issue for the Council is whether and how it can fine tune UNAMA's role in light of developments.

A related issue is how to accurately track progress in implementing UNAMA's mandate. Although resolution 1868 in March 2009 asked for benchmarks, with the changes in priorities over the year, this has not proved an effective way of monitoring progress.

A further issue is the role the UN should play in developing regional cooperation mechanisms. A new initiative from UNAMA is a "Silk Road" ambassadorial group made up of the Kabul ambassadors of Afghanistan's neighbours and near neighbours. The group is expected to

discuss shared interests and regional cooperation initiatives.

Among the issues for the Council's visit to Afghanistan are the security situation, the feasibility of travelling beyond Kabul, how best to convey the Council's messages to key actors in Afghanistan and ensuring members are able to gain insights that will assist in their decisions on Afghanistan in the future.

Other issues related to the Council mission include whether Council members should seek substantive information on reconciliation and reintegration and whether there will be meetings with civil society representatives. Also an issue is whether there will be discussion on human rights issues such as women's rights and child protection. The Working Group on Children and Armed Conflict published its conclusions on Afghanistan in July 2009 and asked that children and armed conflict be included in the terms of reference for a visit to Afghanistan. Implementation of the conclusions of the Working Group may therefore also be an issue that comes up during the visit.

Human Rights-Related Developments

On 24 March the Human Rights Council received the report on Afghanistan of the UN High Commissioner for Human Rights. The report drew on a survey carried out among poor communities in 14 provinces. While continuing conflict and insecurity were recognised as contributing factors, much of the cause for high poverty levels was attributed to "a massive human rights deficit including widespread impunity and inadequate investment in, and attention to, human rights." The report noted that abuse of power was a key driver of poverty in Afghanistan, resulting in the government's being unable to "deliver basic services, such as security, food, or shelter." The report concluded that transparent and accountable decision-making processes needed to be established to restore the population's trust in Afghan public institutions, as well as in the country's international backers.

Options

The most likely option is for the Council to listen to the briefing from de Mistura but take no action.

A possible option is for the Council to issue a statement touching on the outcome of the peace jirga and the forthcoming Kabul conference, as well as progress in election preparations.

Other options include:

- noting the difficulty of evaluating progress made against benchmarks in the case of UNAMA and discussing alternative ways of measuring progress;
- following-up on the discussions during the Istanbul retreat and considering ways of including Afghanistan in the UN's peacebuilding architecture;
- discussing ways the UN's role in regional cooperation and the reconciliation and reintegration process could be strengthened (among the possibilities are the appointment by the Secretary-General of a special envoy to assist in talks and a mechanism for the promotion of regional dialogue); and
- requesting a briefing by Austria as chair of the 1267 committee on developments related to the Taliban on the sanctions list and on the current review process, which is expected to be completed by the end of June.

The most likely option following the Council visit is a report and briefing on the mission.

Council Dynamics

There seems at present to be a high degree of consensus among Council members. The mandate renewal in March went smoothly, with members generally in agreement about the priorities. Members also appear very supportive of de Mistura.

At this point Council members seem to be really focused on seeing how the implementation of resolution 1917 is working in practice given the evolving political and security situation. There is little interest for any further action in advance of the visit to Afghanistan.

The UK's recent change of government does not appear to have affected its approach to Afghanistan. It wants to see

how the commitments from the London Conference relevant to UNAMA's mandate are being carried out.

Following a change in Japan's government last year, its focus in Afghanistan has shifted from maritime operations to peacebuilding, and especially national reintegration.

The issue of the UN's role in reconciliation is one on which some nuances between the P5 members are likely. Russia continues to be sceptical about any reconciliation attempts and resistant to further delisting of Taliban from the sanctions list. The UK and France appear supportive of the idea of reconciliation. There seems to be different levels of emphasis in various parts of the US government.

A number of elected members, such as Austria, Brazil and Mexico, have expressed concern about the impact of the security situation on civilians. The issue of women's participation in the reconciliation process, the return of internally displaced persons and credible parliamentary elections are also issues of concern to some of the elected members.

Turkey is the lead country on Afghanistan and has been proactive in having Council members consider different dimensions of this issue through organising the Council visit to Afghanistan and having Afghanistan as one of the case-studies during the Council retreat.

UN Documents

Selected Security Council Resolutions

- S/RES/1917 (22 March 2010) extended UNAMA's mandate 2011.
- S/RES/1890 (8 October 2009) extended the ISAF mandate until 13 October 2010.
- S/RES/1401 (28 March 2002) created UNAMA.

Selected Secretary-General's Report

- S/2010/127 (10 March 2010)

Other

- S/PV.6287 (18 March 2010) was the Council debate on Afghanistan.
- S/2010/65 (2 February 2010) was the communiqué from the London Conference.



Other Relevant Facts

Special Representative of the Secretary-General and UNAMA's Head of Mission

Staffan de Mistura (Sweden)

UNAMA: Size, Composition and Duration

- *Strength (as of 28 February 2010):* 337 international civilians, 1,336 local civilians, 18 military observers, three civilian police, 42 UN volunteers
- *Duration:* 28 March 2002 to present; mandate expires on 23 March 2011

ISAF Military Commander

Army General Stanley McChrystal (US)

ISAF: Size, Composition and Duration

- *Total strength (as of 16 April 2010):* about 102,500 troops
- *Contributors of military personnel:* 46 NATO and non-NATO countries
- *Current top contributors:* US, UK, Germany, France, Italy and Canada
- *Duration:* 20 December 2001 to present; mandate expires on 13 October 2010

Operation Enduring Freedom: Size, Composition and Duration

- *Current strength:* 13,500 (this is an estimate as the troop numbers shift continuously)
- *Lead contributor:* US
- *Duration:* 7 October 2001 to present

Security Council Retreat

Council Activity

Turkey will host an informal retreat for members of the Council at ambassadorial level from 25 to 27 June in Istanbul. The retreat is expected to continue the Council's discussion on the overlap between peacekeeping, peacemaking and peacebuilding. This issue was also on the agenda of the retreat with the Secretary-General from 30 April-1 May. As part of the discussion, the meeting will have background papers on three case studies: Afghanistan, the Balkans and the Great Lakes region.

No immediate action is following the retreat, but the discussion may lead into a more concrete phase during Turkey's presidency in September.

Key Recent Developments

Turkey has circulated a concept note to Council members outlining the rationale for the retreat and recent developments. The concept note also provides a series of questions covering the key areas of discussion which are expected to be further addressed in working papers to be discussed at a working-level meeting on 24 May in New York. Among the questions are:

- How do you forge sound connections and transitions? What is needed to reconfigure a UN peacekeeping operation into a peacebuilding or political mission and to craft effective transition strategies?
- How can mandates be clearly defined and adjusted to changes on the ground as needed?
- Can there be better coordination between policy discussions in the Council and financial decisions in the General Assembly to ensure better resourcing of peacekeeping operations?
- What are the ways of developing greater coherence between the Council's decisions and the work of the General Assembly, the UN Economic and Social Council and the Peacebuilding Commission (PBC)?
- What would be the advantages of greater interaction between the Council and non-UN bodies involved in peacemaking, peacekeeping and peacebuilding?
- What should be the role of UN peacekeeping and peacebuilding in supporting state authority?

Key Recent Developments in the Council on Peacekeeping and Peacebuilding

In 2009 the Council had several debates on peacekeeping and peacebuilding. (The peacekeeping debates are covered in our 16 January and 24 June 2009 Update Reports and our August 2009 *Monthly Forecast*, and the peacebuilding discussions are covered in our 17 July 2009 *Update Report on Post-Conflict Peacebuilding* and in our November 2009 *Monthly Forecast* and 17 November 2009 *Special Report on the Peacebuilding Commission*.)

The Council's focus on these two areas taken jointly began to come together in 2010. In February, under the French presidency, the Council held a day-long debate on transition and exit strategies. The Secretary-General, senior officials from the Department of Peacekeeping Operations, heads of the UN missions of the Democratic Republic of the Congo (DRC), Liberia and Sierra Leone, as well as of regional organisations and 11 troop-contributing countries, participated in the debate. The presidential statement issued after the debate acknowledged that further improvement could be made by the Council to ensure successful transitions by developing clear, credible mandates matched by appropriate resources. The statement also committed the Council to improving its strategies for ending or reconfiguring peacekeeping missions or for their transition to other kinds of UN presences. In addition, the Council also committed to improve the overall effectiveness of UN peacekeeping, including through the "recognition and enhancement of linkages with wider peacebuilding efforts," and stressed the importance of considering early peacebuilding in its deliberations and ensuring "coherence between peacemaking, peacekeeping and peacebuilding to achieve effective transition strategies."

On 16 April the Council held a day-long debate on peacebuilding with the participation of the Secretary-General, Foreign Minister of Afghanistan Zalmay Rassoul, Minister of Defence for Sierra Leone Alred Palo Conteh and Minister of Justice for Timor-Leste Lucia Lobato. At the end of the debate the Council issued a presidential statement emphasising the critical importance of post-conflict peacebuilding as the foundation for building sustainable peace and development in the aftermath of conflict and highlighted the need for effective peacebuilding strategies for durable peace and development. It also recognised the need for an integrated approach and reaffirmed the importance of national ownership. In addition, it reiterated the importance of launching peacebuilding assistance at the earliest possible stage. Other areas touched on included the importance of peaceful settlement of political disputes, nationally owned

security sector reform and the critical role of the PBC.

The Working Group on Peacekeeping has met twice this year. At the first meeting on 10 May the Working Group and invited troop and police-contributing countries discussed gaps in civilian capability using the UN Mission in Timor-Leste as an example. The Peacebuilding Support Office also briefed the meeting on civilian capacities. The second meeting on 25 May covered gaps in military capability, with the UN missions in Sudan and the DRC as case studies. A third meeting is planned for June to discuss ways to strengthen coordination and cooperation among relevant partners, such as the Secretariat and regional organisations. A mid-year report from the Japanese chair of the Working Group is likely. In the second half of 2010 the Working Group plans to discuss transition and exit strategies for UN missions.

The 2010 review of the peacebuilding architecture is now in a well developed phase. In February the three co-facilitators (Ireland, Mexico and South Africa) began a series of meetings with member states, representatives of the Secretary-General and civil society actors. On 1 April the co-facilitators circulated a paper on emerging issues related to the review. A report on the co-facilitators' initial findings and recommendations is expected by June.

UN Documents

Selected Security Council Resolution

- S/RES/1645 (20 December 2005) created the PBC and the Peacebuilding Fund—concurrent with General Assembly resolution A/RES/60/180.

Selected Presidential Statements

- S/PRST/2010/7 (16 April 2010) was on post-conflict peacebuilding.
- S/PRST/2010/2 (12 February 2010) was on transition and exit strategies.
- S/PRST/2009/24 (5 August 2009) set out future areas for improvement in peacekeeping.
- S/PRST/2009/23 (22 July 2009) recognised the importance of launching peacebuilding at the earliest possible stage and coherence between peacemaking, peacekeeping,

peacebuilding and development.

- S/PRST/2001/5 (20 February 2001) was on peacebuilding towards a comprehensive approach.
- S/PRST/2001/3 (31 January 2001) established a Working Group of the Whole on UN Peacekeeping Operations.

Selected Security Council Meetings

- S/PV.6299 and resumption 1 (16 April 2010) was on post-conflict peacebuilding.
- S/PV.6178 and resumption 1 (5 August 2009) assessed the peacekeeping review.
- S/PV.6153 and resumption 1 (29 June 2009) was on the relationship with TCC/PCCs.
- S/PV.6075 (23 January 2009) was on UN peacekeeping missions and was part of the UK-France initiative.

Selected Letter

- S/2009/659 (17 December 2009) transmitted the Working Group on Peacekeeping's report.

Selected Reports

- S/2009/304 (11 June 2009) was the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict.
- S/2009/189 (8 April 2009) was the Secretary-General's report on enhancing mediation and support activities.
- S/2000/809 (21 August 2000) was the report of the Panel on UN Peace Operations (Brahimi Report).

Other Relevant Facts

Chair of the Working Group on Peacekeeping Operations

Yukio Takasu (Japan)

Children and Armed Conflict

Expected Council Action

The Council is expected to discuss children and armed conflict on 16 June in an open debate to be presided by Mexican Secretary of Foreign Affairs Patricia Espinosa.

The debate will focus on the Secretary-General's ninth report on children and armed conflict, which was published on 13 April.

A presidential statement is a likely outcome of the debate.

Security Council Report will publish its third *Cross-Cutting Report on Children and Armed Conflict* on 3 June.

Key Recent Developments

In August 2009 the Council adopted a significant new resolution on children and armed conflict. Resolution 1882 expanded the scope for parties to be included in the Secretary-General's reports. This now includes parties to armed conflict that, in violation of applicable international law, engage in patterns of killing and maiming of children and rape and other sexual violence against children.

The 2010 Secretary-General's report therefore includes for the first time parties that not only recruit children but also kill, maim, rape or commit sexual violence against them. However, the expansion of the criteria has not resulted in any new parties to the annexes. (Secretary-General's reports since 2002 have contained two annexes of parties to armed conflict that recruit children: Annex I is made up of situations that are on the Council's formal agenda and Annex II are those not on the Council's agenda.) Given the short time since the adoption of resolution 1882 and the need for UN teams on the ground to become familiar with the criteria to be used, a conservative approach was adopted for this report. However, there are some changes to the list. The delisting of the *Forces nationales de liberation* took Burundi off the list. The Liberation Tigers of Tamil Ealam (LTTE) in Sri Lanka were also removed through a technical delisting following the defeat of the LTTE in May 2009. Also for the first time, the report has a section listing 16 "persistent violators", or parties that have been listed in the annexes for at least five years.

The bulk of the report provides information about grave violations committed against children in armed conflicts. Under this criterion three new conflict situations were added to the report this year: India, Pakistan and Yemen. Other significant subjects in the report include measures taken by parties previously listed in the annexes to

end violations against children in armed conflict, such as dialogue and action plans and disarmament, demobilisation and reintegration processes; progress made in the implementation of the monitoring and reporting mechanism; and the criteria and procedures used for listing and delisting parties to armed conflict in the annexes.

On 29 April the Working Group on Children and Armed Conflict agreed on a set of conclusions in response to the Secretary-General's 2009 reports on Uganda and Sri Lanka. It is currently discussing its conclusions regarding the report on Colombia, published on 28 August 2009. Two Secretary-General's reports on children and armed conflict were published in 2010: the Philippines in January and Nepal in April. (For more information on the Working Group's activities in 2009 please see our forthcoming *Cross-Cutting Report on Children and Armed Conflict*.)

In early 2010, the Working Group held an informal meeting to discuss ways of improving its working methods. Areas covered included the need for more timely conclusions, better follow-up to past conclusions and greater transparency. One idea that has been floated is to partially open the Working Group's formal meetings to a wider UN audience.

Since the last debate in August 2009, the Secretary-General's Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, has made three field trips: Sudan in November, Nepal in December and Afghanistan in February. Her Special Envoy for Sri Lanka, Patrick Cammaert, visited Sri Lanka in December. Her visit to Nepal was particularly significant as it culminated in the signing of an action plan for the release of former child soldiers, which was completed by February.

Coomaraswamy briefed the Democratic Republic of Congo Sanctions Committee on 21 May. This was the first briefing of

a sanctions committee on the issue of children and armed conflict.

On 7 January Coomaraswamy testified as an expert witness before the International Criminal Court (ICC) in the case of Thomas Lubaga, who is being tried for the conscription and use of children in active hostilities.

Key Issues

A key issue for the Council is whether it has scope for an active role to ensure full implementation of resolution 1882.

A related issue is whether and when the monitoring and reporting mechanism is adequate and whether it needs to fully document incidents and trends in killing and maiming and sexual violence against children.

Another issue is whether and when there should be a further expansion of the criteria for parties to be placed on the Secretary-General's annexes.

A continuing issue is how to be sure that the recommendations of the Working Group are having an impact.

Also, a continuing issue is persistent violators. Resolution 1882 requested enhanced communication between the Working Group and relevant sanctions committees. However, there has been little evidence that this is taking place.

A persistent administrative issue is the lack of compliance by the Secretary-General with Council decisions in resolution 1882 and the 29 April 2009 and 17 July 2008 presidential statements on children and armed conflict for administrative and substantive support for the Working Group.

Options

The most likely option is a focused presidential statement picking up key issues from resolution 1882. Possible elements include:

- reiterating the importance of preparing and implementing action plans for all parties on the Secretary-General's annexes;
- reiterating the need for administrative and substantive support for the working group (if there is no follow-up by the time of the debate); and

- reaffirming the intention to take action against persistent perpetrators.

Other possible elements are:

- requesting the Secretary-General to provide the working group with a mid-term review of the conclusions of each situation;
- requesting the working group chair to regularly share information collected and reported through the monitoring and reporting mechanism as background information for the ICC;
- encouraging field visits by the chair of the Working Group (or the full working group) to some situations on the annexes; and
- requesting a review of the children and armed conflict infrastructure by June 2011 to coincide with the sixth anniversary of the setting up of the working group and the monitoring and reporting mechanism.

A possible, but less likely, option is a resolution if Council members are open to adding new triggers for including parties in the Secretary-General's annexes.

Other options include elements in the statement which would address:

- the overlap of the different thematic issues;
- new ways of working that would allow for more effective Council oversight of these issues;
- the need to include protection of children in future Council outcomes on peace-keeping and peacebuilding; and
- non-state actors and how to deal with them more effectively.

Council Dynamics

The intense focus on adopting a new resolution in 2009 created energy among members of the Working Group that some members believe needs to be reinforced, lest it dissipate. However, some members are in a consolidation mode and have little appetite to embark on new initiatives.

Other factors that have affected the Working Group include the departure last year of a number of experts from the permanent missions who had been involved with this issue for some years. This, coupled with the usual influx of five new elected members in January, has led to a situation

where many of the responsible delegates are new to the children and armed conflict framework. In addition, compared to 2009, some of the new members appear less interested in this issue or lack the capacity to participate very actively.

UN Documents

Selected Security Council Resolution

- S/RES/1882 (4 August 2009) was the latest children and armed conflict resolution, which expanded the trigger for inclusion in the Secretary-General's annexes to include killing, maiming and sexual violence.

Selected Presidential Statement

- S/PRST/2009/9 (29 April 2009) recognised the importance of including in the Secretary-General's annexes those that commit acts of killing, maiming and sexual violence in situations of armed conflict and asked for the Council to take action within three months.

Selected Secretary-General's Reports

- S/2010/181 (13 April 2010) was the ninth report on Children and Armed Conflict.
- S/2010/36 (21 January 2010) was on the Philippines.
- S/2010/183 (13 April 2010) was on Nepal.
- S/2009/462 (15 September 2009) was on Uganda.
- S/2009/450 (10 September 2009) was on Burundi.
- S/2009/434 (28 August 2009) was on Colombia.
- S/2009/158 (26 March 2009) was the eighth annual report.

Security Council Debate Records

- S/PV.6176 (4 August 2010) was the meeting that adopted resolution 1882.
- S/PV.6114 and res. 1 (29 April 2009) was a debate on children and armed conflict.

Conclusions of the Security Council Working Group

- S/AC.51/2009/6 (21 December 2009) was on Burundi.
- S/AC.51/2009/5 (21 December 2009) was on Sudan.

- S/AC.51/2009/4 (28 October 2009) was on Myanmar.

Selected Letter

- S/2009/378 (22 July 2009) was the letter from the chair of the working group submitting his report on its activities from 1 July 2008 to 30 June 2009.

Other

- S/2006/275 (2 May 2006) set out the terms of reference for the Working Group on Children and Armed Conflict.

Côte d'Ivoire

Expected Council Action

In June the Council is expected to renew the mandate of the UNOCI. Some adjustments to the mandate are also likely in view of the Secretary-General's 20 May report.

The operation's head, Choi Young-jin, is expected to brief the Council.

Key Recent Developments

On 27 May the Council approved a one month technical rollover of the UN Operation in Côte d'Ivoire (UNOCI) mandate (S/RES/1924).

No date for the presidential elections (which have now been postponed six times) has yet been set.

On 20 May the Secretary-General provided his report to the Council. According to the report, all key players in Côte d'Ivoire believe that the UNOCI should not be withdrawn until the current mandate to assist with the following is complete:

- the disarmament process;
- the restoration of state authority;
- the reunification of the economy;
- the preparation of the final voters list; and
- the holding of elections.

The Secretary-General recommended, in light of the feedback, that UNOCI's current overall strength should be maintained until the end of the year, but he recommended rebalancing the military and police components by using existing spare capacity in the military component to add fifty police officers in light of a possible increase in civil

disturbances and protection demands. He also recommended that UNOCI's mandate be adjusted to focus on assisting the parties to implement the remaining tasks related to disarmament, as well as all aspects of the reunification of the country and elections and encouraged the Council to impose targeted sanctions against media institutions found to be fanning political tensions and inciting violence.

On 4 May the Director of the Africa II Division in the Department of Peacekeeping Operations, Raisedon Zenenga, briefed Council experts in a closed session on the outcomes of the 12-22 April technical assessment mission to Côte d'Ivoire. Council members were reportedly briefed on political developments and were told the situation remained volatile.

On 17 May the independent electoral commission began vetting the disputed voter registration list. The eligibility of some 1.03 million voters (out of some 6.4 million names on the provisional voter list) is being disputed by the president's party on grounds of nationality. The Special Representative of the Secretary-General has certified 5.3 million voters registered on the provisional voter list. The president's party is now calling for a complete re-examination of all voters. Despite reaching an earlier understanding to conduct elections before disarmament and reunification of the country was complete, President Laurent Gbagbo is now calling for disarmament and reunification before elections (as was previously envisaged in the fourth supplementary agreement to the Ougadougou Agreement).

On 10 May, Gbagbo met Henri Konan Bédié, president of the opposition political party, the Democratic Party of Côte d'Ivoire (PDCI). The two reportedly discussed the organisation of the presidential elections and reunification. On 17 May, Gbagbo met Alassane Ouattara, the leader of Côte d'Ivoire's other main opposition party, the Rally of the Republicans (RDR). Following the 10 May meeting, the Rally of Houphouëtists for Democracy and Peace, a coalition of four opposition parties including PDCI and RDR, postponed demonstrations

that had been planned for 15 May and were aimed at forcing the government to set a date for elections.

Key Issues

A key issue for the Council is fine tuning the mandate of UNOCI to respond to the current situation. A related issue is whether the Council can also generate momentum in implementing the key elements of the peace process, specifically elections, disarmament and reunification.

A further issue is whether, in light of the delayed elections, the disrupted momentum of key steps in the peace process and the uncertain security situation is the increase of incendiary political rhetoric—often with an ethnic dimension.

A related issue is that, as tensions grow over the unresolved issues surrounding the elections and reunification, a key concern highlighted by the Group of Experts but not yet addressed is the escalation of demand for arms and related materiel either among the two parties to the conflict or the civilian population more generally.

Underlying Issues

In addition to holding elections, a number of other critical tasks outlined in the Ouagadougou Agreements remain unfulfilled. The process to disarm former combatants of the *Forces Nouvelles* and the dismantling of militias remains to be fully completed and the state has not yet been able to effectively extend its administration throughout the country.

Options

Options for the Council include:

- a further short rollover of the mission authorisation to allow further time for discussion;
- renewing the mandate of UNOCI for the standard six months;
- fine tuning the mandate by synthesising UNOCI's mandate as defined in resolution 1739 of 10 January 2007 with the

subsequent Secretary-General's recommendations in his May 2007 report, which further defined UNOCI's role;

- in light of the continuing delays in disarmament and reunification activities and in the holding of elections, prioritising UNOCI's mandate to focus on restoring a civilian policing presence throughout Côte d'Ivoire to maintain security, monitoring the arms embargo and reporting on human rights abuses;
- addressing some of the big underlying political issues, and to this end, sending a small mission to visit Côte d'Ivoire;
- requesting the Sanctions Committee's Group of Experts to produce a list of individuals and organisations obstructing the peace process or inciting violence, for consideration for targeted sanctions; and
- encouraging the Secretary-General to send his Special Adviser on the Prevention of Genocide to the country, individually or as part of a high-level team, in view of the facts that the issue of national identity lies at the core of the unrest in Côte d'Ivoire and that former belligerent parties are reportedly rearming.

Council Dynamics

Council members continue to be frustrated with the repeated delays in holding elections. Members had hoped in January that renewing UNOCI's mandate for a shorter period of four months would signal a need for elections to be conducted before June. Some are questioning whether it is time for a stronger diplomatic effort to put pressure on the Ivorian authorities to advance the political process.

Some Council members would like to commence a draw-down of UNOCI and had hoped the Secretary-General's May report would provide a basis on which to begin UNOCI's withdrawal. However, it seems that fears of a return to violence will ensure UNOCI force levels are maintained for at least the next mandate period.

Increasing the list of individuals for targeted sanctions, particularly those obstructing the electoral process, remains an attractive tool for some Council members. However, the Secretary-General has advised against such an action in his May report. Instead the

Secretary-General recommended the Council impose targeted sanctions against media institutions found to be inciting violence.

Côte d'Ivoire seems to be pressing for France to give up the lead role in the Council on Côte d'Ivoire issues. This seems unlikely to happen.

UN Documents

Selected Council Resolutions

- S/RES/1924 (27 May 2010) extended UNOCI for one month.
- S/RES/1911 (28 January 2010) extended the mandate of UNOCI until 31 May 2010.
- S/RES/1893 (29 October 2009) renewed the Côte d'Ivoire sanctions regime and the mandate of the Group of Experts until 31 October 2010.

Selected Presidential Statements

- S/PRST/2009/33 (8 December 2009) noted with concern the postponement of the presidential election scheduled for 29 November 2009.
- S/PRST/2007/8 (28 March 2007) endorsed the Ouagadougou Agreement.

Latest Secretary-General's Report

- S/2010/245 (20 May 2010)

Latest Group of Experts' Report

- S/2010/179 (9 April 2010)

Selected Letters

- S/2010/221 (29 April 2010) was from the president of the Security Council to the Secretary-General requesting his report by 21 May.
- S/2010/220 (26 April 2010) was from the Secretary-General to the president of the Security Council proposing a one-month technical rollover of UNOCI's mandate until 30 June 2010 and notifying the Council that his report would be delayed until 31 May.
- S/2007/144 (13 March 2007) contained the Ouagadougou Agreement.

Other

- PSC/PR/BR (CCXVIII) (5 March 2010) was an AU Peace and Security Council press statement on Côte d'Ivoire.
- SC/9882 (17 March 2010) was the

latest press statement by the Council on the situation in Côte d'Ivoire.

- S/PV.6284 (17 March 2010) was the verbatim record of the last briefing to the Council on the situation in Côte d'Ivoire.

Other Relevant Facts

Special Representative of the Secretary-General and Head of Mission

Choi Young-jin (Republic of Korea)

Force Commander

Major-General Abdul Hafiz (Bangladesh)

Police Commissioner

Major-General Jean Marie Bourry (France)

Chair of the Sanctions Committee

Maria Luiza Ribeiro Viotti (Brazil)

Size and Composition of UNOCI

Strength as of 20 May 2010: 7,198 troops, 193 military observers, 749 police personnel, 402 police advisors; supported by 400 international civilian personnel, 695 local staff and 289 UN Volunteers.

Approved Budget

1 July 2009-30 June 2010: \$491.77 million

Cyprus

Expected Council Action

The Council is expected to renew the mandate of UNFICYP for another six months before it expires on 15 June. The Secretary-General's regular UNFICYP report is due by 1 June. A separate report on the good offices mission conducted by Secretary-General's Special Adviser on Cyprus Alexander Downer was issued on 11 May.

Council members are expected to hold informal consultations and hear a briefing by Downer. Under-Secretary General for Peacekeeping Operations Alain Le Roy will most likely brief on the UNFICYP report. The position of Special Representative for Cyprus is currently vacant following the appointment on 28 April of the former Representative, Tayé-Brook Zerihoun, as Assistant Secretary-General for Political Affairs.

Key Recent Developments

On 18 April, Derviş Eroğlu was elected president by Turkish Cypriots voting in northern Cyprus, defeating Mehmet Ali Talat, the Turkish Cypriot leader who had been engaged in UN facilitated reunification talks with the Greek Cypriot president Demetris Christofias since September 2008.

Eroğlu is a nationalist leader who in the past has favoured partition of the island into two independent states and opposed the idea of a “bizonal, bicomunal federation,” the basis on which the reunification talks have been proceeding.

In the months leading up to the elections, the talks between Talat and Christofias had intensified. In a 30 March joint statement following the last meeting of the two leaders before the elections, they said they were encouraged by the “important progress” made so far on governance and power sharing, EU matters and the economy and were convinced that agreement could be reached. (Negotiations had focused on seven chapters, which also included property issues; division of territory; security arrangements and guarantees; and citizenship, immigration and asylum issues.)

Before the elections Talat warned that the talks might collapse if Eroğlu was elected. Others also predicted that Eroğlu’s victory would have a negative impact on reunification prospects. The Greek Cypriots said Eroğlu’s election could cause very serious problems for the negotiations.

In his victory speech, however, Eroğlu said he wanted the talks to continue. According to media reports, he also wrote a letter to the Secretary-General on 23 April confirming his willingness to engage in negotiations under UN auspices. But it was unclear on what basis he wanted to proceed. (The letter reportedly omitted any reference to the term “federation.”)

The Greek Cypriots also wrote a letter to the Secretary-General and to the P5 and the EU, expressing their commitment to continue the talks from the point where they were suspended before the elections.

Turkey, which had supported Talat, said after the elections that Turkish Cypriots

must continue reunification talks and that a solution should be found by the end of 2010.

At the end of April, Downer visited New York to consult with UN officials. He also met with interested delegations, including the P5. In a press conference on 27 April he stressed that the UN believed the negotiation process should continue on the basis of what had taken place so far. He also underlined that the process was not indefinite and needed to move forward with a certain momentum.

On 3 May, Downer met with Eroğlu. He said after the meeting that he had made clear the UN position that talks must continue on the basis of “UN parameters” as defined by Council resolutions and previous agreements between Christofias and Talat, and must also build on “convergences” already achieved. Downer also met with Christofias on 4 May. Following these meetings, Downer said both sides seemed ready to resume negotiations at the end of May starting from where they left off before the elections.

The reunification talks officially resumed on 26 May and started with discussions of the property issue. At press time, the next meeting between Christofias and Eroğlu was scheduled for 3 June.

Human Rights-Related Developments

On 17 March the Human Rights Council (HRC) adopted without a vote the report of the HRC’s Working Group that conducted the Universal Periodic Review of Cyprus. The group made seventy recommendations, almost all of which Cyprus accepted. The exceptions were several recommendations on migrant workers, on which Cyprus expressed the need for further consideration “arising from the fact that the Council of the EU has competency over measures on immigration.” The report of the UN High Commissioner for Human Rights on the question of human rights in Cyprus was presented to the HRC on 24 March. The report focused on the degree of implementation of several judgements of the European Court of Human Rights,



noting some progress in cases requiring that property be compensated for, restored or exchanged.

Key Issues

A key issue for the Council is the likely impact on the reunification talks of the recent change in Turkish Cypriot leadership.

Another related issue is the need to renew the UN Peacekeeping Force in Cyprus (UNFICYP) mandate and whether it is appropriate at this time to begin discussions of an exit strategy for the mission or a further drawdown in the broader context of Council efforts to overhaul peacekeeping activities. (In his November report the Secretary-General observed in response to a Council request for contingency planning that it was too early to identify the parameters for UN involvement following a settlement. In its last UNFICYP resolution, however, the Council reiterated its request for contingency planning.)

A further issue is whether Downer’s warning that the timeline for the talks is not indefinite needs to be reinforced.

The lack of progress on confidence-building measures remains an issue.

An underlying issue is the isolation of northern Cyprus. (A European Commission proposal for direct trade regulation between the EU and northern Cyprus has met with strong opposition from Cyprus.)

Options

One option for the Council in June is a resolution simply renewing UNFICYP’s mandate without change for a further six months.

Another option is to add new language welcoming the resumption of talks and calling on the parties to continue negotiations on the basis of what had already been achieved prior to the suspension of talks on 30 March and in accordance with UN parameters (as referred to by Downer).

A further option is for the Council to signal that the talks cannot go on forever.

Finally, the Council could indicate that it is serious in seeking an exit strategy for UNFICYP.

Council and Wider Dynamics

The recent change in Turkish-Cypriot leadership has created a new level of uncertainty about the way forward. There is therefore likely to be increased interest in the Cyprus issue. At press time, Council members seemed to be in a wait-and-see mode as the impact of the new leadership was still unclear. They are waiting to hear Downer's assessment of the prospects for the talks following his recent contacts with the leaders.

Although Eroğlu seems to have indicated his willingness to continue talks on the basis of what has already been achieved, there seems to be some scepticism among Council members about how this will actually play out once the negotiations resume.

UNFICYP's mandate renewal is normally discussed among the P5 before a draft resolution is presented to the Council. All members seem sensitive to the fact that this renewal is happening at a particularly sensitive moment. They may therefore be cautious about pushing controversial issues.

As it did in May and December 2009, Turkey is expected to vote against UNFICYP's mandate renewal. However, key Council members seem to value the overall role played by Turkey since the election of Eroğlu.

The UK is the lead country in the Council on Cyprus.

Selected UN Documents

Latest Security Council Resolutions

- S/RES/1898 (14 December 2009) renewed UNFICYP's mandate until 15 June, welcomed progress in the negotiations, urged the parties to intensify their efforts and requested a report from the Secretary-General by 1 June 2010.
- S/RES/186 (4 March 1964) established UNFICYP.

Latest Presidential Statement

- S/PRST/2009/10 (30 April 2009) welcomed progress in the negotiations, urged the parties to increase the momentum and looked forward to decisive progress in the near future.

Latest Reports from the Secretary-General

- S/2010/238 (11 May 2010) was the latest report on the good offices mission in Cyprus.
- S/2009/610 (30 November 2009) was the first separate report on the good offices mission.
- S/2009/609 (25 November 2009) was the latest report on UNFICYP.

Other

- S/2010/227 (29 April 2010), S/2010/114 (26 February 2010) and S/2010/60 (30 December 2009) were letters from Turkey to the Secretary-General transmitting letters from the Turkish Republic of Northern Cyprus refuting Cyprus's allegations of violations of international air traffic regulations and national airspace of Cyprus.
- S/2010/196 (15 April 2010), S/2010/92 (17 February 2010) and S/2009/668 (18 December 2009) were letters from Cyprus to the Secretary-General drawing attention to alleged violations of the international air traffic regulations and national airspace of Cyprus by Turkish military aircraft.
- S/PV.6239 (14 December 2009) was the meeting record of the Council's adoption of resolution 1898 with Turkey's explanation of vote.

Other Relevant Facts

Secretary-General's Special Adviser on Cyprus

Alexander Downer (Australia)

Special Representative of the Secretary-General, Head of Mission and Deputy Special Adviser

Vacant

Force Commander

Rear Admiral Mario César Sánchez Debernardi (Peru)

Size and Cost of Mission (as of 28 February 2010)

- *Strength:* 919 total uniformed personnel, including 850 troops and 69 police
- *Budget:* 1 July 2009 to 30 June 2010: \$54.41 million (including voluntary contributions of one-third from Cyprus and \$6.5 million from Greece)

DPRK (North Korea)

Expected Council Action

The Council is likely to extend the mandate of the Panel of Experts that assists the DPRK Sanctions Committee in June.

Background

On 12 June 2009 the Council unanimously adopted resolution 1874 in response to the 25 May 2009 underground nuclear test by the Democratic People's Republic of Korea (DPRK). The resolution expanded existing sanctions and established a Panel of Experts for an initial period of one year. The panel assists the 1718 Committee in carrying out its mandate and makes recommendations to improve implementation of the sanctions regime. Resolution 1874 does not name a date for expiry of the mandate. But "one year" from resolution 1874 would be 12 June 2010. The Panel was appointed by the Secretary-General on 12 August 2009.

Key Issues

A key issue is whether the Panel of Experts has proven useful in assisting the 1718 Sanctions Committee in its work and if an extension of the panel's mandate is desirable.

Options

Options for the Council include:

- extending the existing mandate of the Panel of Experts for another 12 months or longer;
- revising the panel's role or activities in response to recommendations received by the panel itself; or
- allowing the mandate to expire (an unlikely option).

Council and Wider Dynamics

Council members appear broadly supportive of renewing the mandate of the Panel of Experts. The panel is viewed as playing an overall positive role that is helpful to the committee.

Most members seem to anticipate that discussion of the recommendations made in the panel's report with regard to improving the overall effectiveness of the sanctions regime will need some time to digest. Consideration of revising the panel's mandate is therefore seen as unlikely at this time.

However, it is unclear whether recent results of the investigation into the 26 March sinking of the *Cheonan* will influence discussion of this issue (see our June 2010 brief, *Naval Incident in the Yellow Sea*).

UN Documents

Selected Council Resolutions

- S/RES/1887 (24 September 2009) reaffirmed that nuclear proliferation is a threat to international peace and security.
- S/RES/1874 (12 June 2009) condemned the DPRK's 25 May underground nuclear test, expanded the arms embargo, authorised inspection of cargoes to and from the DPRK, as well as vessels on the high seas and established a Panel of Experts.
- S/RES/1718 (14 October 2006) expressed grave concern over the DPRK's nuclear test, imposed sanctions and set up a sanctions committee.
- S/RES/1695 (15 July 2006) condemned the DPRK's launch of ballistic missiles.
- S/RES/825 (11 May 1993) called on the DPRK to reconsider withdrawing from the Nuclear Non-Proliferation Treaty (NPT) and to honour its non-proliferation obligations under the NPT.

Selected Presidential Statement

- S/PRST/2009/7 (13 April 2009) condemned the 5 April launch of a rocket by the DPRK, saying it was in contravention of resolution 1718.

Latest Sanctions Committee Annual Report

- S/2010/28 (14 January 2010)

Selected Letters

- S/2009/416 (12 August 2009) was a letter from the Secretary-General informing the Council about the appointment of a Panel of Experts.
- S/2009/364 (16 July 2009) was a letter from the sanctions committee designating additional entities and materials, as well as individuals subject to sanctions.
- S/2009/222 (24 April 2009) was a letter from the sanctions committee designating new entities and materials subject to sanctions.
- S/2009/205 (14 April 2009) was a letter from the sanctions committee updating items, equipment, goods and technology prohibited from being imported or exported by the DPRK.

Other Relevant Facts

Chairman of the Security Council Committee established pursuant to resolution 1718 (2006)

Ertuğrul Apakan (Turkey)

Useful Additional Source

- Lee Sanghee, *Thoughts on an "Initiative Strategy" for the Comprehensive Management of North Korea*, The Brookings Institution, April 2010.

Golan Heights (UNDOF)

Expected Council Action

The UNDOF mandate expires on 30 June. It was established in May 1974 to monitor the ceasefire between Israel and Syria. Following its usual practice, the Council is expected to extend the mandate for six months and call upon Israel and Syria to implement resolution 338.

A presidential statement is also expected, as has been the practice since 1976, drawing attention to the wider issues in the region and noting that the situation in the Middle East will remain tense until a comprehensive settlement is reached.



The Secretary-General's report is due 15 June and may be followed by a briefing in consultations. A meeting with troop-contributing countries is also expected.

Key Recent Developments

The December 2009 Secretary-General's report on the UN Disengagement Force (UNDOF) noted that the ceasefire had been maintained and that the area of operation had remained generally quiet. The Secretary-General encouraged Israel and Syria to resume indirect peace talks under the auspices of Turkey. (These were postponed after Israeli incursions into Gaza in December 2008.)

The June report is not expected to reveal any significant changes. However, it will likely mention UNDOF's enhanced civil affairs capacity to work with the growing civilian Syrian population in the area of separation. A May 2009 technical review of the mission also addressed this development with a suggestion to increase patrols to minimise any possible encounters between the Israeli Defence Forces and civilian population.

On 12 May, Israeli Prime Minister Benjamin Netanyahu said that Israel had no intention of attacking Syria. This message came after Foreign Minister Avigdor Lieberman's comment that same day naming Syria as part of the "new axis of evil" and amid Israeli concerns over the alleged Syrian transfer of scud missiles to Hezbollah in April.

On 10 May, Russian President Dmitry Medvedev visited Damascus. Syrian President Bashar al-Assad said that Medvedev transmitted a message that Israel would cede the Golan if Syria cut ties with Iran, Hezbollah and Hamas. Netanyahu did not comment on Assad's remark. (In December 2009, a bill was tabled in the Israeli Knesset requiring a public referendum before withdrawal from the Golan. Syria called this a serious threat to any Israel-Syria peace track.)

On 8 May, Assad and Turkish President Abdullah Gül said that Syria was ready to resume talks with Israel where they left off (i.e. at the end of 2008). Netanyahu's position remained unchanged—Israel would only negotiate without preconditions. Syria believes that some prior understandings are required.

In early May the US renewed economic sanctions against Syria for another year. They have been in place since 2004.

On 14 April, the US Foreign Relations Committee approved Robert Ford's nomination as ambassador-designate to Syria; the appointment still requires confirmation by the US Senate. Ford has identified Syria's support for Hamas and Hezbollah and its ties with Iran as key concerns and said, "We must see whether the Syrians are truly interested in negotiating that peace agreement with Israel."

Human Rights-Related Developments

On 24 March the Human Rights Council adopted a resolution calling on Israel to allow the Syrian population in the occupied Syrian Golan to visit their families and relatives in Syria (the vote was 31 for, one against (US) and 15 abstentions). Israel's decision to prohibit such visits was described as a violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights. (A/HRC/RES/13/5)

Key Issues

An issue for the Council is whether to be more proactive in encouraging Syria and Israel to resume peace talks or simply continue the practice of renewing UNDOF's mandate with the associated statement.

Another possible issue is whether to adjust the timing of the mandate renewal from six to 12 months. A further issue is more robust reporting from the Secretariat (bearing in mind limitations of the UNDOF mandate and sensitivities in the region).

Options

The most likely option is a simple rollover of UNDOF's mandate.

Other options include using the mandate renewal to give impetus to the peace process by formally encouraging the renewal of a Syria-Israel peace track.

Council Dynamics

There is consensus that UNDOF remains useful in the absence of a peace agreement between Israel and Syria. France, Turkey, Russia and the US are key players. Austria and Japan are troop-contributors to UNDOF.

It seems, however, that few if any Council members are interested in departing significantly from the standard of past renewal practices. Some seem interested in a one-year mandate period to ease the work burden of the Council. Others are sensitive, however, to a Syrian desire to keep the mandate under review every six months so as to not deemphasise the Israel-Syria track. Council members that contribute troops to UNDOF seem to attach importance to the comfort of all parties with the timing and mandate of the mission.

There appears to be no commonly agreed lead country in the Council on this issue.

UN Documents

Selected Security Council Resolutions

- S/RES/1899 (16 December 2009) renewed UNDOF until 30 June 2010.
- S/RES/350 (31 May 1974) established UNDOF.
- S/RES/338 (22 October 1973) called for a ceasefire and comprehensive peace.
- S/RES/242 (22 November 1967) called for the withdrawal of Israeli forces from the occupied territories.

Other

- A/HRC/13/5 (24 March 2010) was the Human Rights Council resolution calling on Israel to allow the Syrian population in the occupied Golan to visit Syria.
- S/2010/56 (1 February 2010) and S/2010/55 (28 January 2010) was an exchange of letters regarding the appointment of Major-General Natalio C. Ecarma of the Philippines as the UNDOF force commander.
- S/2010/4 (5 January 2010) was a letter from Syria regarding Israeli violations in the Golan Heights.

- S/PRST/2009/34 (16 December 2009) was the last statement following the renewal of UNDOF.
- S/PV.6241 (16 December 2009) was the meeting record of the last UNDOF renewal.
- S/2009/597 (18 November 2009) was the last UNDOF report.

Other Relevant Facts

UNDOF Force Commander

Major-General Natalio C. Ecarma (Philippines)

Size and Composition of Mission (28 February 2010)

- *Size:* 1,044 troops, assisted 76 military observers of UN Truce Supervision Organisation's Observer Group Golan, supported by 39 international civilian personnel and 104 local civilian staff
- *Troop contributors:* Austria, Canada, Croatia, India, Japan and the Philippines

Approved Budget

- 1 July 2009 to 30 June 2010: \$45.03 million (A/C.5/64/15)

International Court of Justice

Expected Council Action

The Security Council and the General Assembly will meet on 29 June (in accordance with the Council decision in resolution 1914 fixing the date of the election) to hold elections for the vacant seat created by Judge Shi Jiuyong's resignation from the International Court of Justice (ICJ). The new justice will occupy the seat until 5 February 2012, the remainder of Shi's term.

The Statute of the ICJ in article 8, provides that:

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

At press time the list of nominations had not been published by the Secretariat. While no Council members have a legal entitlement to representation on the ICJ, in recent times the court has always included judges from the P5 countries (there was no Chinese judge from 1967 to 1984). On 5 April a Chinese candidate was nominated to

replace Shi. China has sought support from the larger UN membership for its candidate. It seems unlikely that there will be other candidates.

In early June the Council is also expected to meet to set a date for an election for the vacancy created by the resignation of Judge Thomas Buergenthal from the US.

Background

The ICJ is one of the UN's six principal organs. All UN member states are parties to the ICJ Statute, which is an annex to the UN Charter. The ICJ is the only international court of a universal character with general jurisdiction. The Court is composed of 15 judges, elected for terms of nine years in separate but simultaneous elections by the General Assembly and the Council.

The ICJ and the Council have an important relationship established by the Charter. In the event that a state fails to abide by an ICJ decision, the other party may have recourse to the Council. Under the Charter, the Council may then make recommendations or decide upon measures to give effect to the ICJ's decision.

The ICJ also exercises advisory jurisdiction through a procedure allowing the Council (and other bodies) on any legal issue.

Election Process

Article 14 of the Statute of the Court provides:

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

Article 5 provides that at least three months before the date of the election, the Secretary-General address a written request to members of the Permanent Court of Arbitration (PCA) and to members of national groups, inviting them to nominate a suitable person to fill the position. (When the ICJ was established the jurists in the PCA were given the right to nominate the candidates for the ICJ and countries that were not part of the PCA constituted national groups appointed for this purpose.)

Article 15 presents the term of office:

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Under article 10 of the ICJ statute, candidates who obtain an absolute majority (i.e. more than 50 percent) of votes in both the General Assembly and the Council are elected. A candidate therefore must obtain 97 votes in the General Assembly and eight votes in the Council. In the Council vote, there is no distinction between permanent and non-permanent members.

If no candidate receives an absolute majority on the first ballot in either the General Assembly or the Council, a second ballot will be held. Balloting continues until a candidate has obtained the required majority (this scenario is unlikely if there is just one candidate).

When a candidate has obtained the required majority in one body, the president of that body will notify the other president of the outcome, but the results are only disclosed to members of the second body after their own voting is concluded. Article 11 and 12 state that if the General Assembly and the Council do not select the same candidate, they will proceed to a second meeting and, if necessary, a third meeting, following the same procedures. If by then the position is not filled, the Council and General Assembly may decide to convene a conference of six members (three from each body) to recommend a candidate for acceptance by the General Assembly and Security Council.

Key Recent Developments

On 15 March the Secretary-General informed the Council in a note that he had received a letter dated 25 January from the ICJ president containing the letter from Shi regarding his intention to resign from the ICJ effective 28 May 2010. Shi was elected to the ICJ on 10 November 1993, and his term would have expired on 5 February 2012.

In accordance with Article 14 of the Statute, the Council met on 18 March to fix the dates of the election to fill the vacancy in the ICJ. It adopted resolution 1914, which set 29



June as the day for the Council and the General Assembly to hold the election.

The Secretary-General circulated a letter on 19 March to the permanent missions in New York asking them to invite their national groups for nominations by 30 May.

UN Documents

Selected Security Council Resolution

- S/RES/1914 (18 March 2010) was the resolution setting the date for the election.

Others

- S/2010/136 (15 March 2010) was the note from the Secretary-General informing the Council of the vacancy in the ICJ.
- A/64/236 (15 March 2010) was the request for the inclusion of an additional sub-item in the agenda of the 64th session of the General Assembly.
- A/63/186-S/2008/502 (30 July 2008) set out the procedure for ICJ elections.
- A/59/683-S/2005/1 (27 January 2005) set out the procedure for filling a vacancy on the ICJ.

International Criminal Tribunals

Expected Council Action

In June the presidents and prosecutors of the International Criminal Tribunals for the former Yugoslavia and Rwanda are expected to brief the Council and there will be a debate on the Tribunals' completion strategies. Progress reports from the Tribunals are expected in early June.

The Council is also expected to consider issues relating to the Tribunals' judges. In resolutions 1900 and 1901 adopted in December 2009 it set a deadline of 30 June 2010 for a decision on the terms of office of all judges.

Also in June, negotiations on a resolution establishing a residual mechanism following the closure of the Tribunals are expected to continue in the Informal Working Group on International Tribunals. (A revised draft was circulated at the end of May by Austria as chair of the Group.)

Key Recent Developments

The presidents and prosecutors of the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) last briefed the Council on 3 December 2009. The president of ICTY, Patrick Robinson, said that all possible steps were being taken to speed up the proceedings and that the Tribunal's Working Group on Speeding up Trials would present its recommendations in the next completion strategy report. Both Robinson and ICTY Prosecutor Serge Brammertz stressed the importance of arresting the two remaining high-level fugitives, Ratko Mladić and Goran Hadžić.

The president of ICTR, Dennis Byron, focused in particular on the importance of state cooperation, while ICTR Prosecutor Hassan Bubacar Jallow expressed regret over Kenya's continued unwillingness to cooperate in the case of Felicien Kabuga (one of three high-ranking ICTR fugitives who remain at large). Jallow also said he planned to file new applications early in 2010 for the referral to Rwanda of the cases of eight of the remaining 11 ICTR fugitives.

On 1 March the trial of Radovan Karadžić resumed at the ICTY after a five-month break following the Tribunal's decision on 5 November 2009 to adjourn to allow time for the appointed counsel to prepare. (The former Bosnian Serb leader faces an 11-count indictment, including two counts of genocide related to his role in the 1995 massacre of Bosnian Muslims at Srebrenica.) The Tribunal had denied a motion filed by Karadžić on 1 February for a further postponement of the 1 March resumption date. On 2 March Karadžić filed an appeal against this decision. The trial finally resumed on 13 April following the dismissal of the appeal.

The ICTY prosecutor visited Bosnia and Herzegovina from 26 to 28 April and Serbia from 12 to 14 May. On both occasions, Brammertz reiterated that the arrest of the

two remaining fugitives was a priority and said his next report to the Council would emphasise their arrest as central to judging states' cooperation. In Serbia he also stated that he had no reason to believe that Mladić was anywhere outside of that country. Brammertz also visited Croatia from 25 to 28 May.

On 10 May the ICTY prosecutor filed a motion to amend the indictment against Mladić. The amended indictment adjusts the charges, which include 11 counts of genocide, crimes against humanity and the laws and customs of war, to facilitate the possible joinder with the case of Karadžić.

In the Council's Informal Working Group on International Tribunals, negotiations have continued on the establishment of a residual mechanism to deal with unresolved issues following the closure of the Tribunals. Following Austria's circulation of a first draft resolution in November 2009, a revised draft was circulated in February. This second draft contained as an annex a possible statute for the mechanism, drafted by the UN Office of Legal Affairs (OLA). It was agreed in the Working Group that it would be more efficient to negotiate the establishment of the residual mechanism and its statute simultaneously.

In addition to drafting the statute for the mechanism, OLA has been asked by the Working Group to provide further information on options for the location of the two branches of the mechanism and also on issues regarding witness protection. In September the Council requested the Secretary-General to ask the presidents of the Tribunals to implement recommendations of his May 2009 report on residual issues, one of which was that the Tribunals consider possible ways to review witness protection orders and decisions with a view to withdrawing those no longer deemed necessary.

Key Issues

The immediate issue for the Council is the extension of the terms of office of the judges and whether these should be extended until 31 December 2012 or for a different time period.

Another key issue is the Tribunals' work progress and whether the June reports will indicate any further delays. (According to the last progress reports, ICTY would conclude all trials, including that of Karadžić, by September 2012 and all appeals by 2014, whereas the ICTR would complete all trial work in 2011 and all appeals in 2013 at the latest.)

A further issue is the failure to arrest the remaining high-ranking fugitives. A related issue is the cooperation of key countries such as Serbia and Kenya in ensuring their arrest.

Cooperation by other states on ongoing cases also remains an issue.

A particular issue relating to the ICTR is whether obstacles to referral of cases to Rwanda have been resolved.

The larger substantive issue currently facing the Council remains the residual mechanism to be established following the closure of the Tribunals. Key questions to be decided include the structure and location of the mechanism, residual functions to be carried out, jurisdiction and start date.

Options

Main options for the Council include:

- adopting a resolution for each Tribunal extending the terms of office of judges until 31 December 2012 and calling for the arrest of the remaining high-ranking fugitives and enhanced cooperation from states to ensure completion of the Tribunals' work;
- continuing negotiations on the establishment of a residual mechanism with a view to reaching agreement on a draft resolution to be adopted by the end of July; or
- continuing negotiations on a draft resolution, but with a longer term view, possibly adoption by the end of this year.

Council Dynamics

It seems that substantial differences among Council members have remained on many of the issues relating to the establishment of a residual mechanism. China and Russia essentially want a small mechanism with limited scope (in particular relating to jurisdiction) and of fixed duration while the majority of Council

members favour a stronger mechanism with broader functions.

To try and bridge these divisions, Austria conducted consultations with Council members bilaterally in April and May. A third revision of the draft resolution and statute was circulated at a meeting of the working group on 25 May and negotiations are expected to resume towards the middle of June. (Many legal experts will be away during the first half of the month for the review conference for the International Criminal Court from 31 May to 11 June in Kampala.) While it is unclear when the resolution might be adopted, several Council members seem doubtful that it will be possible to reach agreement on a text before the end of July.

UN Documents

Selected Security Council Resolutions

- S/RES/1915 (18 March 2010) extended the authorisation for ICTY to exceed the maximum number of ad litem judges allowed by its statute until 30 June 2010.
- S/RES/1900 and S/RES/1901 (16 December 2009) authorised ICTY and ICTR respectively to temporarily exceed the maximum number of ad litem judges allowed by their statutes, extended the terms of office of two judges and expressed the Council's intention to extend by 30 June 2010 the terms of office of all judges until 31 December 2012 or until they have completed their assigned cases, if sooner.
- S/RES/1534 (26 March 2004) requested ICTY and ICTR to provide to the Council every six months assessments of implementation of their completion strategies.

Selected Presidential Statement

- S/PRST/2008/47 (19 December 2008) acknowledged progress made by the Working Group in the consideration of a possible residual mechanism or mechanisms.

Selected Report of the Secretary-General

- S/2009/258 (21 May 2009) was on administrative and budgetary

implications of possible locations for ICTY and ICTR archives and the seat of the residual mechanism or mechanisms.

Selected Letters

- S/2010/133 (16 March 2010) was from the Secretary-General transmitting a request from the president of ICTY for an extension of the Council's authorisation allowing the Tribunal to temporarily exceed the maximum number of ad litem judges permitted by its statute.
- S/2010/154 (15 March 2010) was from the Secretary-General transmitting a report from the ICTY president on a feasibility study for the creation of ICTY information centres.
- S/2009/687 (31 December 2009) was a letter from the chair of the working group on tribunals transmitting its 2009 annual report.
- S/2009/589 (12 November 2009) and S/2009/587 (12 November 2009) were from the presidents of the ICTY and ICTR, respectively, transmitting to the Council the latest reports on implementation of the Tribunals' completion strategies.
- S/2009/496 (28 September 2009) was from the president of the Council to the Secretary-General welcoming recommendations (l) and (m) in his May report on residual issues and requesting him to write to the Tribunals' presidents to ask them to implement those recommendations.

Other Relevant Documents

- S/PV.6228 (3 December 2009) was the last Council briefing by the presidents and prosecutors of the ICTY and ICTR.
- S/2009/396 (31 July 2009) and S/2009/394 (31 July 2009) were the latest annual reports of ICTR and ICTY, respectively, to the Council and the General Assembly.

Other Relevant Facts

ICTY

- Two high-ranking accused at large: former Bosnian Serb military commander Ratko Mladić and former Croatian Serb politician Goran Hadžić



- Twenty-five accused on trial and 11 at the appeal stage

ICTR

- Eleven accused at large, of which three are considered high-ranking, including Félicien Kabuga, a Rwandan businessman accused of helping to finance and organise the 1994 genocide
- Two accused awaiting trial, 24 on trial and eight at the appeal stage

Iraq

Expected Council Action

The Council is expecting a comprehensive progress report on Iraq and the Kuwaiti missing persons issue before 30 June. The activities of the high-level coordinator, who advises the Security Council on these matters, are currently funded through 30 June. The Council seems likely to extend the coordinator's activities before the end of the month.

Key Recent Developments

Ad Melkert, the Secretary-General's Special Representative for Iraq, briefed the Council on a range of issues relating to Iraq on 25 May. With regard to Iraq/Kuwait issues Melkert expressed concern about Iraq's level of commitment to make progress with Kuwait and said the demarcation of the Kuwaiti border by Iraq remains a necessary step for progress. Iraq's Ambassador to the UN Hamid al-Bayati also spoke and stressed Iraq's commitment to fulfilling its obligations and resolving all issues related to Kuwait. (An example of the kind of problems that are arising as a result of unresolved issues with Kuwait was evident on 26 May when Iraq dissolved its national airline, apparently in response to a UK court decision to freeze the airline's assets in light of debts owed by it to Kuwait.)

An Iraqi court on 17 May overturned a ban on nine newly elected members of

parliament who had been barred from holding office for alleged Baathist ties. The court decision followed a statement by Iraqi President Jalal Talibani the week before that action to bar electoral candidates on the basis of ties to the Baath Party had been halted. (The process of excluding such candidates from the electoral process, which began in the run-up to elections held on 7 March and continued in the following weeks, had the potential to alter the election outcome.)

Iraq's Independent High Election Commission said on 16 May that a recount of votes cast in the Baghdad area had been completed. The recount confirmed earlier results that gave the Iraqiya list of candidates led by Ayad Allawi 91 seats in parliament, the State of Law list led by Iraqi Prime Minister Nouri al-Maliki 89 seats and the Iraqi National Alliance list, which includes followers of Moktada al-Sadr, 71 seats. Iraq's Supreme Court must still certify final results.

The Secretary-General's latest report on the activities of the UN Assistance Mission for Iraq (UNAMI) was released on 14 May. On Iraq/Kuwait issues, the report noted that Iraq had now appointed its first ambassador to Kuwait since 1990. In addition, progress had continued towards implementing a project to increase Iraqi capacity to identify and exhume human remains. The project would be funded by a Kuwaiti grant and administered by UNAMI in support of the high-level coordinator. The Secretary-General encouraged Iraq to fulfil its obligations related to Kuwait, which could in turn lead to action in the Council on the removal of other outstanding Chapter 7 measures. The report also noted that the formation of the next Iraqi government was expected to require a considerable amount of time, and that the coming months would be a critical time for Iraq.

Iraq and UNAMI launched a UN Development Assistance Framework for 2011-2014 on 11 May that is meant to support the country's five-year National Development Plan.

Over a hundred people were killed across Iraq in a series of bombings and shootings

on 10 May. Iraqi officials said the attacks were carried out by the group Al Qaida in Iraq in response to the killing of two of the group's leaders in a recent joint Iraq-US military operation. The Secretary-General strongly condemned the attacks in a statement the following day.

Iraq's presidential council urged on 4 May that a new government be formed quickly and warned that delays could result in a resurgence of violence. The same day Maliki's State of Law coalition and the Iraqi National Alliance coalition agreed to ally themselves in the Iraqi parliament. Both are predominately Shiite. Such an alliance would bring the two groupings close to the number of seats in parliament needed to form a government. However, some contentious issues, such as the selection of a prime minister, remain to be resolved.

The UN Compensation Commission, which settles damage claims resulting from Iraq's 1990 invasion of Kuwait, on 29 April dispensed \$590 million to nine successful claimants, bringing the total amount disbursed by the commission to over \$29 billion.

Human Rights-Related Developments

An Iraqi lawmaker called for a UN investigation into reported torture of detainees at Muthanna, an old airport in West Baghdad, prompted by a report published on 27 April by Human Rights Watch (HRW). In the report—based on interviews with 42 men detained by the Iraqi army between September and December 2009 after sweeps of a stronghold of Sunni Arab militants in and around Mosul—the organisation called on the Iraqi authorities to establish an independent and impartial inquiry to investigate the abuses. The detainees were interviewed in the Al Rusafa Detention Centre on 26 April following their transfer from Muthanna. HRW urged the authorities to determine who was responsible for the abuses and to prosecute them, including anyone in authority who had failed to prevent the torture.

Key Issues

The key issue before the Council is how much further progress is needed on resolving the question of missing Kuwaiti persons and property, and whether an extension of the mandate of the high-level coordinator's activities is desirable.

A related issue is Iraq's request that the Council remove measures imposed in resolutions adopted during the regime of Saddam Hussein. This question remains as the backdrop when considering issues such as Kuwaiti missing persons and property. Progress made on the missing persons issue could aid in resolving other Iraq/Kuwait issues such as compensation and the maintenance of the boundary between Iraq and Kuwait. Similarly, the resolution of Iraq/Kuwait issues could potentially facilitate the lifting of other measures imposed on Iraq, such as those related to disarmament.

Underlying Problems

Underlying problems are the relative fragility of Iraq as a new democracy and the danger that the delays in forming a government will hinder progress on the Kuwaiti missing persons issue and perhaps also prompt a resurgence of sectarian violence.

Options

Options include:

- extending the activities of the high-level coordinator for an additional six months or longer;
- seeking to hasten progress on Iraq/Kuwait issues by adopting a statement substantively addressing the issues and reaffirming the Council's commitment to resolving outstanding issues between Iraq and Kuwait; and
- allowing the high-level coordinator's mandate to expire (an unlikely option).

Council and Wider Dynamics

Council members seem to hold differing views on how much progress has been made in resolving the question of missing persons and property. A number of members seem to be worried that work on the issue has advanced very little since the last briefing in October 2009. Others including Russia and the UK hold a more positive view and perceive Iraq to be determined to

resolve the issue to Kuwait's satisfaction. It is unclear how much new information the coordinator's comprehensive report will contain.

Most members seem to accept that the activities of the high-level coordinator should continue. Some note that Kuwait encourages the continuation of the coordinator's mandate. For others the political situation in Iraq is a consideration, bearing in mind the possibility that it may take several months to form a new government. Meaningful progress on Iraq/Kuwait issues is therefore seen as unlikely in the short term and therefore the continuation of the high-level coordinator's role is viewed as prudent. Some members feel that the financing of the coordinator's activities should be extended for more than six months so the issue does not come up during the busy December calendar.

The issue of government formation is also a consideration for members with regard to the broader issue of historical Council resolutions that date from the Saddam era. A number of members feel that additional action is required on Iraq's part before Chapter 7 measures can be lifted, which will be more likely after a new government begins operating. For example, ratification by the Iraqi parliament of the Additional Protocol to the Comprehensive Safeguards Agreement with the International Atomic Energy Agency (IAEA), which is viewed by some members as necessary before any action is taken on disarmament issues, is unlikely at present due to the post-election uncertainty in the country.

The US is the lead country on Iraq issues in general, and the UK is the lead on Iraq/Kuwait issues.

UN Documents

Selected Security Council Resolution

- S/RES/1905 (21 December 2009) extended the arrangements for the Development Fund for Iraq (DFI) and the International Advisory and Monitoring Board (IAMB) until 31 December 2010 and requested the Secretary-General to report on strengthening oversight of the DFI,

legal issues and options for a post-DFI mechanism, and Iraq's progress in preparing for such a mechanism.

- S/RES/1883 (7 August 2009) extended UNAMI's mandate for another 12 months.
- S/RES/1859 (22 December 2008) requested the Secretary-General to report on all Council resolutions concerning Iraq since 1990; a letter from Iraq requesting the lifting of Saddam-era resolutions is included as an annex to the resolution.
- S/RES/1483 (22 May 2003) established sanctions against the previous Iraqi government, created the DFI, provided immunity to Iraqi petroleum products and envisaged the termination of the oil-for-food programme.
- S/RES/1284 (17 December 1999) appointed a high-level coordinator for Iraq/Kuwait missing persons and property.

Selected Press Statement

- SC/9772 (22 October 2009) noted the Council agreed to extend the financing of the mandate of the high-level coordinator for eight months.

Selected Meeting Record

- S/PV.6293 6 April 2010) was a briefing on the DFI and the IAMB.

Selected Letters

- S/2010/150 (22 March 2010) included an IAEA assessment of Iraq's cooperation with its safeguards activities.
- S/2010/153 (18 March 2010) included Iraq's first quarterly report on the action plan and timeline for the transition to a post-DFI mechanism by 31 December 2010.
- S/2010/72 (4 February 2010) informed the Secretary-General that the Council had earmarked funds to finance the mandate of the high-level coordinator until 30 June 2010 and requested a comprehensive progress report by 30 June 2010.
- S/2010/37 (19 January 2010) was Iraq's letter to the Council arguing that Iraq had fulfilled its disarmament obligations and asking for the removal of related restrictions under existing resolutions.



Selected Secretary-General's Reports

- S/2010/240 (14 May 2010) was the most recent report on UNAMI.
- S/2010/166 (1 April 2010) was the most recent report on the DFI and the IAMB.
- S/2009/539 (16 October 2009) was the latest report on Iraq/Kuwait missing persons and property.
- S/2009/385 (27 July 2009) was the report on the review of Iraq resolutions.

Other Relevant Facts

Special Representative of the Secretary-General in Iraq

Ad Melkert (Netherlands)

Secretary-General's High-Level Coordinator for Iraq/Kuwait Missing Persons and Property

Gennady Tarasov (Russia)

Useful Additional Source

- Elena Derby and Anthony H. Cordesman, "The Uncertain Politics behind Iraq's Election: Political Controversies and the Formation of a Viable Government," Center for Strategic and International Studies, 14 April 2010

Central African Republic

Expected Council Action

In late June the Council expects to receive the Secretary-General's first report since the reconfiguration of the mission in the Central African Republic (CAR). The Special Representative, Sahle-Work Zewde, is also expected to brief the Council.

Key Recent Developments

A presidential and parliamentary election has been scheduled for 2010 in CAR, but political and organisational difficulties have caused the elections to be postponed on two occasions. On 30 March, President François Bozizé rescheduled the elections, originally slated for 25 April, to 16 May.

Opposition groups had been hoping the elections would be postponed until late in the year and were disappointed with the new date, arguing that the conditions—including delays in the disarmament, demobilisation and reintegration (DDR) process and the preparation of electoral lists—were not conducive to organising free and fair elections.

An agreement was reached in late April between the president, opposition groups and the Independent Electoral Commission to further postpone the elections to a yet-to-be-determined date. With no election date and with the president's constitutionally mandated term expiring on 11 June, agreement also had to be reached on extending his term. A constitutional amendment that allows the president to retain power until elections are held was adopted by the National Assembly on 10 May and promulgated into law on 13 May.

The electoral commission will set a new election date based on an achievable timeline for logistical preparations. The postponement is generally seen as a positive step towards conducting free and fair elections, but some opposition groups have expressed discontent with the constitutional amendment as opposed to having all actors simply reach a political agreement.

On 21 December 2009, following the Secretary-General's report, the Council adopted a presidential statement on the situation in CAR, which demanded that the CAR government and all political stakeholders "ensure free, fair, transparent and credible preparation and conduct of the 2010 elections, and that the elections take place within the timeframe set by the Constitution."

The statement also welcomed the establishment of the UN Integrated Peacebuilding Office in CAR (BINUCA), which on 1 January replaced the UN Peacebuilding Support Office in CAR. The Council also requested that the Secretary-General provide a set of clear and measurable benchmarks to guide the progress made by BINUCA and to enable the mission to evaluate its progress against its mandate. It reiterated the Council's call to the government of CAR

to strengthen and accelerate efforts at security sector reform (SSR), particularly DDR initiatives. The statement also called for enhanced regional cooperation to combat the threat posed by the Ugandan rebel group, the Lord's Resistance Army (LRA).

On 15 December 2009, when the Council held its last debate on the situation in CAR, Jan Grauls, Chair of the Peacebuilding Commission's CAR configuration, briefed the Council on peacebuilding developments.

Developments in the Peacebuilding Commission (PBC)

The PBC undertook a mission to CAR from 3 to 10 December 2009. Jan Grauls, chair of the CAR configuration of the PBC, led the delegation. In its report following the visit, the PBC noted that there have been encouraging developments in SSR and that "the government has demonstrated real ownership in the implementation of short-term commitments" in this area. It also noted that while DDR is technically ready to start, the process continues to be hampered by political and security challenges. In January the PBC completed a review of progress in the implementation of the Strategic Framework for Peacebuilding in CAR, and in February issued recommendations on the framework that addressed the role of the government, international partners and civil society in the peacebuilding process. The PBC is likely to hold a country-specific meeting on CAR in June.

Human Rights-Related Developments

During a visit to CAR on 18 February, UN High Commissioner for Human Rights Navi Pillay praised the government for its willingness to work with the UN human rights system, as well as for the recent adoption by the National Assembly of revised penal and criminal procedure codes. Pillay said that she hoped the revised laws "will improve the administration of justice in CAR, in particular the independence of the judiciary and the fight against impunity." She urged the government to address the continuing

impunity for human rights violations, especially among law enforcement agents and members of the armed forces. Pillay expressed deep concern "about the widespread sexual violence facing women in CAR—allegedly at the hands of both state and non-state actors, including the LRA."

Key Issues

A key issue is the need to prevent a relapse into violent conflict. Achieving this is largely contingent on a free and fair electoral process and progress with the DDR process.

A second key issue is the absence of state authority in much of the country which will impact on the holding of free and fair elections and present security and logistical difficulties.

A third key issue is SSR and good governance including establishing rule of law capacity in terms of moving forward with the peacebuilding process.

A fourth key issue is better integrating Council and PBC action to address these challenges. A related question is the nature and scale of PBC involvement in the Council debate.

Council Dynamics

There continues to be general consensus among Council members on the need to support peacebuilding in CAR. The contents of the Secretary-General's report will likely influence the Council's next steps, as will developments concerning the electoral process.

France is the lead country on this issue in the Council.

UN Documents

Selected Presidential Statement

- S/PRST/2009/35 (21 December 2009) welcomed the establishment of BINUCA and called for all political stakeholders to "ensure free, fair, transparent and credible preparation and conduct of the 2010 elections, and that the elections take place within the timeframe set by the Constitution."

Latest Secretary-General's Report
<ul style="list-style-type: none"> S/2009/627 (8 December 2009)
PBC Related Documents
<ul style="list-style-type: none"> PBC/4/CAF/5 (11 February 2010) contained the recommendations and conclusions on the first biannual review of the Strategic Framework for Peacebuilding in CAR. PBC/4/CAF/2 (7 January 2010) was the review of progress in the implementation of the Strategic Framework for Peacebuilding in CAR. PBC/4/CAF/1 (17 December 2009) was the report which followed the 3-10 December 2009 PBC visit to CAR.
Council Meeting Record
<ul style="list-style-type: none"> S/PV.6240 (15 December 2009) was the debate on the Secretary-General's most recent report on the situation in CAR.
Other
<ul style="list-style-type: none"> SC/9816 (15 December 2009) was the press statement following the most recent debate on CAR.

Liberia

Expected Council Action

In June the Sanctions Committee on Liberia is expected to discuss a report from the Panel of Experts on the sanctions regime (i.e. arms embargo, travel bans and assets freeze). The current sanctions expire on 17 December and the mandate of the Panel of Experts expires on 20 December. The mandate of the peacekeeping operation, UNMIL, expires on 30 September.

Key Issues

The key issue for the Sanctions Committee in June is effective implementation of the current sanctions.

The panel's assessment in its last report was mixed. While it found no evidence of violations of the arms embargo, it noted that the capacity of the Liberian government to control weapons and to provide security remained low. Regarding diamonds, although the Liberian government was in compliance with some requirements of the Kimberley Process Certification Scheme, it

was not in compliance with regard to the maintenance and sharing of data, and the political will to implement the diamond certification scheme had diminished "at least within the Ministry of Lands, Mines and Energy." There were numerous breaches of basic processes and criteria relating to the awarding of forestry contracts and violations of conditions of waivers granted by the Sanctions Committee on the travel ban. The effectiveness of the freezing of assets of designated individuals and entities continued to be low.

Underlying Problems

Incomplete restoration of effective state authority throughout the country has hampered effective implementation of the sanctions. The inadequate level of preparedness of the Liberian security forces to assume full security responsibilities has also been a source of concern. The socio-economic situation remains dire, with high levels of poverty and unemployment. That and the lack of basic infrastructure continue to pose latent threats to stability in the country. Tensions in the process leading to elections in Liberia next year also have the potential to threaten stability.

The fragile security situation, continued instability, unpredictability in the subregion and drug trafficking pose additional challenges.

UN Documents

Selected Security Council Resolutions

- S/RES/1903 (17 December 2009) renewed the sanctions regime for Liberia for a further 12 months and extended the mandate of the Panel of Experts until 20 December 2010.
- S/RES/1885 (15 September 2009) renewed UNMIL's mandate until 30 September 2010.
- S/RES/1521 (22 December 2003) imposed sanctions.

Selected Secretary-General's Reports

- S/2010/88 (17 February 2010) was the latest report on UNMIL.
- S/2007/479 (5 December 2007) was the initial drawdown plan for UNMIL.

Other

- S/2010/79 (8 February 2010) was the

letter from the Secretary-General informing the Council of his appointment of members to the Panel of Experts on Liberian sanctions.

- S/2009/640 (11 December 2009) was the report of the Panel of Experts on Liberia.

Other Relevant Facts

Special Representative of the Secretary-General

Ellen Margrethe Løj (Denmark)

UNMIL Force Commander

Lieutenant-General Sikander Afzal (Pakistan)

UNMIL: Size, Composition and Cost

- Strength as of 28 February 2010:* 10,427 personnel, including 8,982 troops, 127 military observers and 1318 police
- Key contributing countries:* Bangladesh, Nigeria and Pakistan
- Cost:* 1 July 2009 to 30 June 2010: US\$561 million

UNMIL: Duration

September 2003 to present; mandate expires 30 September 2010

Chairman of the Liberia Sanctions Committee

Ivan Barbalić (Bosnia and Herzegovina)

Panel of Experts on Liberia

- Rowan Bosworth-Davies (UK, expert on finance)
- Wynet V. Smith (Canada, expert on natural resources and coordinator of the panel)
- Hervé Gonsolin (France, expert on arms)

Notable Dates for June

Reports for consideration in June	Document Requesting Report
13 April	SG report on Children and Armed Conflict (S/2010/181) S/RES/1882
early June	SG report on International Criminal Tribunals S/RES/1534
1 June	SG report on Cyprus (UNFICYP) and the 11 May report of the Good Offices Mission (S/2010/238) S/RES/1898
1 June	Panel of Experts report on Liberia sanctions S/RES/1903
8 June	Iraq/Kuwait missing persons/ property report S/2009/685 S/2010/72
15 June	SG report on Golan Heights (UNDOF) S/RES/1899
17 June	SG report on Afghanistan (UNAMA) S/RES/1917
22 June	SG report on Central African Republic (BINUCA) S/PRST/2009/35
June 2010	Mandates Expire
12 June	DPRK Panel of Experts S/RES/1874
15 June	Cyprus (UNFICYP) S/RES/1898
30 June	Golan Heights (UNDOF) S/RES/1899
30 June	Côte d'Ivoire (UNOCI) S/RES/1924
30 June	Democratic Republic of the Congo (MONUC) S/RES/1925
June 2010	Other Important Dates
31 May to 11 June	The ICC Rome Statute Review will be held in Kampala, Uganda.
11 June	The president's constitutionally mandated term in CAR expires.
19 to 24 June	A Council mission to Afghanistan is expected.
25 to 27 June	A Council informal retreat is expected in Istanbul.
26 to 27 June	G20 Summit in Toronto
27 June	Presidential elections are expected in Guinea.
28 June	Burundi presidential elections are expected.
29 June	The Council and General Assembly will hold elections for the ICJ.
30 June	The term for the Iraq/Kuwait High-Level Coordinator ends.

Also expected in June:

- Shanghai Cooperation Organisation Summit
- The fourteenth session of the Human Rights Council
- The UN Fourth Biennial Meeting of States on small arms and light weapons

The Council is expected to be briefed by the:

- Secretary-General's Special Adviser on Cyprus Alexander Downer
- Presidents and prosecutors of the International Criminal Tribunals for the former Yugoslavia and Rwanda
- Special Representative Sahle-Work Zewde on the Central African Republic
- Prosecutor of the International Criminal Court Luis Moreno-Ocampo on Sudan
- Chair of the Sudan Sanctions Committee
- Head of the UN Operation in Côte d'Ivoire, Choi Young-jin
- Chair of the 1737 Sanctions Committee on Iran
- High-level Coordinator Gennady Tarasov on Kuwaiti missing persons issues in Iraq
- Regular monthly Middle East briefing

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Security Council Report is published with the support of the Governments of Canada, Denmark, Liechtenstein, Norway and Switzerland, The Rockefeller Foundation, the John D. and Catherine T. MacArthur Foundation, the William and Flora Hewlett Foundation and the David and Lucile Packard Foundation. It is incorporated as a not for profit Organisation and operates in affiliation with the School of International and Public Affairs at Columbia University in New York.

Important Dates over the Horizon

- Burundi legislative elections are expected for 23 July and senatorial elections for 28 July.
- The Palestinian Authority has scheduled local elections for 17 July.
- The General Assembly's annual general debate will start on 14 September.
- Parliamentary elections in Afghanistan are expected on 18 September.
- The IAEA Summit will be held from 20 to 24 September in Vienna, Austria.
- General Elections in Bosnia and Herzegovina are expected in October.
- Legislative elections in Chad are expected for November.
- The ICJ advisory opinion on the legality of Kosovo's unilateral declaration of independence is expected later in 2010.
- General elections in Myanmar are expected later in 2010.
- Legislative elections in the DRC are expected in July 2011 and presidential elections are expected in October 2011.
- Legislative and presidential elections in Liberia are expected in October 2011.