



SECURITY COUNCIL REPORT

MONTHLY FORECAST

NOV 2011



31 October 2011

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Overview For November

Portugal will hold the presidency of the Security Council in November. Several debates and briefings will be held.

President Aníbal Cavaco Silva of Portugal is expected to chair the open debate on **protection of civilians in armed conflict**. Secretary-General Ban Ki-moon, High Commissioner for Human Rights Navanethem Pillay and ICRC Director for International Law and Cooperation Philip Spoerri are the invited speakers for this open debate.

Portugal's Foreign Minister Paulo Portas will most likely preside over the debate on Timor-Leste, which will also include the participation of either the President or Prime Minister of **Timor-Leste**. Special Representative and the head of the UN Integrated Mission in Timor-Leste (UNMIT), Ameerah Haq, will also brief.

Portas will also likely preside over a high-level briefing on **new challenges to peace and security**, to which the Secretary-General, the Executive Director of UN Office on Drugs and Crime (UNODC), Yury Fedotov, the High Commissioner

for Refugees, Antonio Guterres and the Director General of the World Health Organisation, Margaret Chan, have been invited as speakers. Other Council members may also be represented at a ministerial level.

There will also be an open debate on Council **working methods**.

Debates are furthermore expected on:

- **Bosnia and Herzegovina**, with a briefing by High Representative Valentin Inzko; and
- **Kosovo**, with a briefing by Special Representative Farid Zarif.

There will be several other briefings in November:

- on **Libya**, by the Prosecutor of the International Criminal Court, Luis Moreno Ocampo;
- on **Guinea-Bissau**, most likely by the head of the UN office there, UNIOG-BIS, Joseph Mutaboba, and by the chair of the PBC country-specific configuration on Guinea-Bissau, Ambassador Maria Luiza Ribeiro Viotti

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Libya

Expected Council Action

The Council is expected to remain focused on post-conflict Libya in November as the UN Support Mission in Libya (UNSMIL) deploys to its full capacity. The Council expects a number of briefings in November including Ian Martin, Special Representative and head of UNSMIL; B. Lynn Pascoe, Under-Secretary-General for Political Affairs; and Luis Moreno Ocampo, the Prosecutor of the International Criminal Court (ICC).

UNSMIL mandate expires in mid-December.

Key Recent Developments

Qaddafi was captured on 19 October and killed later that day. On 20 October, the Secretary-General reacted to Qaddafi's death by calling on all sides in Libya to lay down their arms and work together. On the same day, Martin said in a videoconference addressed to the media that if Qaddafi had remained at large there would have been a sense of insecurity. He added that a great deal had to be done to bring a real sense of security to all sections of the Libyan community and territory. However, Martin noted that UNSMIL remained committed to assisting the National Transitional Council (NTC), which faced considerable challenges.

On 23 October, the NTC leadership formally declared national liberation in Benghazi and its Chairman, Mustafa Abdul Jalil, called for forgiveness and reconciliation.

Martin briefed the Council on 26 October and said that the NTC's formal declaration of the liberation of Libya meant that the time had come for the NTC to fulfil its pledges by:

- establishing an interim government within 30 days;
- adopting an electoral legislation and setting up an electoral body in 90 days; and,
- holding elections for the national congress in 240 days.

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Overview For November (continued)

- of Brazil, to be followed by consultations;
- on the situation in the **DRC**, by the head of MONUSCO, the UN operation there, Special Representative Roger Meece and Special Representative on Sexual Violence in Conflict Margot Wallström, to be followed by consultations;
- on the work of the three **counter-terrorism committees**, Ambassador Peter Wittig of Germany (1267 Committee), Ambassador Hardeep Singh Puri of India (the CTC) and Ambassador Baso Sangqu of South Africa (1540 Committee);
- on the threats posed by the Lord's Resistance Army and the work of the UN Regional Office for Central Africa (**UNOCA**), by Special Representative Abou Moussa and Assistant Secretary-General for Political Affairs Taye-Brook Zerihoun;
- on the **Middle East**, by the DPA, to be followed by consultations;
- on **Libya**, by Special Representative Ian Martin, to be followed by consultations; and
- on the UN operation in **South Sudan**, UNMISS, by Under-Secretary-General Hervé Ladsous or Special Representative Hilde Johnson, or possibly both, to be followed by consultations.

Briefings in consultations are expected on:

- **Yemen**, by Special Advisor Jamal Benomar;
- **DRC** sanctions, by the chair of the sanctions committee, Ambassador Maria Luiza Viotti of Brazil;
- **Somalia/Eritrea** sanctions, by the chair of the Sanctions Committee, Ambassador Hardeep Singh Puri of India;
- **DPRK** sanctions, by the chair of the Sanctions Committee, Ambassador José Filipe Moraes Cabral of Portugal;
- **Lebanon**, on the implementation of **resolution 1701**, by the DPA; and
- **issues of concern**, by the head of DPA, B. Lynn Pascoe.

Council members are also likely to hold their periodic consultations with the head of the Department for Peacekeeping Operations, Hervé Ladsous and the deputy head of the Department for Field Support,

Anthony Banbury, to discuss a range of **peacekeeping**-related issues.

Formal sessions will be needed to adopt resolutions on:

- the authorisation of **EUFOR**, the European force in Bosnia and Herzegovina;
- the renewal of the **DRC** sanctions and the mandate of its panel of experts;
- the renewal of anti-piracy measures in **Somalia**; and
- possibly additional sanctions against **Eritrea**.

The Council President, José Filipe Moraes Cabral, will introduce the annual report of the Security Council to the General Assembly in November.

The Council will elect in November (concurrently with the GA) five judges of the **International Court of Justice**.

The annual workshop with the five newly elected Council members (Azerbaijan, Guatemala, Morocco, Pakistan and Togo), organised by the mission of Finland, is also expected in November.

Status Update since our October Forecast

- **Syria**: On 4 October, China and Russia vetoed a draft resolution, sponsored by France, Germany, Portugal and the UK, which condemned the Syrian crackdown on protestors (S/2011/612). Brazil, India, Lebanon and South Africa abstained (S/PV.6627). The draft was circulated on 27 September followed by several rounds of negotiations that substantially altered the text. However, language on the Council's intent to consider further measures if the Syrian regime failed to implement the resolution's provisions remained. There is some sense among Council members that if the situation continues to deteriorate there may be a need to revisit the idea of Council action. However, the Council appears unlikely to take up Syria directly until after the deadline set by the Arab League on 16 October for the Syrian regime and opposition to meet in Cairo within 15 days.
- **UNAMID**: On 11 October, the Council issued a press statement (SC/10407) in which it condemned the 10 October attack on UNAMID personnel, which resulted in the deaths of two peacekeepers and one police advisor and the wounding of six other members of the mission. On 25 September, Council members were briefed by Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations, and held consultations on the Secretary-General's most recent report on UNAMID (S/2011/643). The permanent representative of Sudan, Daffa-Alla Elhag Ali Osman, also participated in briefing. No formal outcome resulted from the discussions.
- **Afghanistan**: On 12 October, the Council adopted resolution 2011 extending the authorisation of ISAF until 13 October 2012 (S/PV.6629). The resolution underlined the significance of the transition of security responsibility to the Afghan government by the end of 2014, looked forward to the phased extension of the transition process and highlighted the need for a responsible transition and the long-term commitment of the international community. It also welcomed the Enduring Partnership Declaration agreed upon by NATO and the Afghan Government in November 2010.
- **Security Sector Reform**: On 12 October, the Council held an open debate on security sector reform (SSR) in Africa, which included nearly 30 speakers (S/PV.6630). The presidential statement issued after the debate underscored the role of SSR as a cornerstone of peace and sustainable development (S/PRST/2011/19). It emphasised that SSR was a long-term process which should be nationally owned and reiterated the primary responsibility of the country concerned to determine its national approach. The statement also

underlined that SSR must take place within the broad framework of the rule of law and be cognisant of the issue of impunity. It noted that peacekeeping had evolved to include peacebuilding tasks and that an increasing number of missions were mandated to support national SSR programmes. It also emphasised the need to involve women and members of civil society in the process and requested the Secretary-General to submit an update report to the Council assessing the UN's support for SSR by early 2013.

- **ICTR**: On 14 October, the Council adopted resolution 2013, allowing Judge Bakhtiyar Tuzmukhamedov to work part-time and engage in another judicial occupation while serving as judge on the Tribunal, until 31 December 2011 (S/PV.6632). The Council stressed that the authorisation is exceptional and shall not be considered as establishing a precedent. The resolution came in response to a request by the President of the International Criminal Tribunal for Rwanda, Judge Khalida Rachid Khan, to allow Judge Tuzmukhamedov to complete his duties at the Constitutional Court of the Russian Federation (S/2011/609).
- **Haiti**: On 14 October, the Council unanimously adopted resolution 2012, which extended MINUSTAH until 15 October 2012, with the intention of renewal (S/PV.6631). The Council recognised that the

overall security situation in Haiti, while fragile, had improved since 2010. Consistent with the recommendations in the Secretary-General's report on the mission's work (S/2011/540), the Council decided to reduce the mission's military strength by 1,600 personnel and by 1,150 formed police unit officers. The Council also recognised that Haiti had made "considerable strides" since the January 2010 earthquake, noting that the country had experienced its first peaceful transition of power from one democratically elected president to another from the opposition. The Council strongly condemned the grave violations against children and the rape and other sexual abuse of women and girls in the country. It also requested the Secretary-General to continue to take necessary measures to ensure full compliance of MINUSTAH personnel with the UN's zero-tolerance policy on sexual exploitation and abuse.

- **Côte d'Ivoire:** On 17 October, Ambassador Maria Luiza Ribeiro Viotti, the Chair of the Security Council Committee on Côte d'Ivoire, submitted the midterm report of the Group of Experts monitoring the implementation of the sanctions regime on Côte d'Ivoire. The report noted a number of violations relating to the embargo on arms and diamonds, as well as the travel ban on selected individuals. The report noted that "large amounts of weapons and ammunition" from the former regime of Laurent Gbagbo were unaccounted for, and that this situation has "important national and regional implications." It noted that the security situation was "precarious" ahead of legislative elections slated for December but that "the ultimate security and political stabilization of Côte d'Ivoire may depend on the timely holding of free, democratic and transparent legislative and municipal elections". The Council decided to maintain the sanctions regime unchanged. The sanctions are to remain in effect until 30 April 2012.
- **Piracy in the Gulf of Guinea:** On 19 October, the Council was briefed by the Secretary-General on the piracy situation in the Gulf of Guinea (S/PV.6633). The Secretary-General announced the appointment of an assessment mission to examine the scope of the threat and the capacity of the Gulf of Guinea states to ensure maritime safety and security in the region. The assessment mission, to be deployed in November, is expected to make recommendations on antipiracy, including in the broader context of organised crime and drug trafficking. The announcement

was made while the Secretary General was addressing an open debate, promoted by Nigeria, on the issue. Also briefing the Council were representatives of Benin, the Economic Community of West African States and the Gulf of Guinea Commission (whose Secretariat, set up in 2006, is in Luanda, Angola). All 15 council members made statements. A draft resolution on the issue was circulated by Nigeria, but no action was taken on it.

- **Security Council Elections:** On 21 October, the General-Assembly voted Guatemala, Morocco, Pakistan and Togo to serve on the Security Council in 2012-2013. On 24 October, Azerbaijan won the final seat for 2012-2013 term on the 17th round of voting, after Slovenia, which had contested the seat against Azerbaijan, withdrew its bid following the previous round. Azerbaijan, Guatemala, Morocco, Pakistan, and Togo will replace outgoing Council members Bosnia and Herzegovina, Brazil, Gabon, Lebanon and Nigeria.
- **Middle East:** On 24 October, the Council held its quarterly open debate on the Middle East following a briefing by Under-Secretary-General for Political Affairs, B. Lynn Pascoe (S/PV.6636 and resumption 1). The briefing focused on the diplomatic activity by the Quartet to break the stalemate in the Israel/Palestine peace process and the recent prisoner swap agreement between Israel and Hamas. Other issues raised by member states during the open debate included Israeli settlement activity and Palestine's bid for UN membership.
- **Western Sahara:** On 26 October, Christopher Ross, the Secretary-General's Personal Envoy, briefed Council members on the recent developments. Ross's briefing noted that the last two rounds of informal talks (held between 5-7 June and 19-21 July respectively) between parties to the Western Sahara conflict-Morocco and the Sahrawi national liberation movement, the Polisario Front-had only partially been successful. Moreover, Ross stated that the issue of Western Sahara could only be resolved with the Council's attention and support and it was necessary to introduce new measures to break the current deadlock. He added that the next round of informal talks was likely to take place in early 2012, i.e. after the parliamentary elections in Morocco that are set to be held in late November. Ross also emphasised the need for the Council to revisit MINURSO's role as well as a requirement to assess the human rights situation. Council

members shared Ross' concern at the lack of progress made by the parties to the conflict and some were disappointed at the delay in the next round of informal talks.

- **Liberia:** On 26 October, the Council issued a press statement praising the peaceful and orderly conduct of the first round of presidential elections on 11 October (SC/10423). Sixteen candidates, including incumbent President Ellen Johnson Sirleaf, ran, and none got the necessary 50 percent plus one of the total votes to avoid a run-off. Sirleaf led with 43.9 per cent of the votes, and will face the runner-up, Winston A. Tubman, who won 32.7 per cent, on 8 November. The Council urged "all Liberian stakeholders to remain committed to the legitimate political process, exercise maximum restraint and work together to build confidence in the electoral system." The Council also called on "international and national stakeholders, including civil society, to deploy as many electoral observers as possible, as invited by the Government of Liberia to monitor the second round."
- **Women, Peace and Security:** On 28 October, the Council held its annual open debate on women, peace and security with "Women's Participation and Role in Conflict Prevention and Mediation" as the theme. They adopted a presidential statement (S/PRST/2011/20) which underlined the importance of the participation of women in conflict prevention and resolution efforts, including in the negotiation and implementation of peace agreements, as well as: international dialogues; contact groups; engagement conferences and donor conferences in support of conflict resolution; and stressed the importance of creating enabling conditions for women's participation during all stages of peace processes and for countering negative societal attitudes regarding full and equal participation of women in conflict resolution and mediation. On 29 September the Secretary-General's latest report on women, peace and security was published (S/2011/598). The report provided the Council with an overview of the implementation of resolution 1325, including information collected on one third of the indicators presented by the Secretary-General in his 2010 report as well as the strategic framework requested by the Council last October to guide UN implementation of 1325 over the next ten years.
- **Peacebuilding:** At press time the Council was expected to meeting on 31 October to discuss Post-Conflict Peacebuilding.

Libya (continued)

Martin highlighted key areas of concern as:

- preparations for the elections;
- establishment of public security; and
- non-proliferation of weapons, in particular, Man Portable Air Defence Systems (MANPADS).

On 6 October, a NATO meeting in Brussels reiterated the commitment to protect Libyan civilians and NATO Secretary-General, Anders Fogh Rasmussen, said that the organisation was close to completing its mission. On 21 October, Rasmussen said that NATO had taken a preliminary decision to end its operation on 31 October. However, he added that the organisation will continue to monitor the situation and would respond to threats to civilians, if needed.

On 27 October, the Council adopted resolution 2016 terminating the provisions of resolution 1973 allowing the use of force to protect civilians and ensuring the no-fly zone, effectively ending the authorisation for the NATO military operation in Libya on 31 October 2011.

At press time, Council members were considering a second draft resolution dealing with the proliferation of arms, in particular MANPADS stolen from the arsenal of the late Qaddafi.

On 17 October, UK Foreign Minister William Hague visited Tripoli and urged NTC leaders to move more quickly towards ending the civil war and forming an interim government. On 18 October, US Secretary of State Hillary Clinton visited Tripoli to meet senior NTC leaders, seeking to cement US partnership with the NTC.

On 20 October, the AU Peace and Security Council (PSC) issued a communiqué authorising the NTC to represent Libya in the AU and its organs. The communiqué also called for the establishment of an AU liaison office in Tripoli. More importantly, the communiqué requested the Council to lift its no-fly zone and the ban on flights.

Human Rights-Related Developments

In a 10 October statement, Under-Secretary-General for Humanitarian Affairs and UN Emergency Relief Coordinator, Valerie Amos, expressed concern about the impact on civilians of continued fighting in and around Sirte. Amos called on all parties to spare civilians and to comply with international

humanitarian law. Her comments echoed those of Georg Charpentier, the deputy head of UNSMIL, who had earlier visited both Misrata and the outskirts of Sirte as part of a humanitarian assessment mission.

On 18 October, following a mission to Libya to assess the country's human rights priorities, senior representatives of the Office of the High Commissioner for Human Rights (OHCHR) reported their findings at a press conference in Geneva. OHCHR estimates that as many as 7,000 people are being held in detention in Libya, presenting the interim administration with one of its most pressing and complex challenges. Describing existing conditions for the detainees as "a recipe for abuse," OHCHR said there was no functioning police force and a justice system had yet to be reestablished. OHCHR said that the commission of inquiry established by the Human Rights Council will return to Libya in November. On 25 October, Philippe Kirsch, Chairperson of the Independent Commission of Inquiry in Libya (ICIL) urged the NTC to ensure that all detainees under their control were treated with due respect for their human rights. Kirsch also asked the NTC to conduct impartial investigations into allegations of violations of the rights of the detainees. The ICIL was established in February by the Human Rights Council.

On 21 October, OHCHR called for a probe into Qaddafi's death to determine whether he was killed as a result of crossfire between loyalists and the NTC forces or executed by the NTC after his capture. In an interview with the UN News Centre on 24 October, OHCHR spokesperson, Ravina Shamdasani, welcomed reports that Libya will set up an independent commission of inquiry into the circumstances surrounding Qaddafi's death.

Developments in the Libya Sanctions Committee

Resolution 2016 does not impact the proceedings of the Sanctions Committee. There have been no significant developments in the Committee since the last reporting period. The Committee is next expected to meet in early December.

Key Issues

Determining the role and timeframe for UNSMIL and ensuring its full deployment as well as effective functioning are key issues for the Council.

A related key issue for the Council is its role in ensuring a transition from conflict to peacebuilding in Libya and preventing large-scale revenge reprisals and killings in post-Qaddafi Libya.

The prevention of proliferation of heavy weaponry in a post-conflict Libya may become an issue for Council members.

Minimising the impact of the recent conflict and its aftermath on the civilian population, in particular in Sirte and Bani Walid, and the delivery of humanitarian assistance are two further closely related issues for the Council.

Another issue is the need for the continued coordination of efforts of various stakeholders and other international bodies in supporting the NTC and the interim government, when it is formed.

Options

The Council's options include:

- receiving regular briefings on UNSMIL and closely monitoring the role of the NTC and the new government—when it is formed;
- dealing with the proliferation of missing weaponry, in particular MANPADS;
- revisiting other sanctions imposed on Libya; and
- revisiting UNSMIL's mandate.

Council Dynamics

Some Council members feel that UNSMIL status briefings should be kept separate from the briefings on the status of resolutions 1970, 1973 and to some degree 2009. They believe this necessary to retain the clear focus that two separate issues require. However, other members find two different briefings a duplication of effort. At present, the Council members have agreed to keep the two briefings separate, albeit on the same day.

During the discussions concerning the draft of resolution 2016 some Council members felt that it was necessary to address the protection of civilians and the no-fly zone issues soon after the formal declaration of liberation by the NTC in a post-Qaddafi Libya, originally imposed in resolution 1973. It was felt that NATO should not take a unilateral decision in continuing or halting its operations without the Council's approval. Other members felt that a resolution dealing with the aforementioned issues needed to be more

comprehensive and had to take into consideration the NTC's requests and needs. However, this debate was further complicated due to the NTC's mixed messages to the Council that highlight an internal power struggle amongst its various elements.

UK is the lead country on Libya but resolution 2016 was a UK-Russia collaboration.

UN Documents

Security Council Resolutions

- S/RES/2016 (27 October 2011) lifted the no-fly zone and the provisions for the use of force for the protection of civilians.
- S/RES/2009 (16 September 2011) authorised the deployment of UNSMIL and partially lifted sanctions.
- S/RES/1973 (17 March 2011) authorised all necessary measures to protect civilians in Libya and enforce the arms embargo, imposed a no-fly zone, strengthened the sanctions regime and established a panel of experts.
- S/RES/1970 (26 February 2011) referred the situation in Libya to the ICC, imposed an arms embargo and targeted sanctions and established a sanctions committee.

Security Council Meeting Records

- S/PV.6622 (26 September 2011) was the latest briefing on Libya.
- S/PV.6620 (16 September 2011) was the Council meeting during which resolution 2009 was adopted.
- S/PV.6606 (30 August 2011) was the briefing on the situation in Libya.

Security Council Letters

- S/2011/588 (19 September 2011) and S/2011/587 (16 September 2011) was an exchange of letters between the Secretary-General and the Council noting the appointment of Ian Martin as the head of UNSMIL.
- S/2011/578 (15 September 2011) was from the Secretary-General to the Council President forwarding the NTC's request for the UN's assistance in Libya.
- S/2011/542 (7 September 2011) was the Secretary-General's letter to the Council President proposing the establishment of UNSMIL.

Other Relevant Facts

Chair of the Sanctions Committee

Ambassador José Filipe Moraes Cabral (Portugal)

Sanctions Committee's Panel of Experts

Youseif Fahed Ahmed Alserhan, Jordan (maritime)
 Oumar Dièye Sidi, Niger (customs)
 Simon Dilloway, UK (finance)
 Theodore M. Murphy, US (humanitarian and regional)
 Giovanna Perri, Italy (finance)
 Salim Raad, Lebanon (heavy weapons)
 Savannah de Tessières, France (small arms and light weapons)
 Ahmed Zerhouni, Algeria (aviation)

Head of UNSMIL

Ian Martin (UK)

Commander for NATO Operations under Resolution 1973

Lt. Gen. Charles Bouchard (Canada)

Sudan and South Sudan

Expected Council Action

In November, the Council expects to receive a briefing and hold consultations on the Secretary-General's report on the UN Mission in South Sudan (UNMISS). The briefing may be provided by Hervé Ladsous, Head of the Department of Peacekeeping Operations, or Hilde Johnson, Head of UNMISS, or possibly both. The Council may review the force level of the mission. If it decides to adjust the force level, a resolution would be needed.

It is also possible that the Council may adjust the mandate of the UN Interim Security Force in Abyei (UNISFA) in November, also through a resolution, to include a border monitoring support role. However, the timing of this remains unclear and may be deferred to a later date. (While the Council expects to receive the report of the Secretary-General on UNISFA in late November, it may not consider it until December.)

The ongoing violence in South Kordofan and Blue Nile states will also likely be on the minds of Council members, and the Council may decide to discuss both situations.

The mandates of UNISFA and UNMISS expire on 27 December 2011 and 8 July 2012, respectively.

Key Recent Developments

On 5 October, the UN Food and Agricultural Organization (FAO) warned of an impending food crisis in South Kordofan and Blue Nile as a result of irregular rainfall and ongoing violence. The FAO indicated that more than 235,000 people in these states are in need of assistance considering current assessments of anticipated food availability.



On 6 October, Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations, briefed the Council on the situation in Abyei. He stated that 900 additional troops would be deployed as part of UNISFA before the end of October, adding to the nearly 1,800 troops already deployed. He noted that since 23 August the mission had conducted numerous patrols and air reconnaissance missions. He recommended that the Council adjust the mandate to provide a border-monitoring support mechanism and added that four utility helicopters and two fixed-wing aircraft would also be required to help UNISFA conduct this potential expansion of the mandate. However, Ladsous cautioned that neither the Sudanese Armed Forces (SAF) nor the South Sudanese army had withdrawn from Abyei. He added that both parties needed to withdraw troops from Abyei and establish a joint administration in order for UNISFA to successfully protect civilians.

Representatives from Sudan and South Sudan briefed the Council after Ladsous. Sudan's permanent representative, Daffa-Alla Elhag Ali Osman, indicated that the SAF would withdraw from Abyei only when UNISFA was fully deployed, in order to avoid a "security vacuum" in the region. Then the acting permanent representative of South Sudan, David Buom Choat, said that his country's forces had withdrawn from Abyei, contradicting Ladsous and the Secretary-General's recent report on UNISFA.

In consultations following the briefing, Ladsous reportedly said that South Sudanese troops had been spotted in Agok (a town in Abyei) as recently as two days earlier. Concern also seems to have been expressed during the consultations about the continuing violence in South Kordofan and Blue Nile.

On 8 October, South Sudan President Salva Kiir met with Sudan President Omar al-Bashir in Khartoum. During a press conference, the two leaders pledged that Sudan and South Sudan would resolve the issues separating them—for example, oil sharing, border demarcation and the status of Abyei—through negotiations, not war. Al-Bashir said the parties have established

joint committees to resolve outstanding security, economic and political issues within a defined time period, although a precise deadline was not indicated.

The Council again held consultations on UNISFA on 11 October. During the consultations, it appears that Ladsous reiterated that both Sudanese and South Sudanese troops had not withdrawn from Abyei. Ladsous also discussed the status of UNISFA's deployment, noting that progress had been made but cautioning that the rainy season had interfered with efforts to expedite the deployment. He also noted that UNISFA, which consists solely of Ethiopian troops, was in the process of seconding staff officers from various nations to serve in the mission. (At press time, it appeared that Council members were close to agreeing on a press statement requesting the redeployment of Sudanese and South Sudanese forces from Abyei and calling on both parties to complete the establishment of the Abyei Area Administration.)

On 13 October, al-Bashir announced that Sudan would adopt an Islamic constitution. In response, Rev. Ramadan Chan Liol, general secretary of the Sudan Council of Churches, said that Sudan should allow for religious diversity.

On 20 October, the AU Peace and Security Council (PSC) renewed the mandate of the High-Level Implementation Panel on Sudan for an additional year. The PSC also agreed to meet in November to discuss the situation in Sudan and South Sudan. Beforehand, the panel is expected to submit a report to the PSC, which will likely serve as the basis of discussion.

Under resolution 1996, which established UNMISS on 9 July, the Council expressed its intention to review the force level after three months (October) and after six months (January) to determine whether or not conditions in South Sudan would allow for a reduction of mandated military personnel from up to 7,000 to 6,000. However, the Council was not briefed on this issue in October.

Human Rights-Related Developments

During its 29 September debate on technical assistance for Sudan in the field of human rights, the Human Rights Council (HRC) noted the humanitarian situation in the provinces of South Kordofan and Blue Nile and called upon all parties to make every effort immediately to end the

violence there. The HRC urged the Office of the High Commissioner for Human Rights (OHCHR) to provide Sudan with the necessary technical support and training. It also renewed for one year the mandate of the UN independent expert on the situation of human rights in the Sudan and requested the expert to submit a report to the HRC for consideration at its September 2012 session.

On technical assistance and capacity-building for South Sudan in the field of human rights, the HRC called upon the government to strengthen its cooperation with UNMISS. It also invited the OHCHR to identify and assess specific areas of assistance towards the strengthening of capacity-building for the promotion of respect for human rights.

Key Issues

A key issue is how the Council can most effectively manage the many interconnected political and security challenges facing Sudan and South Sudan. A related issue is the impact that the apparent ongoing ill-will and lack of trust between the parties have on the Council's efforts to help them manage these challenges.

Another key issue is whether the difficult security environment in Abyei will hinder both the annual migration southward of the nomadic Misseriya tribe, expected to begin by early November, and the ability of internally displaced persons from the Ngok-Dinka tribe to return to Abyei. (Tensions between the Misseriya and Ngok-Dinka, aligned with Sudan and South Sudan respectively, have often led to violence, played out in the larger context of north-south fighting during the Second Sudanese Civil war, as well as more recently.)

An important issue for the Council is how it can best address the rapidly deteriorating political, security, and humanitarian situation in Blue Nile and South Kordofan. A related issue for the Council is the difficulty of obtaining timely, precise information about the situation in Blue Nile and South Kordofan.

Options

Options with respect to UNISFA include:

- receiving a briefing from the UNISFA force commander on the situation in Abyei, the challenges facing the mission and how the Council can assist in meeting those challenges;

- adjusting the mandate of UNISFA to incorporate a border-monitoring support role;
- maintaining the current mandate for the time being; or
- issuing a statement calling on, and setting a firm deadline for, the parties to adhere to their commitment to withdraw troops from Abyei.

Options with respect to UNMISS include:

- maintaining the current authorised force level of up to 7,000 military personnel for now and deferring a final determination on the size of the force until January; or
- decreasing the force to 6,000 military personnel, if the Secretariat indicates this would be sufficient.

Options with respect to Southern Kordofan and Blue Nile include:

- requesting a briefing from OCHA on the humanitarian situation in Southern Kordofan and Blue Nile; or
- holding an Arria-formula meeting with NGOs and other actors with relevant information about the situation in South Kordofan and Blue Nile.

Council Dynamics

Many Council members have pointed to the need for the Council to develop a more holistic, strategic approach to the intractable challenges facing Sudan and South Sudan. Some members also appear to believe that a more effective balance of incentives and disincentives could be established to induce both Sudan and South Sudan to make progress in resolving the outstanding issues from the Comprehensive Peace Agreement. There seems to be general agreement in the Council that adjusting UNISFA's mandate to include a border monitoring support mechanism would be a positive step. However, concerns remain about the challenging security situation in Abyei.

As the three missions in Sudan and South Sudan currently deploy nearly one-third of all UN uniformed personnel on the ground (as of 30 September), and the situations in South Kordofan, Blue Nile and Jonglei states are attracting the Council's attention, the P5 have called on the Military Staff Committee to assist in a possible reconfiguration of forces and resources.

The US is the lead country on South Sudan, as well as on issues pertaining to Sudan-South Sudan relations and the situation in Blue Nile and South Kordofan.

preserve the integrity of Kenya in the face of Al Shabaab terrorist military attacks emanating from Somalia.” It also forwarded a joint communiqué from the governments of Kenya and Somalia in which they agreed to continue working together to stabilise Somalia, cooperate in undertaking security and military operations and also strengthen cooperation in other areas.

On 21 October, Al Shabaab claimed it had killed 70 AU peacekeepers in renewed fierce fighting in Mogadishu. AMISOM, however, said only ten had been killed while two were missing.

The International Maritime Bureau (IMB) reported on 18 October there had been a marked decrease in the number of successful attacks by Somali pirates. Only 24 vessels had been hijacked this year compared with 35 for the same period in 2010, and the success rate had decreased from 28 to 12 percent.

On 24 October, the Council adopted resolution 2015 calling for additional measures to strengthen prosecution of Somali pirates. Among other things, the resolution reiterated the request that Somalia adopt counter-piracy laws as soon as possible, urged other states that had not already done so to criminalise piracy under their domestic laws and called on all states to report to the Secretary-General by 31 December on measures taken to ensure prosecution and imprisonment of pirates. In addition, the Council said it would continue its consideration of the establishment of specialised anti-piracy courts in Somalia and other states in the region with substantive international participation and support. The Secretary-General is to report to the Council within 90 days, after consulting with these states, on practical arrangements, including detailed implementation proposals for the establishment of such courts.

At press time, Council members had just received the Secretary-General’s two reports on Somali piracy (as requested by resolution 1950) and on protection of Somali natural resources and waters (as requested by resolution 1976). A briefing on the reports by Pascoe, to be followed by consultations, was scheduled for 31 October.

UN Documents

Security Council Resolutions

- S/RES/1997 (11 July 2011) liquidated UNMIS.
- S/RES/1996 (8 July 2011) established UNMISS.
- S/RES/1990 (27 June 2011) established UNISFA.

Letters

- S/2011/511 (10 August 2011) and S/2011/510 (5 August 2011) were between the President of the Council and the Secretary-General on the UNISFA reconnaissance mission regarding border arrangements in Abyei.

Other Relevant Facts

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

Hilde Frafjord Johnson (Norway)

UNMISS: Size and Duration

Maximum authorised strength: up to 7,000 military and 900 police
Deployment as of 30 September: 5,677 total uniformed personnel
Duration: 9 July to present; mandate expires 9 July 2012

Special Envoy of the Secretary-General on Sudan and South Sudan

Haile Menkerios (South Africa)

UNISFA: Force Commander and Head of Mission

Lt. Gen. Tadesse Werede Tesfay (Ethiopia)

UNISFA: Size, Composition and Duration

Maximum authorised strength: up to 4,200 military and 50 police
Deployment as of 30 September: 1,842 total uniformed personnel
Troop contributor: Ethiopia
Duration: 27 June to present; mandate expires 27 December

Somalia

Expected Council Action

In November, the Emergency Relief Coordinator for Somalia is due to report to the Council on implementation of the humanitarian exemption under resolution 1972 with regard to the asset-freeze provision of the Somalia sanctions regime and on any impediments to the delivery of humanitarian assistance in Somalia. A briefing on the report is expected.

A briefing is also expected by the Sanctions Committee Chair, Ambassador Hardeep Singh Puri (India), on the work of the Committee. (Resolution 1844 calls for the Committee to report to the Council every 120 days.)

The anti-piracy provisions of resolution 1950 expire on 23 November and are likely to be renewed. The International Contact Group on Piracy off the Coast of Somalia is scheduled to meet in New York on 17 November under the chairmanship of The Netherlands.

It is also possible that the Council will adopt a resolution on Eritrea in response to the findings of the latest report of the Monitoring Group for Somalia and Eritrea concerning Eritrean violations of the provisions of resolutions 1844 (concerning Somalia) and 1907. For more details on this, please refer to a separate brief on this issue.

Key Recent Developments

On 4 October, more than 70 people were killed and 150 injured in a suicide bombing in Mogadishu. The Islamist rebel group Al Shabaab claimed responsibility and reiterated earlier warnings that it would continue to carry out similar attacks in Mogadishu and also said that even more serious bombings could be expected. The Council issued a press statement that same day condemning the attack “in the strongest terms.”

Following the bombing, the AU Mission in Somalia (AMISOM) and government forces launched a new offensive against Al Shabaab, and on 10 October AMISOM declared that the rebel group had been driven out of its last stronghold in Mogadishu. Meanwhile, Al Shabaab said its withdrawal was just a tactical move.

On 14 October, Under-Secretary-General for Political Affairs, B. Lynn Pascoe, briefed Council members on recent developments in Somalia as part of his monthly horizon-scanning briefing. He emphasised the importance of continued involvement and support from the international community to ensure progress in the implementation of the road map to end the transition in Somalia.

On 16 October, Kenyan troops were reported to have crossed into southern Somalia. Kenya later confirmed it had launched the operation in response to a series of kidnappings on its territory believed to have been carried out by Al Shabaab. In a 17 October letter Kenya informed the Council that it had “been compelled to take robust, targeted measures to protect and

Human Rights-Related Developments

On 28 September, Shamsul Bari, UN Independent Expert on the situation of human rights in Somalia, briefed the Human Rights Council (HRC) on his work there. Bari said he believed that the famine was as much man-made as it was natural. Unless the war in Somalia was brought to an end, such situations were likely to recur. Somalia's representative told the HRC that a recent survey had indicated that 750,000 people in southern Somalia were at risk of death from starvation. He said that despite the challenges it was facing, the government was committed to the implementation of human rights but this would not be accomplished overnight and could not be achieved by Somalia alone.

Key Issues

A key issue for the Council in November is the renewal of the anti-piracy provisions of resolution 1950, which authorises states and regional organisations to enter Somalia's territorial waters and also take action on land in Somalia to combat piracy. A related issue is whether any further measures should be considered, in particular with regard to any follow-up to the report on protection of Somali natural resources and waters.

A second key issue is whether the humanitarian exemption to the Somalia sanctions regime is having any practical effects in terms of humanitarian access.

Another key issue is the continuing security threat from Al Shabaab and in particular its impact on the planned expansion of the UN presence in Mogadishu to facilitate international support for the implementation of the road map.

A related issue is the political and security implications of the Kenyan operation in southern Somalia.

A continuing key issue is the timely implementation of the road map and whether stronger international involvement and support is warranted to keep the process on track. A connected issue is the Council's own role with regard to monitoring progress and whether it should request more frequent reporting.

Also an issue is the need to accelerate deployment of additional troops to AMISOM. The mission is still 2,300 troops short of its authorised strength of 12,000. (The

current expectation seems to be that this will be reached by early 2012.)

Options

Main options for the Council include:

- adopting a resolution renewing the anti-piracy provisions of resolution 1950 for another year and requesting a follow-up to the Secretary-General's report on Somali natural resources, such as more robust investigations and international monitoring of illegal fishing and dumping;
- adopting a statement to signal to Somalia's Transitional Federal Institutions that the Council is closely monitoring implementation of the road map and also to call for enhanced international support and express continuing concern about the humanitarian situation; and
- issuing a separate press statement on the Emergency Relief Coordinator's report expressing concern about the difficult humanitarian access situation (which is expected to be addressed in the report).

Council Dynamics

Council members continue to follow the situation in Somalia closely and appeared to welcome the update provided by Pascoe in his October horizon-scanning briefing. While there is some concern about the implementation of the road map, most members seem to think current progress is more or less as expected and that while delays are already evident, the most important thing is that the process is moving in the right direction.

With regard to piracy, it seems the renewal of the anti-piracy provisions of resolution 1950 is expected to be fairly routine and no major changes are envisaged. It is possible, however, that the Council will call for some follow-up action as recommended by the Secretary-General in his report on Somali natural resources.

The UK is the lead country on Somalia in the Council, while India chairs the Sanctions Committee and Russia has taken the lead on legal issues related to piracy.

UN Documents

Security Council Resolutions

- S/RES/2015 (24 October 2011) called for additional measures to strengthen prosecution of Somali pirates and requested a report from the Secretary-General within 90 days.
- S/RES/1972 (17 March 2011) extended for 16 months the humanitarian exemption to the

Somalia sanctions regime.

- S/RES/1950 (23 November 2010) renewed for a period of 12 months the antipiracy measures of previous Council decisions.

Latest Secretary-General's Reports

- S/2011/662 (25 October 2011) was the latest report on Somali piracy.
- S/2011/661 (25 October 2011) was the report on protection of Somali natural resources and waters and alleged illegal fishing and dumping as requested by resolution 1976.

Latest Meeting Record

- S/PV.6614 (14 September 2011)

Other

- S/2011/646 (17 October 2011) was a letter from Kenya informing the Council of its military operation inside Somalia.
- SC/10402 (4 October 2011) was a Council press statement on the 4 October suicide bombing in Mogadishu.

Eritrea

Expected Council Action

In November, it is possible that the Council will adopt a resolution that would impose additional sanctions on Eritrea.

At press time, Council members were negotiating a draft resolution proposed by Gabon and co-sponsored by Nigeria that would subject a number of Eritrean entities to the targeted-sanctions provisions of resolutions 1844 and 1907 and impose restrictions on investments in the Eritrean mining industry and on certain other financial transfers that could be used by Eritrea for the purpose of destabilizing the Horn of Africa. This comes in response to the findings of the latest report of the Monitoring Group on Somalia and Eritrea, which concluded that Eritrea had committed numerous violations of the existing sanctions regime.

Also, it appears that the Eritrean president Isaias Afwerki has requested a meeting with the Council.

Key Recent Developments

In its June report, the Monitoring Group concluded that:

- Eritrea's leadership committed multiple violations of resolutions 1844 and 1907 in the period covered by the report;
- Eritrea had continued to provide training, financial and logistical support to armed

opposition groups throughout the region, including Djibouti, Ethiopia, Somalia (including the Islamist rebel group Al Shabaab) and Sudan;

- the government of Eritrea “conceived, planned, organised and directed” a failed bomb attack against the AU summit in Addis Ababa in January 2011; and
- Eritrea had continued to engage in arms trafficking in violation of the arms embargo.

The Monitoring Group recommended among other things that the Council should consider encouraging UN member states to establish “rigorous due-diligence guidelines” for international financial institutions handling Eritrean funds as well as for mining companies operating in the country with respect to payments made to the government of Eritrea.

On 4 July, the Intergovernmental Authority on Development (IGAD) issued a communiqué condemning the activities of Eritrea and its role in “destabilizing the region by supporting extremists”, calling on the Council “to take all appropriate measures” to put an end to these activities and calling on both the AU and the Council to fully implement the existing sanctions regimes and impose additional targeted sanctions.

Meanwhile, Eritrea called for the lifting of sanctions against it and requested a meeting with the Council to explain its position. In response to this request, Eritrea was invited, along with IGAD members Ethiopia, Kenya, Djibouti, Somalia, Uganda and IGAD representatives, to an informal dialogue with Council members on 19 July. Eritrea had another opportunity to explain its position on 22 July when its foreign minister met with the Somalia/Eritrea Sanctions Committee.

On 29 July, the Council extended the mandate of the Monitoring Group for another 12 months. It made no changes to the sanctions regime for Eritrea, but requested a separate report on Eritrea from the Monitoring Group.

For its part, Eritrea continued to publicly deny the Monitoring Group’s accusations. In a 3 August press statement, the Foreign Ministry denounced a draft Council resolution proposed by Ethiopia calling for additional sanctions against Eritrea, claiming the purpose of this resolution was “to provide cover to the illegal invasion and occupation of sovereign Eritrean territories”.

In a 4 August letter to the Council, Eritrea submitted its “preliminary remarks” on the Monitoring Group’s report. It refuted all the findings of the report and maintained that

there was no conclusive evidence of any violations on its behalf.

On 15 August, Eritrea once again denied the accusations against it in another press release, drawing attention to its unresolved border dispute with Ethiopia and calling for diplomatic and political efforts to build trust and confidence among countries in the region.

In a 7 October letter to the Council, Eritrea called on the Council to “reject Ethiopia’s current hostile campaign” and immediately lift all sanctions against it. It also announced that it planned to present to the Sanctions Committee a comprehensive response to the Monitoring Group’s report. (This has since been submitted to the Committee.)

Key Issues

A key issue for the Council is whether the Monitoring Group’s accusations against Eritrea are credible. If the answer is yes, the key issue becomes whether imposing additional sanctions on Eritrea is the appropriate response and in particular whether it will have a positive impact on the situation and lead to the desired change in Eritrean behaviour.

Another key issue is what impact the proposed resolution will have on the already very difficult humanitarian situation in Eritrea.

A further key issue is the fact that the Sanctions Committee has yet to designate any individuals or entities for targeted measures under the current sanctions on Eritrea, in place since 2009.

A final issue is whether to address other factors exacerbating the situation in the region, such as Ethiopia’s noncompliance with the border-demarcation decision of the Eritrea-Ethiopia Boundary Commission (EEBC) and related Council resolutions.

Options

Main options for the Council include:

- adopting a resolution imposing additional sanctions on Eritrea;
- taking a more gradual approach by first adopting a statement warning Eritrea that additional sanctions would be imposed unless it changes its behaviour and calling for intensified diplomatic efforts to resolve outstanding issues in the region;
- re-engaging on the issue of the unresolved border dispute between Ethiopia and Eritrea by explicitly addressing Ethiopia’s noncompliance with the EEBC’s border-demarcation decision;
- moving in the Sanctions Committee to make the first designations for targeted

sanctions under the provisions of resolutions 1844 and 1907 relating to Eritrea; or

- taking no action at this stage.

Council Dynamics

Behind-the-scenes discussions about possible additional sanctions against Eritrea seem to have been going on since the Monitoring Group presented its report to the Council. Among Council members, the US has been the most vocal in calling for further action. In an interview in August, Ambassador Susan Rice said the US was very concerned about Eritrea’s behaviour in the region and was “very much interested in additional pressure and sanctions being applied on Eritrea”. It appears, however, that the US and other members have been looking to African Council members for leadership on this issue but that they initially seemed reluctant to take it up.

It was only in mid-October that Gabon circulated its draft resolution. It had Nigeria as a co-sponsor, but not South Africa. The initial rounds of negotiations have revealed substantive differences among Council members. While most members, with the exception of China and Russia, seem open to consider further steps against Eritrea, they are also cautious about any measures, such as economic sanctions, which could have a negative impact on the Eritrean population. It appears that a majority of Council members considered the initial text proposed by Gabon to be too strong, especially because of its focus on additional economic sanctions. Council members therefore made proposals to either delete or substantially weaken the sanctions provisions and put more emphasis on political processes.

Gabon circulated a revised text on 26 October, which at the time of writing was expected to be discussed by Council members on 31 October.

China abstained on resolution 1907, and it remains to be seen whether it would support any action against Eritrea at this stage.

UN Documents

Security Council Resolutions

- S/RES/2002 (29 July 2011) extended the mandate of the Monitoring Group

for Eritrea and Somalia for another year and requested for the first time a separate report on Eritrea.

- S/RES/1907 (23 December 2009) imposed an arms embargo and targeted sanctions on Eritrea.
- S/RES/1844 (20 November 2008) imposed targeted sanctions relating to the situation in Somalia.

Meeting Record

- S/PV.6254 (23 December 2009) was the adoption of resolution 1907 with explanations of vote, including by China, which abstained.

Letters

- S/2011/623 (7 October 2011) was from Eritrea to the Council calling for a lifting of the sanctions against it.
- S/2011/617 (6 October 2011) was from Djibouti to the Council about the escape of two Djiboutian prisoners of war from an Eritrean prison.
- S/2011/494 (4 August 2011) was from Eritrea to the Council submitting its preliminary response to the report of the Monitoring Group.
- S/2011/434 (14 July 2011) was from Ethiopia to the Council transmitting the 4 July IGAD Assembly of Heads of Government communiqué calling for Council action against Eritrea.
- S/2010/433 (18 July 2011) was from the Sanctions Committee chair transmitting the Monitoring Group's latest report to the Council.

Democratic Republic of the Congo

Expected Council Action

In November, the Council expects a briefing on the Secretary-General's latest report on the UN Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO), due by the end of October, by Special Representative of the Secretary-General Roger Meece. The Special Representative of the Secretary-General on Sexual Violence in Conflict, Margot Wallström, is also expected to brief the Council. The briefing will be followed by consultations. Though the Council does not currently plan to meet in the days surrounding the upcoming elections, additional meetings may be scheduled if the situation on the ground deteriorates.

The Council is also due to receive a briefing from the Chair of the Democratic Republic of Congo (DRC) Sanctions Committee, Ambassador Maria Luiza Ribeiro Viotti

(Brazil), on the work of the Committee and the annual report of its Group of Experts.

The Committee will meet in November to discuss the report as well.

The Council is likely to renew the sanctions regime and the mandate of the Group of Experts, which expire on 30 November 2011. MONUSCO's mandate expires on 30 June 2012.

Key Recent Developments

On 28 June, the Council unanimously adopted resolution 1991, extending the mandate of MONUSCO for another 12 months. The resolution maintains the current strength and priorities of MONUSCO and authorises the force to continue to provide technical and logistical assistance for the upcoming national and local elections.

In a letter circulated to Council members on 20 September, the Secretary-General stated that MONUSCO's lack of military helicopters had become acute. He asked states to think "outside the box" about new and innovative solutions. Following the letter, the Council was updated by the Department of Peacekeeping Operations on progress made with some UN member states on pledges of helicopters to the mission.

On 17 October, the Council was briefed on MONUSCO via videoconference. The Deputy Special Representative of the Secretary-General, Leila Zerrougui, updated the Council on delays in the arrival and distribution of ballot boxes and papers for the upcoming elections. Meece told the Council that MONUSCO was operating under the assumption that the elections will still take place on time. He also reiterated that the shortage of military helicopters was affecting its ability to implement its mandate. Presidential elections and elections for the 500-seat National Assembly are scheduled for 28 November.

Following the consultations, the Council released a press statement calling on MONUSCO to continue to support the organisation and conduct of the forthcoming elections and to keep it updated. The Council welcomed the commitment of some countries to provide the helicopters required for MONUSCO and encouraged these countries and the Secretariat to finalise arrangements so that helicopters deploy on the ground before the elections.

Though not released publicly at press time, the Council received an advance copy of the Group of Experts' final report. The

detailed report focuses on armed groups operating in the DRC (including those that have undergone reintegration into the Congolese army) and the flow of weapons in the country. It also evaluates the implementation of its due-diligence guidelines and makes suggestions to improve the efficiency of the sanctions regime.

On 12 October, the DRC Sanctions Committee added Jamil Mukulu, a Ugandan national, to the sanctions list. The Committee reasoned that Mukulu is the military leader of the Allied Democratic Forces (ADF), a foreign armed group operating in the DRC. The listing request, first received by the Committee at the end of 2010, was made possible after several P5 members retracted holds placed on the listing.

At a UN Information Service press briefing in Geneva on 7 October, a spokesperson for the Office for the Coordination of Humanitarian Affairs (OCHA) said that five humanitarian staff working for an educational NGO in Malinde, South Kivu province, had been killed along with five other people. OCHA firmly condemned the killings. The incident was one of the gravest in the DRC since April 2011, when six ICRC staff had been killed. The working conditions for humanitarian workers have become increasingly difficult in North and South Kivu—this year alone there have been 140 security incidents affecting humanitarian workers.

On 7 September, more than 960 prisoners—including Gédéon Kyungu Mutanga, a former head of the Mai-Mai militia awaiting a death sentence issued by a Congolese military court for war crimes and crimes against humanity—escaped from a prison in Katanga province. The mass prison break was assisted by an organised armed attack on the jail. So far about 230 prisoners have been recaptured.

On 14 October, US President Barack Obama announced the deployment of 100 armed military advisers—who will not engage in direct combat—to address the Lord's Resistance Army (LRA) problem. Though the majority of forces will deploy in Uganda, some may deploy in the DRC (for more see our UNOCA/LRA brief in this issue).

Key Issues

A key issue is keeping a close handle on developments regarding the upcoming elections.

On sanctions, an important issue is improving the efficiency of the regime and its

capacity to address problems facing the DRC, including overall insecurity in large parts of the country, sexual violence and illegal exploitation of natural resources.

Options

Options for the Council include:

- renewing the sanctions regime and the mandate of the Group of Experts for another year while considering the recommendations of their annual report;
- including provisions for the Group of Experts to provide input for regional cooperation, including through the UN Regional Office for Central Africa (UNOCA) and with the LRA initiative under consideration by the AU;
- issue a press statement following Meece's briefing or issue a press statement on the election process as the situation develops; or
- monitor the election process but take no action unless extraordinary events occur on the ground.

Council Dynamics

No major disagreement arose between Council members during the last renewal of sanctions and the Group of Experts' mandate (though later on there were some delays in appointing one member of the group). Several Council members are hoping that the current annual report—which in their opinion is thorough and rich in evidence—will contribute to a consensus in the Council regarding the renewal of the experts' mandate. One issue that might cause controversy is the implementation of the due-diligence guidelines, inasmuch as they bear on the interests of Council members with private sector investments in the DRC.

The uncertainties of the election period and its aftermath lead several Council members to believe that significant changes in the sanctions regime are unwarranted at this juncture.

Several Council members would like to maintain a "hands on" approach regarding the November elections. They feel that the Council has an opportunity to show more commitment to its involvement in the DRC compared to previous years.

France is the lead country on the DRC.

UN Documents

Security Council Resolutions

- S/RES/1991 (28 June 2011) extended the mandate of MONUSCO until 30 June 2012.

- S/RES/1952 (29 Nov 2010) extended the DRC sanctions and the mandate of the Group of Experts to 30 November 2011.

Presidential Statement

- S/PRST/2011/11 (18 May 2011) focused on stabilisation efforts in the DRC.

Latest Secretary-General's Report

- S/2011/298 (12 May 2011)

Security Council Meeting Record

- S/PV.6539 (18 May 2011) was the debate on stabilisation in the DRC.

Security Council Press Statements

- SC/10414 (17 October 2011) was on elections in the DRC.
- SC/10410 (13 October 2011) was on the listing of Mukulu by the DRC sanctions committee.

Letter

- S/2011/589 (20 September 2011) was from the Secretary-General on the shortage of helicopters in MONUSCO.

Other Relevant Facts

Special Representative of the Secretary-General and Head of Mission

Roger Meece (US)

MONUSCO Force Commander

Lt. Gen. Chander Prakash (India)

MONUSCO Size, Composition and Cost of Mission

Strength as of 30 September 2011:
16,819 troops, 741 military observers, 1,354 police, 978 international civilian personnel, 2,822 local civilian staff and 591 UN volunteers

Approved budget (1 July 2011-30 June 2012): \$ 1.420 billion

Mission Duration

30 November 1999 to present: mandate expires on 30 June 2012

LRA /UNOCA

Expected Council Action

In November, the Council expects a briefing and consultations on the Secretary-General's report on the Lord's Resistance Army (LRA) by Assistant Secretary-General for Political Affairs Tayé-Brook Zerihoun. The Council will also be briefed by the Special Representative of the Secretary-General and head of the UN Regional Office for Central Africa (UNOCA), Abou Moussa, on the work of that office.



The Secretary-General's report was expected by the end of October.

Also in November, the working group on protection of civilians may discuss the LRA in its meeting.

Key Recent Developments

On 30 September, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that the LRA has carried out 240 attacks so far this year, resulting in 130 deaths and 327 abductions, including 113 children in the Central African Republic (CAR), the Democratic Republic of the Congo (DRC) and South Sudan. An estimated 440,000 civilians continue to be displaced or living as refugees in the affected areas.

On 30 June and 1 July, at the summit of heads of state held in Malabo, Equatorial Guinea, the AU requested its Peace and Security Council (PSC) to authorise a proposal by the defence and security ministers of CAR, DRC, Uganda and representatives from South Sudan (South Sudan became independent on 9 July) for a regional task force, joint operations centre and joint co-ordination mechanism to address the LRA issue. It also requested the UN and other AU partners to support the initiative financially and logistically.

On 21 July, the Council was briefed by Zerihoun on the LRA in a private meeting. The permanent observer of the AU and the permanent representatives of CAR, DRC, South Sudan and Uganda were also in attendance. Following the meeting, the Council released a press statement commending the efforts taken by the militaries of the CAR, DRC, South Sudan and Uganda to address the LRA threat and welcoming the recent AU initiative proposing a range of activities to address the problem. The Council also asked the Secretary-General to report back to it in October on LRA-related developments, including an assessment of the threat posed by the group and regional and UN efforts to address it.

On 27 September, the PSC released a press statement requesting the AU Commission (the equivalent of the UN Secretariat) to report to it on modalities for implementing

the mechanisms provided for in the AU initiative. The PSC reiterated the Assembly's request for UN support for the initiative.

On 14 October, US President Barack Obama announced the deployment of 100 armed military advisers to address the LRA problem. American officials said that the majority of forces will deploy in Uganda and that the advisers will not engage in direct combat, except in self-defence. The US military has been providing intelligence and financial support to the Uganda People's Defence Force (UPDF)—operating in CAR, the DRC and South Sudan as well as Uganda—for several years.

On 22 September, the Ugandan constitutional court ruled that former LRA commander Thomas Kwoyelo, charged with 53 counts of murder and other crimes, is to be granted amnesty under the Ugandan Amnesty Act for those who have renounced rebellion. Kwoyelo was the first LRA commander to face trial in Uganda's special war crimes court. With the exception of the commanders indicted by the International Criminal Court, Kwoyelo joins Kenneth Banyarukya, Sam Kolo and others who have already been granted amnesty.

On 18 August, Moussa briefed the Council via videoconference. In a press statement issued after the meeting, the Council encouraged UNOCA to establish partnerships with regional organisations in order to face regional challenges, such as the LRA. The Council also requested UNOCA to consider ways to assist states in Central Africa, tackling issues such as security sector reform and promoting human rights.

Key Issues

A key issue for the Council is obtaining adequate information on the possible AU initiative for a regional response to address the LRA in order to identify the Council's best role in supporting or endorsing AU efforts.

The Council may also consider what other steps can be taken to enhance existing peacekeeping missions in the region in response to the LRA.

Another factor is the role that newly established UNOCA can play in coordinating UN efforts on this issue.

Although the situation was not referred by the Security Council, a final issue is the possible interaction with the ICC as the arrest warrants against the top four commanders of the LRA are still outstanding.

Options

Options for the Council include:

- issuing a press statement indicating its ongoing concerns and future intentions to keep a focus on the LRA issue;
- requesting UNOCA to enhance cooperation between the UN missions and information-sharing related to the LRA;
- addressing the information provided on the AU regional initiative and requesting the Secretary-General to report to the Council on its particulars as it unfolds;
- urging better cooperation among countries in the region in prioritising protection of civilians in LRA-affected areas; or
- taking no action at this time.

Council Dynamics

After not being officially addressed as a standalone issue since November 2009, the LRA was discussed during the presidency of Germany in July and, now, during the presidency of Portugal. These and several other Council members hope to maintain the Council's focus on the LRA over time.

It seems that the reportedly slow progress of the AU initiative—and its expectations of the UN system and the Council in particular—may impede the Council's ability to consider concrete actions at this point. Council members are hoping that the LRA report and briefing will give them a better idea of the AU's intentions. Council members may be inclined to issue a press statement if the report is substantive. The content of the report may also effect whether and when further updates from the Secretary-General are needed.

UN Documents

Selected Letters

- S/2010/457 (30 August 2010) and S/2009/697 (11 December 2009) was an exchange of letters between the Secretary-General and the Security Council about the establishment of UNOCA.

Selected Press Statements

- SC/10364 (18 August 2011) was on the role of UNOCA.
- SC/10335 (21 July 2011) was on efforts to address the LRA issue.

Meeting Record

- S/PV.6601 (18 August 2011) was the briefing by Moussa.

Other Relevant Documents

AU Decisions

- PSC/PR/PS(CCXCV) (27 September 2011) was a press statement by the PSC on the AU regional initiative on the LRA.
- Assembly/AU/Dec.369(XVII) (30 June-1 July 2011) was a decision by the AU Assembly requesting the PSC to authorise the LRA initiative.

Guinea-Bissau

Expected Council Action

In November, Council members are expected to consider the Secretary-General's report on the UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS), which was to be submitted by the end of October. The head of UNIOGBIS, Joseph Mutaboba, will likely brief the Council. No Council action is expected in November. The mandate of UNIOGBIS expires on 31 December.

Key Recent Developments

On 28 June, the Council was briefed by Mutaboba and by the chair of the country's PBC configuration, Ambassador Maria Luisa Viotti (Brazil). Viotti reported "positive developments" in the fight against drug trafficking, including Guinea-Bissau's implementation of the West African Coast Initiative by appointing the management board and the chair of the Transnational Crime Unit.

As part of its rule of law and security sector reform assistance, UNIOGBIS for its part has since February provided technical and financial support for the vetting and certification of police and internal security agencies. In September, the mission opened the first of a planned one dozen "model police stations" slated to be inaugurated in the next two years around the country. Funding comes from the Peacebuilding Commission, which in the coming months will disburse \$16.8 million for such police stations and also for courts, a judiciary training center, the pension fund for the armed forces and measures to address the problem of drug trafficking and unemployment.

But challenges remain in establishing the legitimacy of the state, the rule of law and respect for civilian control of the security sector. The military is still seen to be the real power in the country, and there are concerns that key figures are part of the

international narcotics hub. There was concern as well when Prime Minister Carlos Gomes Jr. offered on 10 September to welcome Muammar Qaddafi “with open arms” in Guinea-Bissau, even though there was an international arrest warrant out for the former Libyan leader.

On 29 September, the Secretary-General and Prime Minister Gomes held talks in New York on the implementation of a peacebuilding plan, including social and political reforms. The Secretary-General stressed the importance of inclusive political dialogue and reform of the security and justice sectors in Guinea-Bissau as key issues in building peace in the country.

Mutaboba met with Guinea-Bissau’s general prosecutor on 5 October and with the judiciary police director the following day. The meetings were held to discuss ongoing UN support for strengthening capacity of national institutions to combat impunity and maintain constitutional order, public security and the full respect for the rule of law.

Human Rights-Related Developments

On 12 September, the Prime Minister and Mutaboba inaugurated the country’s first model police station. In his June report on the situation in Guinea-Bissau, the Secretary-General had stressed that the construction of model police stations, together with the training of police officers to staff them, was an essential step in national efforts to restore authority and re-establish public security conditions. He hoped that this development would “help break with past practice of frequent disregard for the rule of law and human rights”.

Key Issues

The key issues for the Council correspond to the UNIOGBIS’s strategic work plan and benchmarks set out in 2010. It appears that the most pressing of these are reform of the security sector and entrenchment of the rule of law, as well as issues relating to illicit trafficking, in particular child trafficking, drug trafficking and organised crime.

A related issue is continuing impunity, since senior army officers suspected of being involved in the assassinations of 2009 remain in powerful positions.

A related issue down the line is to prepare for an eventual transition from UNIOGBIS to a UN country team by combating impunity, enhancing the legitimacy of civilian rule, and ensuring civilian control of the military.

Underlying Issues

Guinea-Bissau seems to have stumbled from one crisis to another since it gained independence from Portugal in 1973 after prolonged armed conflict. The bitterness of the war of liberation was such that the new independent government, controlled by a revolutionary council, carried out reprisal attacks on African soldiers who had fought for the Portuguese. Thousands of these former soldiers may have been massacred or fled the country. To date, reconciliation and inclusive national dialogue as part of a belated transitional justice effort remain key underlying issues.

Options

One option for the Council is to simply take no action in November but rather adopt a wait-and-see stance until the end of December when UNIOGBIS’s mandate comes up for renewal.

Another option is for the Council to issue a presidential statement noting peace consolidation efforts made so far and signalling the Council’s concern that this should remain on track.

Council Dynamics

Guinea-Bissau is currently not a contentious item on the Council’s agenda, due in large part to the evident fragility of the situation there, the widespread concern about the country’s role as a major hub for global narcotics and other illicit traffickers and a more recent concern that without serious support from the international community it might be used as a base for pirates who have recently stepped up attacks on maritime traffic in the Gulf of Guinea.

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

UN Documents

Security Council Resolution

- S/RES/1949 (23 November 2010) renewed the mandate of UNIOGBIS until 31 December 2011.

Secretary-General’s Report

- S/2011/370 (17 June 2011) covers major developments in Guinea-Bissau from 15 February 2011.
- S/2011/73 (15 February 2011) covers major developments since 25 October 2010.

Press Statements

- SC/10301 (28 June 2011)
- SC/10184 (25 February 2011)



Meeting Records

- S/PV.6569 (28 June 2011)
- S/PV.6489 (25 February 2011)

Other Relevant Facts

Special Representative of the Secretary-General and Head of UNIOGBIS

Joseph Mutaboba (Rwanda)

Duration

1 January 2010 to present; mandate expires 31 December 2011

Chair of the Sierra Leone Configuration of the PBC

Brazil

Yemen

Expected Council Action

The Council is expecting a briefing by Jamal Benomar, Special Adviser to the Secretary-General on Yemen. The briefing is required by resolution 2014 adopted on 21 October.

Key Recent Developments

A wave of anti-government social protests in Yemen has been ongoing since 3 February. To date, it has claimed over 200 lives and has left more than 1,000 people wounded. The Secretary-General appointed Benomar as his Special Adviser at the start of the year.

On 19 April, the Council was first briefed on Yemen by Under-Secretary-General for Political Affairs B. Lynn Pascoe and Benomar. On 24 June, members were again briefed by Benomar and issued a press statement expressing grave concern at the deteriorating situation and welcomed the mediation efforts by the Gulf Cooperation Council (GCC).

Benomar’s next briefing to the Council was on 9 August. Later that day, in a press statement, Council members expressed their concern at the serious deterioration of the situation urging all parties to move forward whilst acknowledging the importance of the GCC initiative. (The GCC initiative calls for a peaceful transition of power from President Ali Abdullah Saleh to Vice President Abdrabuh Mansour Hadi during an interim period leading up to elections. The initiative

also provides immunity to Saleh and his family.)

On 24 September, Council members issued another press statement urging all sides to reject the violence that had erupted on Saleh's surprise return to Yemen the previous day after undergoing surgery and medical treatment in Saudi Arabia. Saleh had sustained injuries as a result of an explosion in his presidential compound on 3 June.

On 21 October, the Council unanimously adopted resolution 2014 with key elements focusing on the GCC initiative for a transfer of power in Yemen, concern over the activities of Al-Qaida in the Arabian Peninsula and the need for humanitarian assistance.

On 24 October, Saleh responded to resolution 2014 by saying, as he has done in the past, that he was ready to sit down with the opposition parties and their partners to discuss implementing the GCC initiative.

Human Rights-Related Developments

On 18 October, Rupert Colville, spokesperson for the Office of the High Commissioner for Human Rights (OHCHR) strongly condemned the reported killing of a number of peaceful protesters at the hands of security forces in recent days. OHCHR has called for an international, independent, transparent investigation, for accountability and for justice and has stated that all "those responsible for the hundreds of killings since the protest movement began in Yemen more than eight months ago must be prosecuted, regardless of rank or title."

Key Issues

The key issue for the Council is to determine the actual impact of resolution 2014 and define its role in introducing a peaceful resolution to the current crisis.

A further issue for the Council is its role in ensuring the territorial integrity of Yemen and preventing any large-scale civil war.

Options

The Council's options include:

- simply keeping abreast of the developments in Yemen and receiving regular briefings from the DPA; or
- issuing a statement encouraging Yemen's key players, with the aid of the GCC, to continue to engage in dialogue.

Council Dynamics

Among Council members, there are differences between those who see the GCC initiative as the way forward and those who believe a modified approach to the GCC initiative may perhaps be warranted.

During the discussions regarding the draft of resolution 2014, some Council members were concerned about possible sovereignty issues, as the resolution indirectly calls for a head of state to leave power. However, Council members apparently deemed it necessary to send a signal regarding the peaceful transfer of power in Yemen and felt comfortable with the language that places an emphasis on support for the GCC initiative, noting Saleh's own stated intention to honour the initiative.

The UK has the lead in the Council on Yemen.

UN Documents

Security Council Resolution

- S/RES/2014 (21 October 2011) endorsed the GCC initiative for a peaceful transition of power.

Security Council Press Statements

- SC/10394 (24 September 2011) urged all parties to reject violence.
- SC/10357 (9 August 2011) expressed concern at the worsening economic, humanitarian and security situations.
- SC/10296 (24 June 2011) expressed grave concern at the deteriorating security and humanitarian situation.

Other Relevant Facts

Special Adviser to the Secretary-General on Yemen

Jamal Benomar (Morocco)

Lebanon

Expected Council Action

In late November, Council members are expected to hold consultations on the Secretary-General's report on the implementation of resolution 1701, which in August 2006 called for a cessation of hostilities between Hezbollah and Israel. Representatives from the Department of Political Affairs and the Department of Peacekeeping Operations will brief the Council.

No formal action is expected. The mandate of the UN Interim Force in Lebanon (UNIFIL) expires on 31 August 2012.

Council members will also have in mind the spill-over effects in Lebanon from the crisis in Syria.

Key Recent Developments

On 30 August, the Council adopted resolution 2004, which renewed UNIFIL's mandate for a further year and requested the Secretary-General to conduct a strategic review of the peacekeeping force by year's end.

At press time, the Secretary-General's next report on the implementation of resolution 1701 was due in mid-November and is expected to portray the situation in southern Lebanon as relatively stable, except for a major incident on 26 July when a bomb exploded on a road regularly travelled by UNIFIL, injuring six French peacekeepers (a similar incident occurred in May). The report is expected to lay out mitigating security measures that have been implemented since those incidents. The report is also expected to track ongoing issues such as Israeli-occupied northern Ghajar, demarcation of the Blue Line, Israeli overflights, security along the line of buoys and progress with the strategic dialogue between UNIFIL and the Lebanese Armed Forces (LAF).

On 27 October, Special Envoy Terje Rød-Larsen briefed Council members on the Secretary-General's 1559 report. The report focused on recent Syrian incursions into Lebanon, ongoing challenges in disarming militias, the lack of progress in delineating the Syrian-Lebanese border and developments in the Special Tribunal for Lebanon.

On 6 October, Syrian troops crossed into Lebanon and killed a Syrian national. Lebanese media reported a similar incident the following day. On 19 October there were clashes on the Lebanese border between Syrian forces and Syrian civilians and army defectors reportedly fleeing to Lebanon. The incident resulted in several deaths, but there were varying reports about the number of casualties and whether the incident took place on Lebanese or Syrian territory. (There are approximately 3,000 Syrian refugees registered by UNHCR in Lebanon, but Lebanese officials estimate the number at 5,000.)

On 27 October media reports indicate that Syrian troops were mining an area near the Lebanese border apparently to stop weapons smuggling into Syria.

Regarding the Special Tribunal, on 10 October Judge Sir David Baragwanath was elected as its new president. (Former president, Judge Antonio Cassese, had resigned

for health reasons and passed away on 21 October after a long illness.)

On 17 October, the Tribunal's pre-trial judge asked the trial chamber to determine if trial in absentia could be initiated. The trial chamber will hold a public hearing on this issue on 11 November. (The Lebanese prosecutor general had previously reported to the Tribunal that Lebanese authorities had failed to detain any of the four men indicted in July for the 2005 assassination of former Lebanese Prime Minister Rafiq Hariri. The accused are all Hezbollah members.) Trial activity is not anticipated before mid-2012.

Regarding funding of the Tribunal, Lebanese Prime Minister Najib Mikati and Lebanese President Michel Suleiman both made statements about Lebanon upholding its international commitments, including its contribution to the Tribunal (49 percent of the budget). However, it seems the issue of funding continues to be problematic in the Hezbollah-led government. On 24 October, Hezbollah Secretary-General Hassan Nasrallah said that his party opposed funding the Tribunal. At press time, Lebanon had not yet paid its 2011 contribution, due by mid-November, nor had Beirut agreed to the funding provision in its 2012 budget.

On 24 October, Nasrallah said that the situation in Syria was improving. He had previously called on Syrians to support Syrian President Bashar al-Assad in May.

On 22 October, Tehran criticised Damascus for its crackdown but discouraged international intervention. A similar statement had been made in September.

Analysts note that Hezbollah receives much of its international support from Syria and Iran.

Key Issues

A key issue for the Council is how to encourage Israel and Lebanon to move from the status quo—a fragile cessation of hostilities—toward a ceasefire. But the current political climate in the region makes progress seem more remote than ever.

Other issues include regular Israeli overflights and its occupation of Ghajar in violation of resolution 1701 and the fact that Hezbollah maintains significant military capacity in violation of resolutions 1559 and 1701.

The issue of Sheb'a Farms also remains frozen.

Regarding the Tribunal, there are no immediate issues for the Council. (The Tribunal's mandate expires in March 2012.)

Options

The Council's most likely option is to take no action, as has been the practice since April 2008 (the last time the Council issued a presidential statement on resolution 1701).

Council Dynamics

Council members agree that UNIFIL is an important stabilising factor between Israel and Lebanon—especially in light of the current developments in Syria. However, achieving a permanent ceasefire seems remote and Council members realise that continued quiet in southern Lebanon may be the only achievable goal in the medium term.

Most Council members agree that arms smuggling and disarmament remain key concerns but seem to accept that progress is only likely in the context of an inter-Lebanese dialogue and improvement on the Israel-Syria track. (The Lebanese national dialogue process seems to have stalled over the issue of Hezbollah's arms—it last met in November 2010. The Israel-Syria peace track seems indefinitely postponed given the current Syrian crisis.)

Council members see the strategic review of UNIFIL requested in resolution 2004 to be in line with good peacekeeping practice to optimise resources to tasks.

Council members are supportive of the UNIFIL-LAF strategic dialogue, which aims at moving forward tasks that UNIFIL can transfer to the Lebanese Armed Forces, a key provision of resolution 1701.

Regarding the Tribunal, Council members underscore the importance of the Tribunal's independence and foresee no Council role in its activities.

France is the lead country on Lebanon in the Council.

UN Documents

Security Council Resolutions

- S/RES/2004 (30 August 2011) renewed UNIFIL until 31 August 2012.
- S/RES/1757 (30 May 2007) established the Special Tribunal for Lebanon to investigate the February 2005 assassination of former Lebanese Prime Minister Rafiq Hariri and 22 others.
- S/RES/1701 (11 August 2006) called for a cessation of hostilities between Hezbollah and Israel.



Secretary-General's Reports

- S/2011/648 (19 October 2011) was the latest report on resolution 1559.
- S/2011/406 (1 July 2011) was the latest report on resolution 1701.

Security Council Press Statements

- SC/10341 (26 July 2011) and SC/10264 (27 May 2011) condemned the attacks on UNIFIL convoys.

Other Relevant Facts

Special Coordinator for Lebanon

Vacant at press time

Special Envoy for the Implementation of Security Council Resolution 1559

Terje Rød-Larsen (Norway)

UNIFIL Force Commander

Maj. Gen. Alberto Asarta Cuevas (Spain)

Size and Composition of UNIFIL as of 30 September 2011

Authorised: 15,000 troops

Current: 12,304 military personnel

Troop Contributors: Bangladesh, Belarus, Belgium, Brazil, Brunei, Cambodia, China, Croatia, Cyprus, Denmark, El Salvador, France, FYR of Macedonia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Luxembourg, Malaysia, Nepal, Nigeria, Portugal, Qatar, Republic of Korea, Serbia, Sierra Leone, Slovenia, Spain, Sri Lanka, Tanzania and Turkey

Duration

March 1978 to present; mandate expires 31 August 2012

Cost

1 July 2011 to 30 June 2012: \$545.47 million (A/C.5/65/19)

DPRK (North Korea)

Expected Council Action

As chair of the Democratic People's Republic of Korea (DPRK) Sanctions Committee, Ambassador José Filipe Moraes Cabral (Portugal) is expected to brief the Council in informal consultations in November. On 10 June—in resolution 1985—the Council extended the mandate of the panel of

experts that supports the Committee until 12 June 2012. The panel is scheduled to provide the Committee with its midterm report by 12 November.

The November briefing is likely to be routine; no Council action is expected at this time.

Key Recent Developments

On 28 and 29 July, US Special Envoy Stephen Bosworth and DPRK Vice Foreign Minister Kim Kae-gwan held talks in New York. The two-day discussions, which concerned the DPRK's nuclear programme, were the first meetings between the two countries addressing the possibility of a return to the six-party talks process since negotiations ended in December 2008.

On 21 September, the DPRK's chief nuclear envoy, Ri Yong-ho, and his counterpart from the Republic of Korea, Wi Sung-lac, met in Beijing to discuss the revival of the six-party talks. (The process also involves the US, China, Russia and Japan.) It was the second time in two months that the two envoys had met. Both countries described the discussions in Beijing as "constructive and useful".

On 24 August, during his first trip to Russia since 2002, DPRK leader Kim Jong Il met with Russian President Dmitry Medvedev. The discussions focused on nuclear disarmament, energy deals and economic aid. The timing of Kim's rare visit—as the DPRK undertakes steps to potentially restart the six-party talks—was noteworthy.

In mid-October, Under-Secretary-General for Humanitarian Affairs Valerie Amos visited the DPRK to seek more freedom for aid agencies operating in the country. Severe restrictions on the movement of foreigners have recently been eased in some areas, allowing the World Food Programme to carry out "random" visits with 24-hour notice to check how aid is used.

On 20 October, the US and the DPRK concluded three-day talks in Bangkok, during which the two sides agreed for the US to restart efforts to recover the remains of US troops killed during the Korean War. Talks between the two countries stalled in 2005. Recovering the remains was the only issue on the agenda, although it is perhaps another sign that both sides might be willing to re-engage.

On 24-25 October, an interagency team of US officials—led by outgoing Special Envoy Bosworth—met with a DPRK delegation led by Vice Foreign Minister Kim in Geneva. The US said there was some "narrowing of

differences" during what it described as a constructive meeting. But important issues remained, it said, and the process would take time to see if the DPRK was prepared to undertake the "concrete" steps necessary to revive the six-party talks.

Key Issues

A key issue for the Sanctions Committee is whether to implement some or all of the recommendations of the panel of experts' most recent report. The panel's last report from May has not been made public, and some Council members have questioned its credibility and recommendations.

A related issue for the Council is how to deal with any violations reported to the Sanctions Committee. Council members are unlikely to take measures that might threaten potential political progress, but on the other hand they acknowledge that they have binding obligations concerning violations of the sanctions regime.

Underlying Problems

The Sanctions Committee has been deadlocked on several issues this year. Some elected Council members in particular seem frustrated at the Committee's inability to take action and have expressed disappointment that there has been no agreement to publish the panel's recent report.

Options

Progress within the deadlocked Sanctions Committee will be difficult in November. One area that the committee could work on—without touching on the more sensitive issue of the sanctions regime—is providing more clarity on the definition of "luxury goods". In resolution 1718 (2006), the Council decided that member states should not supply, sell or transfer luxury goods to the DPRK, but no elaboration on their definition has been given. The Committee could aim to provide an Implementation Assistance Notice to give more guidance to member states, without going as far as compiling a list of such items.

Another option for the Committee would be to review the list of entities, goods and individuals subject to the sanctions measures imposed by resolution 1718. This list was last updated on 16 July 2009.

Council and Wider Dynamics

The Council has renewed the panel of experts' mandate and is in agreement on the overall work of the Committee. But some members have resisted publishing the panel's recommendations, which include adding entities to the sanctions list. That does not preclude the Committee from

following up on the panel's recommendations, and the US and some elected members have indicated that the unpublished report contains useful information that the broader UN membership would find helpful. But the report's publication seems to remain a sensitive issue for other permanent members.

At the broader political level, several member states have emphasised that while the current bilateral talks are a step in the right direction, they are still exploratory. Progress will be assessed, they indicate, by the DPRK demonstrating genuine willingness to re-engage in the six-party talks process. But there are divergent views among Council members on the prerequisites for the DPRK's return to these talks. US policy has been that Pyongyang must halt its uranium enrichment programme and permit international nuclear inspectors to return to the DPRK before talks can recommence. Others, including Russia, favour an immediate return to the six-party talks without preconditions.

China, Russia and the US—as the six-party talks countries on the Council—are the lead.

UN Documents

Security Council Resolutions

- S/RES/1985 (10 June 2011) extended the mandate of the panel of experts that supports the DPRK Sanctions Committee until 12 June 2012 and asked the panel to provide its midterm and final reports to the Committee a month before they are submitted to the Council, in order to allow for a discussion.
- S/RES/1874 (12 June 2009) condemned the DPRK's 25 May 2009 underground nuclear test, expanded the existing arms embargo and authorised inspection of cargoes to and from the DPRK, as well as vessels on the high seas. It provided for the creation of a panel of experts to assist the Committee.
- S/RES/1718 (14 October 2006) expressed grave concern over the DPRK's nuclear test, imposed sanctions and set up a sanctions committee.

Other Relevant Facts

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

Ambassador José Filipe Moraes Cabral (Portugal)

Timor-Leste

Expected Council Action

The Council is expected to hold a debate on Timor-Leste in November, which Portugal's Foreign Minister Paulo Portas is expected to chair. Timor-Leste is likely to be represented at a high level, with the president or prime minister likely to address the debate. Other concerned member states, including those in the core group on Timor-Leste, may also request to participate. Special Representative of the Secretary-General in Timor-Leste, Ameerah Haq, is expected to brief the Council.

In resolution 1969 of 24 February 2011, the Council extended the mandate of the UN Integrated Mission in Timor-Leste (UNMIT) until 26 February 2012. It also requested the Secretary-General to provide update reports to the Council by 15 October and 26 January 2012. No further Council action is expected in November.

Key Recent Developments

The overall political and security situation in Timor-Leste has remained relatively calm in 2011. There has been continued progress towards the consolidation of peace, stability and development, according to the Secretary-General's report of 14 October. But there are isolated incidents of violent unrest, including a stabbing on 14 August that led to the burning of scores of houses.

A key development was the handover of responsibilities on 27 March by the UN to the national police of Timor-Leste (*Polícia Nacional de Timor-Leste*—PNTL) for the conduct and command of all police operations. This transition of full operational control to the PNTL has generally been smooth. It has not affected the overall low rate of reported crimes, and the security situation in the country remains generally stable.

At a meeting on 2 February of the High-Level Committee on Transition hosted by the President of Timor-Leste, the UN and the government agreed to develop a joint transition plan. Resolution 1969 later that month requested the Secretary-General to update the Council on plans concerning the UN presence in Timor-Leste beyond the 2012 presidential and parliamentary elections. The joint transition plan of 19 September sets out four possible models for UN engagement after UNMIT's withdrawal, the first three of which are based on experiences from other countries. The

fourth is a political mission suggested by the Timor-Leste government.

Consultations will continue on these four options, allowing for the mission's planned withdrawal by the end of 2012. Several Council members have emphasised that consideration of these models should be in close collaboration with the government of Timor-Leste, which should continue to take the lead on deciding the shape of its post-UNMIT future.

Ahead of next year's elections, the main political parties in Timor-Leste have been intensifying their internal activity. The two major parties, known as CNRT and Fretilin, held their national congresses in April/May and August, respectively.

In resolution 65/297 of 30 June, the General Assembly appropriated \$196.1 million for the maintenance of UNMIT from 1 July 2011 until 30 June 2012.

Human Rights-Related Developments

On 4 October the government, with support from the UN Development Programme and Norway, launched a training programme for selected police officers. It is designed to increase awareness of Timor-Leste's Discipline Decree Law, which governs police conduct and discipline, and to teach officers how to strengthen human rights principles. When they complete the training, the officers will serve as "discipline leaders" responsible for improving the responsiveness of the police to the rights of citizens.

Key Issues

A key issue for the Council is the security situation and stability in Timor-Leste ahead of next year's elections and the subsequent withdrawal of UNMIT. One prominent issue is the performance of the PNTL since it assumed full operational command. In particular, Council members will be briefed on the progress made in training PNTL officers in necessary skill-sets and the PNTL's capacity to function effectively once UN police numbers have been substantially reduced.

A second issue concerns the promotion of human rights and justice. There are several elements to this issue, one of which is increasing capacity in the judiciary as international judges fulfil their mandates and are replaced by local judges.



A related issue is the slow progress being made with respect to holding accountable those in the PNTL who were allegedly responsible for crimes and serious violations of human rights during the 2006 crisis.

Options

While no Council action is expected in November, UNMIT's mandate expires on 26 February, and the Council will be expected to decide the duration of the mission's extension. There seems to be consensus on the need for UNMIT's presence beyond the scheduled election period concluding in May 2012. But the Council is unlikely to extend the mission for another full year. One option would be to extend UNMIT's mandate for six months, until the end of August, with a possibility of further extension if required. Alternatively, the Council could renew the mandate until the end of 2012.

Council and Wider Dynamics

Concerning impunity for past crimes, some member states have emphasised that Timor-Leste should do more to follow-up on the recommendations of the Commission for Reception, Truth and Reconciliation. Other Council members have indicated that while past crimes should not be condoned, the issue of impunity needs to be addressed in a manner that is forward-looking and consolidates the rebuilding process.

Brazil remains the lead country in the Council, with five other members—Portugal, the US, the UK, France and South Africa—also part of the core group on Timor-Leste. Brazil and Portugal seem to be wary about withdrawing UNMIT prematurely and have emphasised that decisions on the mission's completion should take into account the needs of the Timor-Leste government. Some permanent members have indicated that it is too early to consider the duration of UNMIT's renewal. If the situation on the ground remains stable, it might be expected that some members will seek a withdrawal of UNMIT's forces before December 2012 to reduce costs. But they suggest that such considerations be guided by the situation on the ground in February and—in particular—the country's preparedness for the elections.

UN Documents

Selected Security Council Resolutions

- S/RES/1969 (24 February 2011) extended UNMIT until 26 February 2012.
- S/RES/1704 (25 August 2006) established UNMIT.

Latest Secretary-General's Report

- S/2011/641 (14 October 2011) covers the period 8 January to 20 September 2011.

Other Relevant Facts

UNMIT: Size and Composition

Maximum authorised strength: up to 1,608 police and 34 military officers
Size as of 30 September 2011: 1,191 police and 33 military liaison officers
Civilian staff as of 31 July 2011: 398 international and 894 local, 203 UN Volunteers
International Stabilisation Force
Size as of April 2011: approximately 475 troops

Kosovo

Expected Council Action

In November the Council is expecting the UN Mission in Kosovo (UNMIK) quarterly report, a briefing by the new Special Representative and head of mission, Farid Zarif, and a debate on the situation in Kosovo.

No Council action on Kosovo is expected in November.

Key Recent Developments

In recent months, northern Kosovo has experienced heightened tensions after a border dispute erupted in late July.

Violence and tensions began on 25 July after Kosovo police seized two border posts, Brnjak and Jarinje, along the frontier with Serbia in order to try to enforce a newly instituted trade embargo against Serbian products. One Kosovo police officer was killed in clashes with protesting ethnic Serbs.

Following the incident, the NATO-led Kosovo force (KFOR) brokered an agreement with Pristina to temporarily seize control over the posts. When KFOR's mandate to control the posts expired on 16 September, officials from Kosovo and the EU rule-of-law mission (EULEX) took over the crossings. Ethnic Serbs put up barricades on roads close to the border checkpoints in response to the

deployment of Kosovo and EULEX staff at the checkpoints.

On 26 and 27 September, ethnic Serbs again clashed with KFOR troops who were attempting to dismantle the barricades which blocked roads leading to the contested border points. Reports indicated that 16 ethnic Serbs and 4 NATO peacekeepers were injured and that NATO troops had used tear gas and rubber bullets after pipe bombs were thrown. There were reports that NATO forces had fired live ammunition.

On 30 September, Serbia sent a letter to the Council requesting a UN investigation into the 27 September incident, in which "members of the International Security Force in Kosovo acted in violation of the authority given to their mission under Security Council resolution 1244".

On 20 October, KFOR troops, attempting again to dismantle erected barricades, clashed with Serb protesters at two border crossings in northern Kosovo. The troops fired tear-gas canisters and used armoured vehicles during the confrontation. Reports indicated that at least 22 people required treatment for tear-gas inhalation and three required hospitalisation. Eight soldiers were also wounded, according to KFOR.

Council members met several times on Kosovo after the border tensions erupted in July:

- on 28 July, in consultations to hear a briefing by the Secretariat on the initial border incident after Serbia requested an open meeting of the Council;
- on 14 September, in consultations to discuss a request by Serbia that an urgent meeting with participation from the Serbian government be held ahead of the expiration of NATO's mandate to control the border posts;
- on 15 September, to receive a briefing by the Secretariat with both Kosovo and Serbia present, followed by closed consultations; and
- on 28 September, at Russia's request, to receive a briefing by the Secretariat on the events of 27 September.

A special investigative task force of EULEX has begun an investigation into the allegations of organ trafficking in Kosovo contained in a report by the Parliamentary Assembly of the Council of Europe. The allegations were initially presented by Council of Europe rapporteur Dick Marty, who asserted that Prime Minister Hashim Thaçi had been involved in organised

crime, including drug trafficking and the illegal trafficking of human organs, during his time as a Kosovo Liberation Army leader.

On 11 October, the Secretary-General announced the appointment of Farid Zarif as the new head of UNMIK.

Human Rights-Related Developments

Following the death of a key witness in a war-crime case in Kosovo on 28 September, the Office of the High Commissioner for Human Rights (OHCHR) expressed its concerns about witness protection in Kosovo and called for an independent witness- and victim-protection system to be put in place. OHCHR said that only an effective and well-resourced witness and victim protection system could help bring justice to victims and end impunity for past violations in Kosovo.

Key Issues

A key issue for the Council is the role it can play in defusing the mounting tensions.

A related issue is how to respond to the events of 27 September.

A further issue is how Council members can use the opportunity to reinforce the need for parties to resolve all outstanding disputes through dialogue.

Options

One option is simply to receive the briefing and hold a debate, allowing each side to state its position.

Another option would be to adopt a statement concerning the recent border events. This may include condemning unilateral actions and the use of force and encouraging parties to resolve all outstanding issues, including customs and border concerns, through negotiations.

Council Dynamics

Council members were divided on whether the recent increase in meetings on the situation in northern Kosovo has been warranted. Russia generally strongly supports Serbia's requests for increased Council engagement, while others, including the US, are reluctant to increase Council activity on the issue.

Russia also supports the Serbian call for a UN investigation into the events of 27 September, though this is likely to encounter considerable resistance from other Council members.

Russia also continues to support the Serbian request for the establishment of an ad hoc investigative mechanism by the Council into allegations of organ trafficking. The US, while stressing the seriousness of the allegations, maintains that EULEX, and not the Council, is the appropriate authority to oversee investigations into the allegations.

On the issue of the status of Kosovo, the Council remains divided.

UN Documents

Security Council Resolution

- S/RES/1244 (10 June 1999) authorised NATO to secure and enforce the withdrawal of Yugoslav forces from Kosovo and established UNMIK.

Latest Secretary-General's Report

- S/2011/514 (12 August 2011)

Meeting Records

- S/PV.6616 (15 September 2011)
- S/PV.6604 (30 August 2011)
- S/PV.6534 (12 May 2011)

Letters

- S/2011/604 (30 September 2011) was from Serbia requesting a UN investigation into the 27 September incident.
- S/2011/575 (14 September 2011) was from Russia requesting an emergency public meeting of the Council due to border tensions in northern Kosovo.
- S/2011/574 (13 September 2011) was from Serbia requesting an urgent meeting of the Council due to border tensions in northern Kosovo.
- S/2011/363 (14 June 2011) transmitted the most recent report on the NATO force in Kosovo, KFOR, covering the period 1 January to 31 March.
- S/2011/256 (19 April 2011) was from Serbia to the Secretary-General requesting the creation of an ad-hoc mechanism to conduct a criminal investigation into allegations of trafficking of human organs in Kosovo.

Other

- OSCE PA Resolution AS (11) Res 18 E (9 July) recommended the establishment of closer co-operation and more efficient actions by the institutions of the OSCE-participating states in combating illicit trade in human organs.
- PACE Resolution 1782 (25 January 2011) was on investigating allegations of inhumane treatment of people and illicit trafficking in human organs in Kosovo.
- A/64/L.65/Rev.1 (8 September 2010)

was the General Assembly resolution welcoming EU-mediated talks between Serbia and Kosovo.

- A/64/876 (27 July 2010) was the letter from Serbia to the Secretary-General outlining Serbia's position concerning the International Court of Justice (ICJ) advisory opinion.
- A/64/881 (26 July 2010) was the ICJ advisory opinion on the accordance with international law of the unilateral declaration of independence by Kosovo.

Other Relevant Facts

Special Representative of the Secretary-General

Farid Zarif (Afghanistan)

UNMIK

Size of mission: 418 personnel (146 international staff, 8 military staff, 28 UN volunteers and 236 local staff)
Cost: \$44.915 million (1 July 2011-30 June 2012 budget)

KFOR (NATO force)

Force commander: Maj. Gen. Erhard Drews (Germany)
Size of mission: 6,240 troops (as of 5 October 2011)

Bosnia and Herzegovina

Expected Council Action

In November, the Council is expecting a report from the High Representative for Bosnia and Herzegovina, Valentin Inzko (Austria), on implementation of the 1995 Dayton Peace Agreement.

A debate, with a briefing by Inzko, is expected, and the Council is likely to re-authorise EUFOR, the EU force in the country, for another 12 months. EUFOR's current mandate expires on 18 November.

Key Recent Developments

Bosnia and Herzegovina continues without a state-level government, over a year after the October 2010 general elections were held, as the appointment of political leaders in the Council of Ministers remains stalled.

The country formed a parliamentary assembly in June, eight months after the elections.

Members of the Peace Implementation Council (PIC) met in Sarajevo on 6 and 7 July. (The PIC's steering board comprises Canada, France, Germany, Italy, Japan, Russia, the UK, the US, the EU presidency, the European Commission and the



Organisation of the Islamic Conference, represented by Turkey.) In a communiqué, although welcoming the formation of the parliamentary assembly, the PIC steering board expressed concern over the continuing absence of state-level government, which is preventing Bosnia and Herzegovina from fulfilling important obligations and completing the objectives of the 5+2 agenda. (The 5+2 agenda is composed of five objectives and two conditions to be met before the closure of the Office of the High Representative (OHR). The objectives are: the resolution of state property, resolution of defence property, completion of the Brcko final award, fiscal sustainability of the state and entrenchment of the rule of law. The conditions are to sign the Stabilisation and Association Agreement with the EU and to obtain a positive assessment of the situation in Bosnia and Herzegovina from the PIC.) The communiqué also welcomed the EU's further strengthening of engagement in Bosnia and Herzegovina and its nomination of Peter Sorensen (Denmark) as the head of the EU delegation in Sarajevo. The steering board also expressed serious concern about the lack of progress on the fulfilment of the outstanding 5+2 agenda since its last meeting. The steering board is scheduled to meet next on 30 November and 1 December.

In mid-August authorities in the Serb-dominated entity, Republika Srpska (RS), announced they intend to re-open a liaison office in the capital, Sarajevo, by the end of this year, a move that is being viewed by opposition parties both in RS and in the Bosniak and Bosnian Croat-dominated Federation as an attempt to further undermine state institutions and to prolong the current political deadlock. RS President Milorad Dodik indicated the office will challenge several ongoing legal processes deemed unfavourable to the entity.

On 1 September, Peter Sorensen, took up the post of EU special representative (EUSR) for Bosnia and Herzegovina. Previously, the EUSR and OHR posts were held simultaneously by Inzko. Under the new arrangement Sorensen is tasked with assisting the country move forward towards

EU membership while Inzko will focus on monitoring the implementation of the Dayton Agreement.

The Council was last briefed by Inzko on the situation in Bosnia and Herzegovina on 9 May. At that time, Inzko said that with political parties employing zero-sum politics, state-level legislative processes were at a standstill, and the country was facing the most serious and most direct challenges to the Dayton-Paris Peace Agreement since it was signed over 15 years ago.

Human Rights-Related Developments

The International Federation of Red Cross and Red Crescent Societies reported on 31 August on activities to promote human rights, prevention of discrimination and promotion of social inclusion of minorities in Bosnia and Herzegovina. These include the population movement programme, which places significant attention on Roma minorities in Bosnia and Herzegovina as one of the most vulnerable groups. The programme seeks to obtain first-hand information on the current situation of the Roma in order to develop an appropriate response involving the national Red Cross society and regional Red Cross societies.

Key Issues

A key issue for the Council is that, due to the political uncertainty, there has been little or no recent progress toward meeting the outstanding conditions of the 5+2 agenda.

The implications of the possible legal challenges coming from Republika Srpska for the overall political and security situation in Bosnia and Herzegovina constitute a related issue.

Options

One likely option for the Council is to adopt a resolution renewing the mandate of the EUFOR without making any substantive changes.

Another option is to highlight the urgent need for unity and functionality of the government and to discourage the continual pursuit of narrow ethnic goals by some actors.

Council Dynamics

Several Council members—in particular Russia, the US and the European nations—are interested in following developments in Bosnia and Herzegovina. However, given that any progress is contingent upon

developments in the domestic political realm, some Council members feel there is little role for the Council at this time.

Council members have divergent views on the Office of the High Representative. Russia feels that there should be a focus on closing the office as soon as the outstanding objectives and conditions set by the PIC steering board in February 2008 are met. Other Council members, such as the US and the UK, are more supportive of keeping the Office of the High Representative open and are cautious about a premature closure.

UN Documents

Security Council Resolution

- S/RES/1948 (18 November 2010) reauthorised EUFOR until 18 November 2011.
- S/RES/1869 (25 March 2009) welcomed and agreed to the designation of Valentin Inzko as high representative for Bosnia and Herzegovina by the PIC steering board.
- S/RES/1575 (22 November 2004) established EUFOR.

Latest Meeting Record

- S/PV.6529 (9 May 2011)

Selected Letters

- S/2011/283 (3 May 2011) was from the Secretary-General transmitting the most recent report of the high representative on the implementation of the peace agreement from 16 October 2010-20 April 2011.
- S/2010/656 (10 December 2010) was from the Secretary-General conveying the report on the activities of EUFOR from 1 June to 31 August 2010.
- S/2010/235 (14 May 2010) was from the Secretary-General transmitting the most recent report of the High Representative on the implementation of the Dayton Peace Agreement.
- S/2010/51 (28 January 2010) was from Turkey transmitting “Conclusions on developments in Bosnia and Herzegovina” from the second meeting of the political directors of the South-East European Cooperation Process.

Other

- S/1995/999 and annexes (21 November 1995) was the General Framework Agreement for Peace in Bosnia and Herzegovina and Annexes, signed in Dayton, Ohio in the US.

Useful Additional Sources

Statement by the Steering Board of the Peace Implementation Council, 3 October 2011.

Peace Implementation Council Steering Board Communiqué, 7 July 2011.

Declaration by the PIC Steering Board on the five objectives and two conditions for the closure of the OHR, 27 February 2008.

Emerging Challenges

Expected Council Action

In November the Council is expected to hold a high-level briefing on a range of mutually reinforcing and interlinked issues that Council members view as emerging challenges to international peace and security. These are likely to include threats posed by the HIV/AIDS and other global health pandemics; transnational organised crime; the effects of climate change, including drought and desertification leading to mass population movements and related disruptions; and drug and human trafficking. The Foreign Minister of Portugal Paulo Portas, the UN High Commissioner on Refugees, the Director General of the World Health Organization and the Executive Director of the UN Office on Drugs and Crime (UNODC) are expected to brief the Council. Ministerial-level participation by other Council members is possible.

A presidential statement is the likely outcome.

Key Recent Developments

For more than a decade now, the Council has devoted considerable attention to the evolving nature of threats to international peace and security. In several resolutions and statements, the Council has highlighted issues such as the effects of climate change, the proliferation of small arms and light weapons, the HIV/AIDS pandemic, transnational organised crime, piracy and drug and human trafficking as constituting threats to international peace and security. In 2011 in particular, the Council has been quite consistent in its focus on several key emerging challenges.

On 11 February, it held an open debate, promoted by Brazil, on the interdependence between security and development. The debate built on previous related discussions, including one in September 2010 organised by Turkey, on ensuring that the Council continues to play an effective role in a changing global environment of emerging new threats.

On 7 June, the Council held a high-level debate on HIV/AIDS, organised by Gabon, under the agenda item “maintenance of international peace and security”. The debate led to the adoption of resolution 1983, requesting the Secretary-General “to consider HIV-related needs of people living with, affected by, and vulnerable to HIV, including women and girls, in his activities pertinent to the prevention and resolution of conflict, the maintenance of international peace and security, the prevention and response to sexual violence related to conflict and post-conflict peacebuilding”.

An earlier debate on this topic had likely been a defining moment in the Council’s changing view of what constitutes threats to international peace and security. In January 2000, under the presidency of the US, the Council held an open debate on HIV/AIDS in the context of international peace and security. Chaired by then-US Vice President Al Gore, the debate featured 26 non-Council members, the Secretary General, the President of the World Bank, the Administrator of the UN Development Programme and the Executive Director of the Joint UN Programme on HIV/AIDS. It was the first time that a medical issue was placed on the Council’s agenda as affecting international peace and security and, six months later, the Council adopted resolution 1308 under the agenda item “the responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations”. The resolution noted that the HIV/AIDS pandemic was exacerbated by conditions of violence and instability and stressed that, if unchecked, the pandemic might pose a risk to global stability and security.

On 24 June, also during Gabon’s presidency, the Council was briefed on the growing threat of transnational crime, including drug and human trafficking, in West Africa. Addressing the Council, Yury Fedotov, Executive Director of UNODC, called the international drug problem a threat to international peace and security in West Africa and stressed the need to bolster regional capacity and strengthen international cooperation to confront it.

On 20 July, Germany presided over an open debate on the impact of climate change on the maintenance of international peace and security. In addition to Council members, 47 member states not currently on the Council participated in the debate. The outcome was a presidential statement expressing Council members’ concern that

rising sea-levels may carry security implications for low-lying island states.

In its presidential statement on 23 September 2010, the Council emphasised the mutually reinforcing and interlinked nature of the root causes and drivers of conflicts and the need to address these problems in a concerted way by taking account of the combined effects of development, human rights, peace, security and certain environmental factors. The statement also recognised that “successful accomplishment of this task requires a continuous process of reflection and adaptation of its practices in preventive diplomacy, peace-making, peacekeeping, and peacebuilding.”

Key Issues

The key issue for the Council is how to devise a concerted strategy in order to be able to play a mitigating or preventive role on the range of challenges to international peace and security.

A related issue is to place these emerging challenges in one broad category with the aim of creating a process or mechanism for sustained observation and follow-up.

Underlying Issues

Concerns about encroachment on issues considered as the territory of other UN organs have often accompanied the Council’s venturing into issues outside of what constituted international peace and security at the time of the creation of the UN. Reasserting the Council’s primary responsibility for taking action on all threats to international peace and security will be an underlying issue.

Council Options

The Council could:

- take no action;
- issue a presidential statement on the need for a concerted and sustained focus on these issues by the Council; or
- adopt a resolution or a presidential statement setting up a working group composed of Council members which would monitor and follow up on the implementation of any Council decisions and actions on these issues in a coordinated manner.

Council Dynamics

Forging consensus on decisive Council action on most of the issues to be addressed has at times proven difficult because some members over the years have argued that specialised UN agencies or programmes or the General Assembly are better placed to handle them. This has been particularly



pronounced with respect to the Council’s discussions of climate change. But it appears that several Council members see these challenges as so profound that only concerted Security Council action can establish the tools for seriously tackling them before their full impact on international peace and security becomes manifest.

While the salience of these emerging challenges to international peace and security is generally not disputed, there is considerable contention with respect to the Council’s role in addressing them. In the 20 July open debate, for example, the US, France, the UK, Germany, Portugal, Gabon and Lebanon all stressed a conflict-prevention role for the Council in addressing the threats posed by climate change. Russia, China and India, however, insisted that the Council is ill-suited to play any meaningful role. This has also been the position of South Africa and Nigeria, reflecting that of the AU. Other issues, including HIV/AIDS and transnational organised crime—within certain regions or country-specific situations—are likely to be less contentious for Council members.

UN Documents

Security Council Resolutions

- S/RES/1308 (2000) (17 July 2000) was on HIV/AIDS and international peacekeeping operations.
- S/RES/1983 (2011) (7 June 2011) was on the impact of the HIV/AIDS epidemic on international peace and security.

Presidential Statements

- S/PRST/2011/4 (11 February 2011) was on the interdependence between development and international peace.
- S/PRST/2011/15 (20 July 2011) was on the impact of climate change on international peace and security.

Meeting Record

- S/PV.6587 and resumption was the record of discussions on the impact of climate change on international peace and security.

Peacekeeping

Expected Council Action

In November, the Council is expected to hold consultations on peacekeeping that will include briefings from Hervé Ladsous, Head of the Department of Peacekeeping Operations (DPKO), and a high-level official from the Department of Field Support (DFS). The role of peacekeepers in early peacebuilding will likely be the focus of the meeting. No formal outcome is anticipated.

Key Recent Developments

Earlier this year, DPKO/DFS prepared a strategy for peacekeepers entitled “The Contribution of United Nations Peacekeeping to Early Peacebuilding: A DPKO/DFS Strategy for Peacekeepers”. The strategy has been circulated to the Special Committee on Peacekeeping Operations (C34) and the Peacebuilding Commission Organisational Committee. It is designed to offer guidance to UN peacekeepers with respect to prioritising, sequencing and planning early peacebuilding activities. The strategy underscores the importance of prioritising activities that foster security, promote the political goals of the mission and nurture the peace process. It also notes the importance of developing key national capacities and emphasises that the appropriate sequencing of activities depends on the context.

On 26 August, during the Indian presidency, the Council held a debate on UN peacekeeping operations. At the meeting, it adopted a presidential statement in which it committed to enhanced consideration of early peacebuilding activities in the mandates and structure of peacekeeping operations. Additionally, the statement noted the importance of incorporating the expertise and experience of mission personnel into peacebuilding strategies.

On 27 July, during the German presidency, the Council received a briefing from force commanders from the AU-UN Hybrid Operation in Darfur, the UN Organisation Stabilisation Mission in the DRC, the UN Interim Force in Lebanon and the UN Mission in Liberia (UNMIL). During the meeting, Maj. Gen. Muhammad Khalid, the force commander of UNMIL, underscored the role of military personnel in peacekeeping operations as early peacebuilders. In particular, he enumerated the various ways in which the military elements of a mission can contribute to early peacebuilding, including inter alia:

- providing security to enable political

processes, including elections and referenda, to unfold in a safe environment;

- helping to build local police and military capacity;
- fighting organised crime;
- helping to restore infrastructure; and
- providing logistical support to other partners conducting peacebuilding activities.

Key Issues

A key issue for the Council is taking the discussions during November’s consultations—as well as during these periodic consultations more broadly—beyond what has already been covered and possibly initiating a dialogue on the concrete impact they could have on specific cases.

An important and related issue is whether the DPKO/DFS strategy will be discussed in the consultations and how elements of it can be incorporated into the way the Council crafts mandates for peace operations.

A key issue is ensuring that adequate funds for peacekeeping exist so that peacekeepers have the resources to effectively conduct peacebuilding tasks. The high cost of UN peacekeeping is of particular concern to some Council members in the context of the difficult global financial environment. (While the UN peacekeeping budget declined this year, it has moved upward significantly over the past several years. Additionally, the complexity of tasks required of peacekeepers remains a significant operational challenge, as shown in UN peace operations in the DRC, Sudan, South Sudan, Côte d’Ivoire and elsewhere.)

Another important issue is how peacebuilding activities conducted in the context of peacekeeping missions spark recovery without undermining the development of national capacities.

A related issue is how to promote coordination and coherence among the host government and local non-governmental actors, UN peacekeepers and other international actors engaged in peacebuilding activities.

Options

One option is for the Council to engage with the Secretariat in consultations without any outcome at this time.

Other possible options include:

- requesting in a statement more detailed information from the Secretariat on the challenges of implementing mandated peacebuilding tasks in the context of peacekeeping operations and strategies for addressing those challenges;

- asking the Working Group on Peacekeeping to produce case studies that explore best practices and lessons learned regarding the role of peacekeepers as early peacebuilders; and
- using the discussion as a springboard for how to engage meaningfully with the g7+ group of nations on integrating peacebuilding activities into peacekeeping missions. (It should be noted that most of the members of this group—which was formed to prevent conflict and improve conditions in fragile and post-conflict states through more productive north-south and south-south collaborations—consists of many countries on the Council’s agenda, including Afghanistan, Burundi, Côte d’Ivoire, the Democratic Republic of the Congo, Guinea-Bissau, Haiti, Liberia, Sierra Leone, Somalia, Southern Sudan and Timor-Leste.)

Council Dynamics

There is broad agreement in the Council about the linkages between peacekeeping and peacebuilding, a theme highlighted by most Council members during the peacekeeping debate in August. Many Council members believe that peacekeeping operations need to form a solid foundation for longer-term economic and social development. However, there appear to be differences in the Council regarding how extensively engaged peacekeepers should be in peacebuilding activities. For example, Russia has said that peacekeepers should only perform early recovery and initial peacebuilding tasks, while others, such as Lebanon, seem to have a more expansive view of the role of peacekeepers as early peacebuilders.

Some members, notably India, believe that peacekeeping operations are often not equipped with adequate resources to implement increasingly complex mandates, including, for example, early peacebuilding tasks.

UN Documents

Security Council Resolution

- S/RES/1327 (13 November 2000) adopted the decisions and recommendations of the report of the Panel on UN Peace Operations.

Presidential Statements

- S/PRST/2011/17 (26 August 2011) expressed the Council’s commitment to enhanced consideration of early peacebuilding activities in the mandates and structure of peacekeeping operations.

- S/PRST/2011/4 (11 February 2011) noted the importance of considering peacebuilding activities from the early planning and implementation stages of peacekeeping operations.
- S/PRST/2010/2 (12 February 2010) focused on peacekeeping exit and transition strategies.

Meeting Records

- S/PV.6603 and Resumption 1 (26 August 2011) was the council's most recent debate on peacekeeping.
- S/PV.6592 (27 July 2011) was a Council debate that included briefings by several force commanders.
- S/PV.6479 (11 February 2011) was the Council debate on the interdependence between security and development.
- S/PV.6389 (23 September 2010) was the Council summit meeting on peace and security.

Other

- Statement by the g7+ (10 April 2010) in Dili, East Timor.

Protection of Civilians

Expected Council Action

In November, the Council is scheduled to hold its biannual open debate on protection of civilians in armed conflict. The Secretary-General, High Commissioner for Human Rights Navanethem Pillay and Philip Spoerri, Director for International Law and Cooperation at the International Committee of the Red Cross, are expected to speak.

The debate will be chaired by Aníbal Cavaco Silva, the president of Portugal, which holds the Council presidency in November. In preparation for the debate, Portugal will co-host a workshop on 1 November with the Office for the Coordination of Humanitarian Affairs (OCHA), entitled "Accountability and Fact-Finding Mechanisms for Violations of International Humanitarian Law and Human Rights Law: The Role of the Security Council—Past and Future" and has invited Council members to address ways to enhance accountability in their statements.

No outcome from the debate is expected.

The Secretary-General's next report on protection of civilians is due in May 2012.

Key Recent Developments

The Council most recently discussed protection of civilians as a thematic issue in

an open debate on protection of civilians on 10 May. It featured briefings by Under-Secretary-General for Humanitarian Affairs Valerie Amos, then-Under-Secretary-General for Peacekeeping Operations Alain Le Roy and Assistant Secretary-General for Human Rights Ivan Šimonović. It took place with the ongoing crises in Libya and Syria as well as recent developments in Côte d'Ivoire as important backdrops and many speakers referred to these situations in their statements.

Amos focused in particular on the crises in Côte d'Ivoire and Libya, but also expressed concern about the situation of civilians in Somalia, the Democratic Republic of the Congo (DRC)—including the threat posed by the Lord's Resistance Army (LRA)—Sudan, Colombia, Gaza, Afghanistan, Bahrain, Yemen and Syria. She emphasised that implementation of the Council decision on Libya "must be exclusively limited to promoting and ensuring the protection of civilians" and reiterated that the Council must be "comprehensive and consistent in its approach and consider all situations requiring attention". In addition, she called for an investigation as a follow-up to a recent report of the Secretary-General's panel of experts on accountability in Sri Lanka.

Le Roy highlighted in particular significant developments relating to protection mandates in peacekeeping operations since the previous thematic debate, including in the General Assembly's Special Committee on Peacekeeping Operations. He said the Secretariat had finalised the framework for drafting comprehensive protection strategies as well as protection-training modules and would soon consult with troop-contributing countries on protection of civilians resource requirements. (These consultations are now ongoing.)

Šimonović said the denial of human rights was among the root causes of violent conflict. With regard to Libya, he highlighted the important role of the commission of inquiry established by the Human Rights Council. He also called for the prevention of further violence in Syria and announced that the Office of the High Commissioner for Human Rights was preparing to send a mission there to investigate allegations of violations of international human rights law. Furthermore, Šimonović welcomed the report on Sri Lanka also referred to by Amos and urged the Sri Lanka government to implement its recommendations. He emphasised the importance of ensuring accountability in Côte d'Ivoire and the DRC and the need

to strengthen protection of civilians in Somalia and South Sudan.

On 12 July, the Security Council held an open debate on children and armed conflict and adopted resolution 1998, which expanded the listing criteria in the Secretary-General's reports on children and armed conflict to include parties to conflict that attack or threaten schools and hospitals. The Council also expressed its intention when establishing, modifying or renewing relevant sanctions regimes to consider including listing criteria that would target parties to armed conflict who violate international law relating to the protection of children.

On 28 October, the Council held its annual debate on women, peace and security. It adopted a presidential statement focusing on women's participation in conflict prevention, management and resolution in which it reiterated its condemnation of all violations of applicable international law committed against women and girls in situations of armed conflict. It also called on member states to bring to justice those responsible for such violations.

The Council's informal expert group on protection of civilians has met seven times since the May open debate. It was briefed by OCHA on South Sudan (in preparation for the establishment of a new mission there), DRC, Côte d'Ivoire, Darfur, Iraq, Somalia and Afghanistan.

No more meetings are scheduled this year, but it is possible there will be a special briefing in November on the LRA in connection with the Council's consideration of the Secretary-General's upcoming report on this issue.

Key Issues

A key issue for the debate in November, as suggested by Portugal, is how best to promote accountability for violations of international humanitarian law. This was one of the five key challenges identified by the Secretary-General in his 2009 and 2010 reports on protection of civilians. (The other four were: enhancing compliance with international law by parties to conflict, enhancing such compliance by non-state armed groups, strengthening protection of civilians

by UN peacekeeping and other missions and improving humanitarian access.)

A further key issue for the Council is the continued implementation of the existing normative framework on protection of civilians in general, including its most recent decision, resolution 1894. A related issue is how to ensure that the Council is comprehensive and consistent in its approach to protection challenges. A further related issue is how to make sure thematic principles are translated into actual protection on the ground.

Another key issue, which is closely linked to the promotion of accountability, is whether there is a need to enhance the Council's monitoring and oversight in the area of protection of civilians and specifically whether the Council should provide more detailed guidance to the Secretary-General on reporting requirements or benchmarks and indicators.

A related issue is the Council's own working methods and the tools at its disposal, such as the informal expert group on protection, and whether these can be improved.

Options

The main option for the Council in November is to hold a debate with a special focus on accountability for violations of international humanitarian and human rights law and for Council members to address some key issues highlighted by Portugal, such as mechanisms for ensuring individual criminal responsibility, fact-finding mechanisms and reparation mechanisms for victims and the Council's role.

A further option would be to adopt a presidential statement addressing these issues and reconfirming the Council's commitment to the promotion of accountability.

Council Dynamics

Council members seem to share the sentiment that differences over the interpretation and implementation of the protection mandate of resolution 1973 on Libya have had a significant impact on the Council's dealing with protection of civilians issues in other country-specific situations, the most recent case being Syria. The general climate for protection issues is seen as difficult, and there seems to be little appetite for pushing the thematic agenda through further Council action at this stage.

Portugal's initiative with regard to accountability appears to have been well received by other Council members. While they have different views on the best way to address

accountability and which tools are most appropriate in different situations, there seems to be general consensus that the issue merits further consideration by the Council.

The UK is the lead country in the Council on protection of civilians and chairs the informal expert group.

UN Documents

Security Council Resolutions

- S/RES/1998 (12 July 2011) was on children and armed conflict.
- S/RES/1894 (11 November 2009) was the most recent resolution on protection of civilians.

Presidential Statements

- S/PRST/2011/20 (28 October 2011) was a statement on women, peace and security.
- S/PRST/2010/25 (22 November 2010) contained an updated aide-mémoire on protection of civilians.

Latest Secretary-General's Report

- S/2010/579 (11 November 2010)

Latest Meeting Record

- S/PV.6531 and Res.1 (10 May 2011)

Counter-Terrorism

Expected Council Action

In November, the chairs of the counter-terrorism-related committees—the 1267/1989 Committee, the Counter-Terrorism Committee (CTC), and the 1540 Committee—are expected to brief the Council. No Council outcome is anticipated.

Key Recent Developments

1267/1989 Committee

On 17 June, the Council adopted resolutions 1988 and 1989, which split the sanctions regime established under resolution 1267 into two separate regimes covering the Afghanistan Taliban (resolution 1988) and Al-Qaida (resolution 1989).

Under resolution 1989, the former 1267 Committee, now called the 1267/1989 Committee, will focus exclusively on Al-Qaida. Additionally, through the resolution, the Ombudsperson (whose mandate was created in 2009 through resolution 1904) is now empowered to make delisting recommendations to the Committee.

Resolution 1989 also mandates that within 60 days of a delisting request by a member state or by the Ombudsperson, delisting

occurs unless the Committee decides otherwise by consensus. If there is an absence of consensus, a Committee member may request the chair to refer the issue to the Security Council proper. In such cases, the person or entity would be delisted unless the Council decides otherwise within a further 60 days.

CTC

On 28 September, the CTC held a special meeting to commemorate the tenth anniversary of its creation through the adoption of resolution 1373. The outcome document from the meeting, *inter alia*:

- noted the relationship between terrorism and other transnational threats, including money laundering, drug trafficking, arms trafficking, organised crime, and the illegal movement of weapons of mass destruction;
- expressed concern with the use of new technologies, including the internet, by terrorists to conduct their activities; and
- emphasised the role of international and regional organisations in developing a stronger understanding of the dangers posed by terrorism and in facilitating cooperation internationally with respect to counter-terrorism.

Also in September, the Counter-Terrorism Executive Directorate (CTED) assessed global counter-terrorism efforts with respect to implementation of resolution 1373 through a Global Implementation Survey. The survey pointed to ongoing counter-terrorism challenges, including the ability of terrorists to exploit porous borders, and the use of the internet to raise funds and gain recruits. The report also highlighted development activities, education, human rights and social integration as key elements in terrorism prevention.

1540 Committee

On 20 April, the Council adopted resolution 1977, extending the mandate of the 1540 Committee for an additional ten years. On 17 June, in accordance with the resolution, the 1540 chair submitted the work plan for the Committee for 1 June 2011 to 31 May 2012, highlighting five priority areas:

- monitoring and national implementation;
- assistance (to member states);
- cooperation with other Council counter-terrorism committees and with international organisations;
- media outreach and transparency; and
- resources and administration.

The Committee was mandated by resolution 1810 (2008) to produce a report on compliance with resolution 1540 by April

2011. This report has not been published as of this writing.

Key Issues

A key issue is whether splitting the 1267 sanctions regime into two separate regimes covering the Afghanistan Taliban and Al-Qaida will facilitate the reconciliation process in Afghanistan.

Another key issue is what impact civil society may have on the work of the CTC and CTED, especially considering differing perspectives on this issue among Council members.

Regarding the 1540 committee, a key issue is whether country visits—such as the one the US hosted in September—will develop into a more regular practice and whether such trips would strengthen the Committee's work.

Options

Options for the Council include:

- listening to the briefings and taking no action at this time;
- adopting a press statement that encourages the work of the Ombudsperson and highlights the importance of terrorism prevention through means outlined in the Global Implementation Survey, such as development activities, education, human rights and social integration; or
- offering informal briefings to member states more regularly to enhance understanding of the committees, maintain support for their respective resolutions and enhance compliance with reporting requirements.

Council and Wider Dynamics

Concerning the 1267/1989 Committee, one sentiment in the Council is that it would be helpful to list individuals, groups and entities with ties to both Al Qaeda and the Taliban on the 1267/1989 list and on the 1988 Committee list. However, several members appear to believe that if such dual listings occur, they should only be done in exceptional cases when the linkages to both Al Qaida and the Taliban are particularly strong.

Regarding the CTC and CTED, there are differing perspectives on the Council regarding the level of engagement these entities should have with civil society. Many Council members believe that civil society has an integral role to play in collaborating with these bodies to combat terrorism, helping to promote transparency and ensuring that human rights and the rule of law are upheld. Other Council members, however, are more sceptical of the role

that civil society should play in counter-terrorism efforts of the CTC and CTED.

Council members appear to share broad support for the 1540 Committee's role in assisting member states in implementing measures related to resolution 1540.

Historically, joint briefings by the chairs of the counter-terrorism committees, held since 2005, have attracted broad attention among member states and were often followed by open debates. It is unclear if this will be the case in November.

UN Documents

Security Council Resolutions

- S/RES/1989 (17 June 2011) empowered the ombudsperson to make delisting recommendations to the 1267/1989 Committee.
- S/RES/1988 (17 June 2011) established a new committee to focus specifically on Taliban-related entries.
- S/RES/1977 (20 April 2011) renewed the mandate of the 1540 Committee for ten years.
- S/RES/1963 (20 December 2010) extended the mandate of CTED until 31 December 2013.
- S/RES/1904 (17 December 2009) renewed the mandate of the 1267 Committee Monitoring Team, created an Office of the Ombudsperson for 18 months and included significant changes to the administration of the 1267 regime.
- S/RES/1540 (28 April 2004) established the 1540 Committee and its mandate.
- S/RES/1373 (28 September 2001) established the CTC and its mandate.
- S/RES/1267 (15 October 1999) established the Al-Qaida and Taliban Committee and its mandate.

Latest Joint Meeting Record

- S/PV.6536 (16 May 2011)

Other

- Outcome document for special meeting of the CTC commemorating the adoption of resolution 1373 and the establishment of the Committee (28 September 2011).

Other Relevant Facts

Committee Chairs

Ambassador Hardeep Singh Puri (India): CTC
Ambassador Baso Sangqu (South Africa): 1540 Committee



Ambassador Peter Wittig (Germany):
1267/1989 Committee

Working Methods

Expected Council Action

The Council is expected to hold an open debate on Security Council working methods in November. No formal Council action is expected, but the debate will inform the work of the Council's Informal Working Group on Documentation and Other Procedural Questions, which is chaired by Bosnia and Herzegovina until the end of 2011.

Background

This month's open debate will be the fourth on Council working methods. The first took place in December 1994, followed by debates in 2008 and 2010. The April 2010 debate was a full-day meeting of the Council that included 38 UN members at large.

In 2006, while serving on the Council, Japan was appointed chair of the Informal Working Group for a full year. (Prior to that, the chairmanship had rotated each month in line with the Council presidency. This development is considered one reason for the increase in focus and continuity on the issue in recent years.) Japan produced an extensive presidential note, a document capturing all major Council practices and understandings related to working methods as of July 2006 (S/2006/507). In 2007 Slovakia chaired the Working Group and Panama continued the work as chair in 2008. (For details please refer to our October 2007 *Special Research Report, Security Council Transparency, Legitimacy and Effectiveness: Efforts to Reform Council Working Methods 1993-2007*; the 12 August 2008 Update Report on *Security Council Working Methods*; and the 30 March 2010 *Special Research Report, Security Council Working Methods—A Work in Progress?*)

In 2009 and 2010, upon its return to the Council, Japan again chaired the Council's Informal Working Group. Prior to the open debate in April 2010, Japan circulated a concept paper on the implementation of the measures set out in the annex to S/2006/507 reviewing recent Council practices. The

concept paper suggested three issues for further discussion:

- transparency;
- interaction and dialogue with non-members; and
- efficiency.

The concept paper suggested that the Council had made progress in these areas but that more could be done. It noted that the broader UN membership took “great interest” in the working methods of the Council and welcomed practical suggestions for how to improve them further.

During the open debate, Turkey—echoing the sentiments of many elected members—affirmed that “the Council belongs to us all—not only to the 15 but to the entire United Nations membership.” It further stated that the Council should not be seen through a permanent-versus-elected members divide as all states had collective responsibility for international peace and security. Several non-permanent members acknowledged that small but effective measures had already been taken to improve the openness of the Council, including increased transparency of sanctions committees. But they called for further openness as well as a greater balance between public and private meetings, including more Arria Formula meetings. Australia asserted that the basic mind-set of the Council should be one of “active accountability and deliberate transparency”.

Several permanent members noted that improvements in the Council’s working methods had been made. France, affirming what proponents of increased transparency had argued, said “effectiveness is by no means opposed to openness, quite the contrary”. It also recognised that wide interaction was essential to formulate Council action and noted that timelier and more substantive interaction had already begun.

Other permanent members seemed to be more cautious in their approach. Russia said it welcomed the opportunity to hear the views of the wider UN membership on the working methods, but it reminded participants that decisions on the matter were ultimately to be taken only by Council members. On the issue of greater participation of non-Council members, Russia noted that there had been low attendance at the meetings that involved troop-contributing countries. (Other non-Council members had previously cited the lengthy and formulaic nature of these meetings as a contributing factor and had suggested that attendance levels would increase if

the meetings were better focused and more concise.)

Some speakers contested Russia’s assertion that the Council’s working methods were for the Council alone to decide. New Zealand noted that the Council had the ability to make binding decisions on all members. The suggestion that the Council alone should decide its working methods was no more legitimate, it contended, than arguing that citizens had no valid interest in the proceedings of the legislatures that they elect.

On 26 July 2010, following extensive Council consultations led by Japan, the Council agreed on an updated version of practices and understandings related to the Council’s working methods. This was published as a note by the president (S/2010/507) and superseded all existing notes on working methods. The updated note, which contained 13 areas relating to Council practices, further developed and expanded upon the 2006 document, including an additional section on “Security Council missions”. The 2010 note added that, as a general rule, the purpose of initial remarks or ad hoc briefings delivered by members of the Secretariat was to supplement and update written reports of the Secretary-General (and not merely to restate them). It also clarified aspects pertaining to the Council’s seizure list, added a reference to the Council’s maintaining regular communication with the Peacebuilding Commission and set out four guidelines for what should be included in the introduction of the Council’s annual report.

Of the updates to the 2006 note, there are a limited number of additions that might be seen as less positive by those seeking greater transparency in the Council. One is the limitation on attendance at Council consultations. In particular, paragraph 21 specifically excludes the Office of the Spokesperson for the Secretary-General from consultations, unless otherwise decided by the Council.

Key Issues

A key issue for the Council is the extent to which Note S/2010/507 has been implemented. Increasing the participation of elected Council members in early deliberations of resolutions may also be an issue for Council members.

Areas of focus are again likely to centre on transparency of the Council’s work, its interaction with non-members and its efficiency.

Issues of importance that non-Council members are likely to address include:

- making interactions with troop-contributing countries more meaningful, in line with those understandings incorporated in S/2010/507;
- encouraging the Council to hold more public meetings;
- increasing both the frequency of, and the types of formats used for, informal interactions with non-members; and
- disseminating draft Council documents sooner to non-members.

Council and Wider Dynamics

Some permanent members have long asserted that the Council has exclusive responsibility to dictate its own working methods; this was reinforced during the April 2010 open debate. This dichotomy between the positions of the five permanent members and the now-188 members at large has been the traditional divide on improving working methods. But since 2006, there have been signs that some of the P5 have sought to streamline the work of the Council and increase efficiency. Both the UK and France have been praised for promoting working-methods improvements, particularly related to information-sharing and the Council’s interactions with troop-contributing countries.

But France has also asserted that to be most effective in dealing with the challenges of each situation, a flexible approach is required, which does not lend itself to formal codification. The US has said that measures have been taken to improve the Council’s performance but has also encouraged more non-members to participate in Council meetings open to them and take better advantage of other avenues created by the Council to facilitate interaction with members at large.

Among the UN membership at large, the Small Five, comprised of Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland, has taken a particularly active approach to working methods. They have sought to separate the issue from that of Council enlargement questions, asserting that the Council’s efficiency, credibility and transparency can be better enhanced by the further implementation of agreed practices on working methods.

Several non-Council members are again likely to express some frustrations during the open debate that progress in many areas towards greater transparency and openness still needs to be made. Several elected Council members have lamented the lack of progress on improving working

methods since the publication of S/2010/507 and have expressed hope—if not optimism—that November’s open debate will re-focus the Council on continued improvements in its practices.

UN Documents

Security Council Documents

- S/2010/507 (26 July 2010) was a presidential note incorporating and developing existing notes on working methods following work undertaken by Japan as chair of the Informal Working Group on Documentation and Other Procedural Issues.
- S/2010/165 (1 April 2010) was the concept paper for the 22 April 2010 debate on working methods.
- S/2006/507 (19 July 2006) was a presidential note containing the outcome of the six months of work of the Informal Working Group in 2006.

Security Council Meeting Records

- S/PV.6300 and resumption 1 (22 April 2010) was the third open debate on working methods.
- S/PV.5968 and resumption 1 (27 August 2008) was the second open debate on working methods.
- S/PV.3483 (16 December 1994) was the first open debate on working methods.

International Court of Justice Elections

Expected Council Action

The Security Council and General Assembly will both hold elections for the International Court of Justice (ICJ) on the same day in November. Five judges will be elected to the ICJ for nine-year terms, starting on 6 February 2012.

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.”

The process is intended to limit the possibility that the vote’s outcome in one organ might influence the vote in the other.

Candidates

In this election, eight candidates are contesting five positions. The candidates are: Giorgio Gaja (Italy), Tsvetana Kamenova (Bulgaria), Abdul G. Koroma (Sierra Leone), Hisashi Owada (Japan), Julia Sebutinde (Uganda), El Hadji

Mansour Tall (Senegal), Peter Tomka (Slovakia) and Xue Hanqin (China).

Of the eight candidates, four candidates—Koroma, Owada, Tomka and Xue—are current members of the Court. (At the expiry of their terms in office, judges may be re-elected.) Gaja has served as an ad-hoc judge in two ICJ cases.

Background on the ICJ

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. (For more background information on the Court, see our October *Monthly Forecast*.)

Election Process

The ICJ consists of 15 judges elected for a term of nine years each by the General Assembly and the Council. Five seats fall vacant every three years. Appointed judges should be persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices or are jurists of recognised competence in international law. Though judges are to be independent, no two nationals from the same state can hold office at the same time and electors should ensure that the “main forms of civilization and of the principal legal systems” of the world are represented.

Under article 10 of the ICJ Statute, those candidates who obtain an absolute majority (that is, more than 50 percent) of votes in both the General Assembly and in the Council are elected. A candidate must therefore obtain 97 votes in the General Assembly and eight votes in the Council. No distinction is made between the votes of permanent and non-permanent members of the Council.

Each elector may vote for five candidates on the first ballot. If the number of candidates obtaining an absolute majority is less than five on the first ballot, a second ballot for the remaining positions will be held and balloting will continue until five candidates have obtained the required majority. On the second and (if necessary) subsequent ballots, each elector may vote for five candidates, less the number of candidates who have already achieved an absolute majority. This procedure applies in both the General Assembly and the Council. If more than the required number of candidates obtain an absolute majority on the same ballot in



either organ, a new vote on all the candidates will be held. (It is theoretically possible in the Security Council for all of the candidates to get eight votes on the first ballot if the votes are evenly spread.)

When five candidates (and no more) have an absolute majority in either body, the president of that body will notify the other president of the outcome. Officially, the results are kept confidential by each president and are disclosed only to members of the second body after their own voting is concluded. In the event that the five candidates elected by one are not the same as those elected by the other, both bodies will proceed (independently) to new balloting to fill the unresolved seats. As before, the results of each body will be compared only after the required number of candidates has achieved an absolute majority in each. This process will continue for three meetings, at which point if all vacant positions are still not filled, the Council and the General Assembly may decide to convene a conference of six members (three from each) to recommend a candidate for the respective acceptance by the General Assembly and Security Council.

Political Dynamic

Permanent members of the Council have no legal entitlement to permanent representation on the ICJ. However, judges from the P5 are usually present on the Court. This may favour the election of the Chinese candidate in the upcoming ballot. Regional considerations are also likely to play a role, posing a challenge for candidates from the same geographical region.

UN Documents

Documents by the Secretary-General

- S/2011/454 (26 July 2011) contained the curricula vitae of candidates nominated as judges.
- S/2011/453 (26 July 2011) listed the vacancies on the Court and the candidates for those positions.
- S/2011/452 (26 July 2011) set out the procedure for ICJ elections.

Notable Dates for November

Report Due	Reports for Consideration in November	Requesting Document
21 October	<i>SG report on MONUSCO (DRC)</i>	S/RES/1991
23 October	<i>SG report on UNIOGBIS (Guinea-Bissau)</i>	S/RES/1949
31 October	<i>SG report on UNMIK (Kosovo)</i>	S/RES/1244
3 November	<i>Bosnia and Herzegovina High Representative report</i>	S/RES/1948
4 November	<i>SG report on UNOCA (Central Africa)</i>	SC/10335
8 November	<i>SG report on UNMISS (South Sudan)</i>	S/RES/1996
9 November	<i>Report of the Humanitarian Aid Coordinator for Somalia</i>	S/RES/1972
10 November	<i>SG report on EUFOR (Bosnia and Herzegovina)</i>	S/RES/1948
mid November	<i>SG report on 1701 (Lebanon)</i>	S/RES/2004
27 November	<i>SG report on UNISFA (Abyei)</i>	S/RES/1990

Mandate Expiry in November 2011	Relevant Document	
18 November	<i>EUFOR (Bosnia and Herzegovina)</i>	S/RES/1948
23 November	<i>Somalia Anti-Piracy measures expire</i>	S/RES/1950
30 November	<i>DRC sanctions and Groups of Experts mandate expires</i>	S/RES/1952

Other Important Dates in November 2011

1 November	<i>In preparation for the November open debate on Protection of Civilians, Portugal and OCHA will co-host a workshop in NY on accountability and fact-finding mechanisms for violations of international humanitarian law and human rights law.</i>
9 November	<i>The Council will hold an open debate on the Protection of Civilians.</i>
10 November	<i>The Council and the General Assembly will elect five judges to the ICJ.</i>
11 November	<i>The Committee on Admission of New Members is expected to send a report of Committee members' views on Palestine's application for admission as a UN member to the Security Council.</i>
15-16 November	<i>The US Institute of Peace, at the request of the US State Department, is scheduled to host a high-level workshop on implementation of the Doha Document for Peace in Darfur (DDPD).</i>
17 November	<i>Meeting in NY of the International Contact Group on Piracy off the Coast of Somalia under the chairmanship of The Netherlands.</i>
28 November	<i>Legislative and Presidential elections are expected in the DRC.</i>
30 November	<i>The Council will hold an open debate on Working Methods.</i>

Briefings are expected by:

- Secretary-General Ban Ki-moon, High Commissioner for Human Rights Navi Pillay and ICRC Director Philip Spoerri on Protection of Civilians.
- Head of DPA B. Lynn Pascoe on the Middle East and for the monthly DPA briefing.
- Special Advisor Jamal Benomar, on Yemen.
- Under-Secretary-General Hervé Ladsous and a high-level official from DFS on Peacekeeping,
- ICC Prosecutor Luis Moreno Ocampo and Special Representative Ian Martin, on Libya.
- Special Representative Joseph Mutaboba, on Guinea-Bissau.
- Special Representatives Roger Meece and Margot Wallström, on the DRC.
- Special Representative Abou Moussa and Assistant Secretary-General Taye-Brook Zerihoun, on UNOCA and the LRA.
- Under-Secretary-General Hervé Ladsous or Special Representative Hilde Johnson, or possibly both, on South Sudan.
- Special Representative Ameerah Haq, on Timor-Leste.
- Special Representative Farid Zarif, on Kosovo.
- High Representative Valentin Inzko, on Bosnia and Herzegovina.
- Chair of Guinea-Bissau's PBC Configuration, Ambassador Maria Luiza Ribeiro Viotti.
- Chairs of the 1267/1989, CTC and 1540 Committees.
- Chair of the Somalia/Eritrea Sanctions Committee, Ambassador Hardeep Singh Puri.
- UNODC Executive Director Yury Fedotov, UN High Commissioner on Refugees Antonio Guterres, WHO Director General Margaret Chan and Foreign Minister of Portugal Paulo Portas, on Emerging Challenges.

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Security Council Report is supported by the Governments of Australia, Belgium, Canada, Denmark, Finland, Germany, Liechtenstein, Luxembourg, Norway, Singapore and Switzerland, the John D. and Catherine T. MacArthur Foundation, International Development Research Centre and the William and Flora Hewlett 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.

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