



SECURITY COUNCIL REPORT

MONTHLY FORECAST

SEP 2010



25 Aug 2010

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

OVERVIEW FOR SEPTEMBER

Turkey will hold the presidency of the Security Council in September. As in each year, many world leaders will be in New York for the general debate at the General Assembly set to begin on the morning of 23 September. Turkey, taking advantage of their presence, has proposed that in the afternoon of 23 September the Council should hold a summit-level debate on the Council's effective role in maintaining international peace and security. Turkish President Abdullah Gul is planning to preside. Later in the month, Turkish Foreign Minister Ahmet Davutoglu is likely to chair a Council debate on **counter-terrorism**.

In early September members of the Council will participate in a retreat in Alpbach, Austria focused on conflict and post conflict issues related to the implementation of Council's resolution on women and peace and security (1325) adopted ten years ago.

Three mandates expire in September and are likely to be renewed for: the operation in **Liberia**; the office in **Sierra Leone**; and the mission in **Nepal**. The adoptions will be in formal sessions.

The Council is also set on 9 September to hold jointly with the General Assembly an election to fill a vacancy on the **International Court of Justice**.

The Council will likely receive several briefings on:

- **Nepal**, by Head of UNMIN Karin Landgren, to be followed by consultations;
- **Liberia**, by UNMIL's head, Ellen Loj, also to be followed by consultations;
- **Iran's** sanctions by the chair of the sanctions committee;
- **Sierra Leone**, most likely by Head of UNIPSIL Michael von der Schulenburg, to be followed by consultations;
- the **Middle East**, to be followed by consultations; and
- the work of the **Sudan** Sanctions Committee in consultations.

Debates are planned also on country-specific issues on:

- **Somalia** with an expected participation of the new Special Representative of the Secretary-General, Augustine Mahiga; and
- **Afghanistan** with the participation of Head of UNAMA Staffan de Mistura.

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A debate on **Haiti** also seemed at press time to be a possibility of interest to some Council members.

Aide-Memoire

Important matters pending include:

- The quarterly reports on ISAF in Afghanistan are still running about six months late. (The latest was circulated on 1 July covering the period from 1 November 2009 to 31 January 2010.)
- UNAMI reports on human rights in Iraq, in the past produced every two to three months, have decreased in their frequency and regularity. The last report, released in July, covered the period from 1 July to 31

December 2009.

- Two matters related to Children and Armed Conflict remain to be addressed. The August 2009 request in resolution 1882 to the Secretary-General to provide administrative and substantive support for the Security Council Working Group on Children and Armed Conflict has yet to be complied with. The Council's 16 June presidential statement (S/PRST/2010/10) reiterated this request. (However, recently

there may have been some movement and a decision may be imminent.) And the request in resolution 1460 (2003) that all the Secretary-General's reports to the Council on country-specific situations include the protection of children is not fully implemented. Protection of children has been incorporated into only half of the relevant country-specific reports.

- The Secretary-General has not yet >>>page 2

Aide-Memoire (continued)

- re-energised his Advisory Committee on the Prevention of Genocide (it has not met since 2008).
- The Council has yet to address the Secretary-General's summary of the report of the UN Board of Inquiry into incidents involving UN facilities and personnel in Gaza between 27 December 2008 and 19 January 2009, submitted to it on 4 May 2009 (S/2009/250).
 - The latest report of the Lebanon Independent Border Assessment Team, issued on 25 August 2008, still awaits Council consideration (S/2008/582).
 - A biennial report by the Secretary-General on small arms requested on 29 June 2007 in a presidential statement (S/PRST/2007/24) is yet to be produced for 2010. The last report on small arms was published in April 2008.
 - The Council requested the Secretariat on 21 November 2006 (S/2006/928) to update the index to Council notes and statements on working methods. This has not been published.
 - The 2006 presidential note on working methods (S/2006/507) indicated Council's interest in having the Secretary-General arrange a dialogue with the new Special Representatives of the Secretary-General before assuming their duties. Two new Special Representatives (for the DRC and for Somalia) were in town in July, yet no dialogues with the Council were arranged.
 - The mandate to the Secretary-General to assist with the delineation of the international borders of Lebanon, especially Sheb'a Farms, in accordance with resolution 1701, continues to await completion.
 - The 2005 World Summit requested that the Security Council consider reforms for the Military Staff Committee. This has yet to be addressed.

Status Update since our August Forecast

- **Counter-Terrorism:** On 2 August the chair of the Al-Qaida and Taliban (1267) Sanctions Committee, Ambassador Thomas Mayr-Harting, said that after completing its review of the consolidated list of individuals and entities subject to its sanctions regime, the Committee had removed 45 names from the list including eight deceased people. (Thirty-five of the names had been associated with Al-Qaida and ten with the Taliban.) The review of the consolidated list had been mandated by resolution 1822 (30 June 2008). At time of writing the Committee's monitoring team was expected to produce a report on the outcome of the review by the end of August as called for in resolution 1904 (17 December 2009).
- **Kosovo:** On 3 August the Special Representative and head of UNMIK, Lamberto Zannier, briefed (S.PV/6367) the Council on Kosovo, following the issuance of the ICJ opinion on the legality of Kosovo's unilateral declaration of independence. "The issuance of the opinion should therefore now open a new phase and allow Belgrade and Pristina to engage in a constructive dialogue", he said. Zannier also said that the ICJ reaffirmed that Kosovo remained subject to the interim administration of the UN and resolution 1244 (1999) and UNMIK's Constitutional Framework in Kosovo continued to apply. He also introduced the latest report on UNMIK (S/2010/401). Foreign Ministers Vuk Jeremić of Serbia and Skender Hyseni of Kosovo addressed the Council.
- **Iraq:** On 5 August the Council reaffirmed the importance of the activities of UNAMI and extended the mission's mandate through 31 July 2011 (S/RES/1936). The Council called on Iraqi leaders to form a government as quickly as possible through an inclusive political process. The Council also welcomed Iraq's application of the Additional Protocol to the Comprehensive Safeguards Agreement with the International Atomic Energy Agency and reaffirmed the continuing importance of Iraq's ratification of the agreement. The resolution called on Iraq and other member states to continue providing financial, logistical and security resources for UNAMI and requested the Secretary-General to report to the Council on the progress made by the mission every four months.
- **Central Asia:** On 5 August the Council was briefed by Miroslav Jenča, the Secretary-General's Special Representative on the work of the UN Regional Office for Central Asia (UNRCCA). Council members agreed a press statement (SC/10005) voicing appreciation for the work of the UNRCCA in assisting Central Asian countries in responding to challenges in the region, particularly in the context of developments in Kyrgyzstan.
- **Peacekeeping:** On 6 August the Council held a debate and briefing on peacekeeping operations (S/PV.6370). This was part of a series of discussions following the Council's August 2009 presidential statement (S/PRST/2009/24) agreeing to have more regular briefings by DPKO and DFS. Members were briefed by the Under-Secretary-General of Peacekeeping Operations, Alain Le Roy and the Force Commanders of UNMIL, MONUSCO, UNMIS and MINUSTAH, as well as the Chief of Staff of UNTSO. The Force Commanders provided an update of developments in their missions, shared lessons learned and laid out the challenges ahead.
- **Chad/CAR:** On 10 August Youssef Mahmoud, the Special Representative of the Secretary-General and head of MINURCAT, briefed (S.PV/6371) the Council on the Secretary-General's latest report (S/2010/409). He reported that the initial drawdown of the military component was carried out in an orderly manner and that by 15 July troop levels had been reduced to 2,174, with 1,878 in Chad and 296 in the CAR. Mahmoud reported that there had been no reports of targeting of civilians, but banditry continued. (As of 27 May, the Chadian government assumed full responsibility for the security and protection of civilians and humanitarian workers in eastern Chad.) On CAR, he reported that continuing security threats in the northeast were mainly the result of the weak presence of the country's armed forces and noted the Secretary-General's proposal for capacity-building.
- **DRC:** On 18 August the Council agreed a press statement (SC/10010) condemning

Status Update since our August Forecast (continued)

the attacks on peacekeepers in Kirumba, which resulted in the death of three Indian soldiers.

- **DPRK:** On 24 August the 1718 Committee on DPRK sanctions briefed Council members.
- **Lebanon:** At press time it was expected that on 30 August the Council would renew the UNIFIL mandate for 12 months as requested by the Secretary-General (S/2010/430). The preambular paragraphs of the expected resolution may include stronger language on respect for the blue line in response to

the 3 August Israeli-Lebanese border incident and on UNIFIL's freedom of movement in response to the incidents of late June and early July (SC/9976). On 3 August there was an exchange of fire along the blue line separating Israel and Lebanon resulting in the death of three Lebanese soldiers, one Israeli officer and one Lebanese journalist (S/2010/415 and S/2010/418). Council members were briefed on the same day by Under-Secretary-General for Peacekeeping Alain Le Roy and UNIFIL Force Commander Alberto Asarta Cuevas. In ele-

ments to the press Council members called on the parties to practice utmost restraint, strictly abide by their obligations under resolution 1701, observe the cessation of hostilities, respect the blue line in its entirety, and strengthen coordination with UNIFIL through the tripartite committee. (It was expected that the Council would meet again on this issue in the coming weeks after UNIFIL completes its investigation, possibly using the informal interactive dialogue format to allow for Israel's participation.)

High-Level Meeting on International Peace and Security

Expected Council Action

Turkey has indicated that as Council president in September it will call for a formal meeting of the Council on 23 September. It has proposed that this be at the level of heads of state and government. The agenda will be the international security environment and the Council's role in the maintenance of peace and security. The meeting is expected to be chaired by Turkish President Abdullah Gul. The format is expected to be a debate involving the 15 Council members plus a briefing from the Secretary-General and a formal decision seems likely.

A draft concept paper has been circulated to Council members. At the time of writing a draft outcome document had also been prepared by Turkey for discussions with Council members.

Background to the Meeting

Turkey notes that there have been many significant changes in the global peace and security environment since the Council's first such head of state and government meeting in January 1992. Turkey therefore feels that it is timely for the Council to review the evolving situation and assess the effectiveness of its core tools for addressing peace and security—preventive diplomacy, peacemaking, peacekeeping and peacebuilding—in this new environment. Council members had an initial opportunity to discuss these issues during a preparatory retreat in Istanbul in late June.

The proposal is that the Council focus on two questions:

- How is the international security environment evolving?
- What are the implications of these changes for the way the Council fulfils its primary responsibility for peace and security?

Previous Council Debates on the Council's Role in Maintaining International Peace and Security

At its first Summit meeting on 31 January 1992 the Council discussed its wide responsibility for the maintenance of peace and security. Presidential statement S/23500 following the Summit noted the changed environment following the end of the Cold War and stressed the importance of strengthening and increasing the effectiveness of the UN.

The Secretary-General followed up that meeting with a report in June 1992 known as "An Agenda for Peace". It provided a framework for analysis of the issues raised by the Council's first summit meeting. This report also brought into prominence a new idea—peacebuilding.

The only other Summit level meeting which covered a broad overview of peace and security matters was held in 2000. The Millennium Summit Declaration of 7 September 2000 (S/RES/1318) pledged to enhance the effectiveness of the UN in addressing conflict at all stages from prevention to settlement to post-conflict peacebuilding.

Another major milestone in 2000 was the publication of the *Report of the Panel on UN Peace Operations*, commonly known as the Brahimi Report and named after Algerian diplomat Lakhdar Brahimi who chaired the panel. The report made wide ranging proposals on improving the UN systems and processes for the management of peacekeeping operations.

In 2001 the Security Council adopted a significant statement which built on resolution 1318 and which pulled together all of the elements which emerged from the "Agenda for Peace" and which still today represents the high-water mark of Council thinking on the inter-linkage between peacemaking, preventive diplomacy, peacekeeping and peacebuilding. Its 20 February 2001 presidential statement (S/PRST/2001/5) said that:

the quest for peace requires a comprehensive, concerted and determined approach that addresses the root causes of conflicts, including their economic and social dimensions" and that "peacemaking, peacekeeping and peacebuilding are often closely interrelated", requiring a "comprehensive approach in order to preserve the results achieved and prevent the recurrence of conflicts.

From late 2001 high-level Council attention appears to have shifted away from big picture peace and security issues. It was replaced by a high-level focus on terrorism. Between 2001 and 2008 there were four ministerial or head-of-state level meetings on terrorism. (Please see our brief on the Meeting on Terrorism in the 2010 September *Monthly Forecast* for more details.)

In late 2008/early 2009, however, the Council began a series of discussions on a number of the wider issues which have led to a growing recognition of the inter-linkage and overlap between preventive diplomacy, peacekeeping and peacebuilding, as well as an implicit acknowledgement that there are problems with the way the overall architecture and capacity for peace and security is working.

Readers may like to refer to recent Security Council Report's publications on these areas:

- Preventive Diplomacy and Conflict Prevention, *Update Report*, 14 July 2010
- Peacebuilding, *Monthly Forecast*, August 2010
- Peacebuilding, *Update Report*, 12 April 2010
- Peacekeeping, *Monthly Forecast*, February 2010
- Conflict Prevention and Resolution in Africa, *Monthly Forecast*, December 2009
- Peacebuilding Commission, *Monthly Forecast*, November 2009
- Support for AU Peacekeeping, *Update Report*, 22 October 2009
- Peacekeeping, *Monthly Forecast*, August 2009
- Post-Conflict Peacebuilding, *Update Report*, 17 July 2009
- Peacekeeping, *Update Report*, 24 June 2009
- Peacekeeping, *Update Report*, 16 January 2009

Issues

The key issue for September is whether Council members will use this opportunity to initiate a process of improvement in the international peace and security architecture or limit their ambition to a statement of the issues and their good intentions.

A related issue is whether there is sufficient political will at this time, bearing in mind the relatively favourable climate that exists, to bring about an improvement in the UN's peace and security architecture. Factors contributing to a favourable environment include an improved relationship between the US and Russia, an exceptionally strong group of elected Council members in 2011, and strong cohesion among African members on the need for leadership in

developing the UN preventive diplomacy response capacity.

Another key issue is the extent to which the Council is ready to move towards implementing in practice the generic statements it has made in various statements of the importance of wider UN participation in its work on specific international peace and security issues, including from the General Assembly, the Special Committee on Peacekeeping Operations (C34), the Peacebuilding Commission (PBC) and others.

A related issue is whether the UN membership as a whole will react favourably and how this might be encouraged.

Also an issue is whether enough heads of state and government will attend to allow this to be a true summit meeting.

Options

A possible option for the meeting is to agree to launch a process to improve the UN's performance in maintaining peace and security in the 21st century.

Another option is for the meeting to endorse a set of general principles and look forward to further work allowing the emergence of a process subsequently.

Council Dynamics

Council members seem open to having a high-level debate on this issue even though a few members may not be able to be represented at head of state level.

On substance there is general acceptance that it is too early for major new decisions, given the need for an extensive process of preparation to achieve that. Most members appear to favour deciding on a process which could lead to a real output within the next year or so. However, some P5 members are uncertain whether such a process should be started at a high-level meeting and seem to prefer that the meeting take some decisions in principle and allow a process to emerge subsequently.

Since early 2009 a number of members have actively promoted a series of separate processes to improve its role in international peace and security. The UK and France initiated the ongoing peacekeeping review. Turkey, the US and Japan initiated a focus on peacekeeping and troop contributing countries. Nigeria initiated a focus on

preventive diplomacy, followed by Uganda's promotion in August of discussion within the Council Working Group on Conflict Prevention and Resolution in Africa on conflict early warning and preventive diplomacy. China during its presidency in January focused on the involvement of regional organisations in peacekeeping. Japan has been involved in the issue of Council Working Methods.

However, as yet, none of these individual pillars of envisaged improvements have yet taken root as a real change process. This seems to be in part because of a sense of inter-linkage and that change in one area is dependent on change in other areas. It seems that it is recognition of this complexity that has given rise to the Turkish initiative and the sense that a high-level meeting would add real momentum that has been missing in the Council's pursuit of the range of individually driven pillars of improvement.

UN Documents

Selected Security Council Resolutions

- S/RES/1645 (20 December 2005) created the PBC and the Peacebuilding Fund—concurrent with General Assembly resolution A/RES/60/180.
- S/RES/1625 (14 September 2005) was a declaration on the effectiveness of the Security Council's role in conflict prevention.
- S/RES/1353 (13 June 2001) contained a statement of cooperation and categories of consultation with TCCs.
- S/RES/1327 (13 November 2000) adopted the decisions and recommendations of the report of the Panel on UN Peace Operations.
- S/RES/1318 (7 September 2000) was the adoption of the Millennium Summit declaration on maintaining peace and security, especially in Africa.

Selected Presidential Statements

- S/2010/PRST/14 (16 July 2010) requested the Secretary-General to submit within 12 months a report making recommendations on how best to utilise the preventive diplomacy tools within the UN system in cooperation with other actors.
- S/PRST/2010/2 (12 February 2010) focused on peacekeeping exit and

transition strategies and stressed the importance of ensuring coherence between peacemaking, peacekeeping and peacebuilding to achieve effective transition strategies.

- S/PRST/2009/24 (5 August 2009) set out future areas for improvement in peacekeeping.
- S/PRST/2009/23 (22 July 2009) emphasised the vital role of the UN in post-conflict peacebuilding.
- S/PRST/2009/8 (21 April 2009) acknowledged the role of mediation in peace processes and requested the Secretary-General to keep the Council informed of action taken in promoting and supporting mediation and pacific settlement of disputes.
- S/PRST/2001/5 (20 February 2001) reiterated the value of including peacebuilding elements in mandates of peacekeeping operations.
- S/PRST/1994/22 (3 May 1994) addressed issues relating to improving the capacity of the UN for peacekeeping.
- S/23500 (31 January 1992) was the presidential statement after the first Council Summit meeting.

Selected Meeting Records

- S/PV.6360 (16 July 2010) was on preventive diplomacy.
- S/PV.6270 and resumption 1 (12 February 2010) was on transition and exit strategies.
- S/PV.6178 and resumption 1 (5 August 2009) assessed the peacekeeping review.
- S/PV.6153 and resumption 1 (29 June 2009) was the debate on the relationship with TCC/PCCs.
- S/PV.6075 (23 January 2009) was on UN peacekeeping.

Selected Special Reports

- A/60/692 (7 March 2006) was the *Investing in the United Nations* report.
- A/59/2005 (21 March 2005) was the *In Larger Freedom* report.
- A/59/565 (2 December 2004) was the report of the High-Level Panel on Threats, Challenges and Change.
- A/55/305 (21 August 2000) was the Brahimi Report.
- A/47/277 – S/24111 (17 June 1992) was the report “Agenda for Peace.”

Meeting on Terrorism

Expected Council Action

As Council president in September, Turkey (which also chairs the Council’s Counter-Terrorism Committee) is planning to convene a debate late in September on counter-terrorism. The country’s Foreign Minister, Ahmet Davutoglu, is expected to preside. A presidential statement is a possible outcome.

Background

Security Council Report will publish an *Update Report* closer to the date of the debate when more details become available.

At press time, discussions of the format and focus of the debate were ongoing. Turkey has in addition begun wider consultations bearing in mind the General Assembly’s review of the UN Global Counter-Terrorism Strategy that is scheduled to occur on 8 September 2010 in order to ensure that outcomes of the Council debate demonstrate coherence with the General Assembly strategy. (The strategy, adopted on 20 September 2006, has four pillars: measures to address the conditions conducive to the spread of terrorism; measures to prevent and combat terrorism; measures to build state capacity to prevent and combat terrorism and to strengthen the role of the UN system in that regard; and measures to ensure respect for human rights and the rule of law.)

The Council’s three counter-terrorism committees (the 1267 Committee on Al-Qaida and Taliban Sanctions, the 1373 Committee or Counter-Terrorism Committee [CTC] and the 1540 Committee on weapons of mass destruction and terrorism) all regularly report to the Council. Counter-terrorism has also been the focus of a number of thematic Council debates.

For example, on 12 November 2001 Jamaica and the Ukraine sponsored a ministerial-level Council meeting to discuss terrorism. Resolution 1377, which called on states to fully implement resolution 1373 (adopted just days after the terrorist attacks in the US in September that year) and the CTC to explore ways in which implementation assistance could be provided to states, was unanimously adopted at the meeting.



On 20 January 2003 France convened a ministerial-level public debate on combating terrorism. Following the debate the Council adopted resolution 1456 urging all states to prevent and suppress all support to terrorism.

On 14 September 2005, at the time of the World Summit, the Philippines convened a meeting of Council members at the head-of-state or ministerial level on preventing the incitement of terrorism. Resolution 1624 was unanimously adopted, calling on states to adopt measures to prohibit and prevent incitement of terrorist acts.

On 9 December 2008 Croatia convened an open debate on global security and international terrorism. Following the debate the Council adopted a presidential statement reaffirming its determination to combat threats to international peace and security caused by acts of terrorism and emphasising the central role of the UN in that endeavour.

Key Issues

A key goal will be to reassert Council unity that terrorism remains a threat to international peace and security and to reaffirm the Council’s ongoing commitment to addressing that threat.

Another key issue will be ensuring that the Council’s role on counter-terrorism is in practice broadly aligned with the UN Global Counter-Terrorism Strategy.

Options

Council members are likely to be discussing options for a presidential statement following the debate.

Council and Wider Dynamics

Most Council members appear supportive of convening a thematic debate on counter-terrorism at this time. Viewed in the overall context of Council counter-terrorism activities, the debate is seen by some as both a timely contribution to past consideration of

counter-terrorism issues and as an event that may provide an opportunity for members to begin thinking about the mandate renewal at the end of this year of the Counter-Terrorism Committee Executive Directorate (CTED, which supports the CTC).

UN Documents

Selected Council Resolutions

- S/RES/1624 (14 September 2005) called on states to cooperate and to adopt measures to prohibit the incitement of terrorism.
- S/RES/1566 (8 October 2004) established a working group to consider measures against non-AI-Qaida and Taliban entities involved in terrorist activities and the establishment of a fund for victims of terrorism.
- S/RES/1540 (28 April 2004) established the 1540 Committee and its mandate.
- S/RES/1456 (20 January 2003) was a declaration on combating terrorism.
- S/RES/1377 (12 November 2001) called on states to fully implement resolution 1373.
- 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.

Selected Presidential Statement

- S/PRST/2008/45 (9 December 2008) reaffirmed the Council's determination to combat threats to international peace and security caused by acts of terrorism.

Israel/Palestine

Expected Council Action

Robert Serry, the UN Special Coordinator for the Middle East Peace Process, is likely to brief the Council in September. The substantive progress made in August on restarting direct Israeli-Palestinian talks and establishing the Secretary-General's Panel of Inquiry into the 31 May Gaza flotilla incident are likely to be the focus.

It is possible that the Council could issue a press statement welcoming the resumption of direct talks, but Council action on wider issues is unlikely.

Key Recent Developments

On 20 August the Quartet (the UN, EU, US and Russia) issued a statement indicating that direct Israeli-Palestinian negotiations were expected to begin on 2 September in Washington DC with a one-year time limit. Additionally, a summit on 1 September will convene with US President Barack Obama, King Abdullah of Jordan, Egyptian President Hosni Mubarak and Quartet Representative Tony Blair expected to be in attendance. (Previous direct talks were terminated after Israeli incursions into Gaza in December 2008.)

The Quartet reiterated that negotiations should resolve all final status issues and lead to a settlement that ends the occupation which began in 1967 and results in the emergence of an independent, democratic, and viable Palestinian state. On 19 March a Quartet statement had also urged Israel to freeze all settlement activity, reaffirmed that unilateral action would not be recognised by the international community and underscored that Jerusalem is a permanent status issue.

On 17 August, Assistant-Secretary-General Oscar Fernandez-Taranco briefed the Security Council underscoring the importance of renewed Israeli-Palestinian talks and the UN's role as a member of the Quartet in that regard.

On 12 August, US Envoy George Mitchell presented to Israel the position of Palestinian President Mahmoud Abbas on direct talks based on a Quartet statement confirming its position on settlements and borders. Israeli Prime Minister Benjamin Netanyahu reiterated his position for direct talks without preconditions.

On 2 August the Secretary-General announced his Panel of Inquiry into the 31 May Gaza flotilla incident which the Council welcomed on 3 August. The Panel is chaired by former Prime Minister of New Zealand Geoffrey Palmer and includes three other members: the former Colombian President Alvaro Uribe as vice-chair; Turkish Panel member Ozdem Sanberk; and the Israeli Panel member Joseph Ciechanover. The Panel's first interim report is due on 15 September and is expected to

be largely procedural in nature. A final report is due in six months time.

On 10 August the Panel met for the first time. It has been tasked with:

- reviewing both the Turkish and Israeli domestic investigations (it seems the Panel will receive reports from both governments prior to 15 September and it will be able to request clarification and information as needed);
- independent of the two national investigations, undertake its own work to identify the facts, circumstances and context of the 31 May Gaza flotilla incident; and
- produce conclusions and forward-looking recommendations to prevent such incidents reoccurring.

While the Panel is not a court set-up to determine individual criminal responsibility it seems it does have the ability to gather additional evidence through established points of contact in Israel and Turkey and the ability to request information via diplomatic channels.

(For background information on the 31 May Gaza flotilla incident and subsequent developments please see Security Council Report's July and August *Monthly Forecasts*.)

The Secretary-General issued his second follow-up report to the Goldstone Report on 11 August.

Human Rights-Related Developments

In September the Human Rights Council is expected to hear a report from its committee of three independent experts tasked with monitoring and assessing domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian authorities following-up the Goldstone Report.

The Human Rights Council's independent international fact-finding mission to investigate the Gaza flotilla incident is also expected to report back in September. At press time, the mission was visiting Turkey and Jordan to interview witnesses and government officials.

Key Issues

A key issue for Council members will be whether or not the planned resumption of direct talks in early September will generate sufficient confidence by Israel and the Palestinian Authority (bearing in mind that the Israeli settlement moratorium ends on 26 September) to allow both parties a window of opportunity reassure their own constituencies. Renewed settlement activity is likely to increase pressure on Abbas to back out of talks and instead move to declaring independence in 2011.

Options

Council options in September seem likely to be influenced by the outcome of the 2 September trilateral meeting between US Secretary of State Hillary Clinton, Netanyahu and Abbas. If it produces a generally positive atmosphere one option is for the Council to welcome the relaunch of negotiations with a statement.

On the other hand, if the atmosphere is contentious another option may be for the Council, in conjunction with the Quartet, to play more of a leading role in setting out its own expectations regarding the parameters of talks in a statement.

Regarding the Secretary-General's Panel of Inquiry into the 31 May Gaza flotilla incident, the most likely option is that the Council be informed of the Panel's interim report during its regular monthly briefing.

The option of taking up the Goldstone Report seems remote; especially given that the General Assembly is unlikely to consider next steps on this issue until October—after the Geneva-based Human Rights Council hears the report of its own follow-up committee on this issue in late September.

Council Dynamics

Council members are pleased at the prospect of the resumption of direct talks. They had been sensing that September would be a potential watershed month and there is relief that the month seems poised to begin on a positive note.

Most members seem to welcome that the 20 August Quartet statement made specific mention of the 19 March statement (there had been some concern that the August statement not fall behind the March one).

Some Council members remain cautious about the potential for the talk's success on final status issues in light of the inherent difficulty of the issue, the ongoing uncertainty regarding Israel's post-September settlement policy, the continuing difficult situation in Gaza, the lack of a Fatah-Hamas reconciliation and the Palestinian deadline of 2011 to achieve statehood.

All Council members welcome the Secretary-General's Panel of Inquiry and its potential to bridge the gap between Israel and Turkey and restore that important relationship. A significant majority of Council members expect to be kept informed of the Panel's progress, including on the September interim report and would like to see a comfortable format in which the Council can consider this issue, setting the stage for February 2011—when the final and more substantive report is due. Turkey is the president of the Council in September.

Most members continue to adopt a "wait and see" approach to the Goldstone Report and would prefer that it not distract from peace talks.

UN Documents

Security Council Resolutions

- S/RES/1860 (8 January 2009) called for an immediate, durable and fully respected ceasefire leading to the full withdrawal of Israeli forces from Gaza.
- S/RES/1850 (16 December 2008) declared Council support for the Annapolis process and its commitment to the irreversibility of bilateral negotiations.

Security Council Presidential Statements

- S/PRST/2010/9 (1 June 2010) called for an impartial investigation into the Gaza flotilla incident and stressed that the situation in Gaza was not sustainable.
- S/PRST/2009/14 (11 May 2009) reiterated the Council's commitment to the irreversibility of bilateral negotiations built upon previous agreements and encouraged steps toward intra-Palestinian reconciliation.

Security Council Letter

- S/2010/414 (2 August 2010) was on the establishment of the Secretary-General's Panel of Inquiry into the Gaza flotilla incident.



Security Council Meeting Record

- S/PV.6372 (17 August 2010) was the briefing by Assistant-Secretary-General for Political Affairs Oscar Fernandez-Taranco.

Security Council Press Statement

- SC/10001 (4 August 2010) welcomed the establishment by the Secretary-General of his Panel of Inquiry into the Gaza flotilla incident.

General Assembly

- A/64/890 (11 August 2010) was the Secretary-General's second follow-up report to the UN Fact-Finding Mission on the Gaza conflict (the Goldstone Report); the first was A/64/651 of 4 February 2010.
- A/RES/64/254 (26 February 2010) requested the Secretary-General to submit a further follow-up report to the Goldstone Report, within five months, with a view to consider further action, including by the Security Council.

Human Rights Council

- A/HRC/12/48 (15 September 2009) was the report of the UN Fact-Finding Mission on the Gaza Conflict, or the Goldstone Report.

Afghanistan

Expected Council Action

At the end of September, the Council is expected to have a debate on Afghanistan where a briefing by the head of UNAMA, Staffan de Mistura, is expected. The Secretary-General's report is likely to be circulated in the latter half of September. With legislative elections taking place in Afghanistan on 18 September, Council members will be interested in de Mistura's analysis of the conduct and outcome of the elections. Other areas of interest will be follow-up to the July Kabul Conference, progress in implementation of UNAMA's mandate, developments regarding Taliban reintegration and reconciliation, regional cooperation and international aid coherence.

The issue of civilian deaths and the overall human rights situation may also be on some Council members' minds, especially following the publication in August of UNAMA Human Rights Unit's midyear report on impact of the conflict on civilians.

UNAMA's current mandate continues until 23 March 2011.

Key Recent Developments

The security situation has continued to deteriorate in Afghanistan. Incidences in August include the death of eight foreign and two Afghan health aid workers in the northeast of Afghanistan, a fatal attack by two suicide bombers on a guesthouse in central Kabul and a suicide bomber attack on a NATO base in southeastern Afghanistan. Ethnic tensions in Kabul also led to violent clashes in the Afghan capital on 14 August which prompted a statement from UN Assistance Mission in Afghanistan (UNAMA) calling for restraint.

The Human Rights Unit in UNAMA released its midyear report on civilian casualties on 10 August. In the first six months of 2010, civilian casualties (the term covers deaths and injuries) increased by 31 percent over the same period in 2009. Three-quarters of all civilian casualties were linked to anti-government elements which marks a 53 percent increase from 2009. By contrast, civilian casualties attributed to pro-government forces decreased by 30 percent compared to the first half of 2009. Among the recommendations in the report is the need for a public body to lead the Afghan government's response to major civilian incidents. Following the release of this report Amnesty International suggested that the Taliban and other insurgent groups should be investigated and prosecuted for war crimes.

On 15 August the Taliban stoned to death a couple for adultery. President Hamid Karzai condemned the act and said that execution without trial was a crime, an act of inhumanity and counter to Islam.

The Kabul Conference held on 20 July was attended by senior officials from over seventy countries and was co-chaired by the

UN and the Afghan government. The Kabul Conference communiqué recognised the conference as an important milestone in the Kabul Process. (The Kabul Process, a term coined at the Kabul Conference, refers to the events charting the path towards Afghan leadership and ownership.) Among the conference outcomes were the Afghan government's commitments to:

- a phased approach to security-led transition of Afghan provinces from the International Security Assistance Force (ISAF) control to Afghan National Security Forces by 2014;
- good governance, a fair judicial system and human rights in government;
- the centrality of women's rights;
- address the problem of narcotics; and
- finalise by October 2010 the Framework of the Afghan government's National Priority Programmes.

The international participants expressed readiness to align their development assistance behind the National Priority Programmes and endorsed in principle the Afghan government's Peace and Reintegration Programme.

On 23 July the Secretary-General briefed the Council on the Kabul Conference. The Council issued a press statement welcoming the Kabul Conference communiqué, supporting the Kabul Process and looking forward to the timely implementation of the Afghan government's commitments. The statement also called on the international community to provide assistance to support the Kabul Process.

The Security Council conducted a mission to Afghanistan from 21 to 24 June. The mission was led by Turkey, which also has the lead on Afghanistan in the Council. During the visit members of the Council met with Karzai and senior government officials, as well as a number of Afghani institutions and international stakeholders including UN agencies, ISAF, NATO and the EU. Members also visited Jalalabad where they met with local authorities, UN specialised agencies and Afghan returnees. Among the issues covered were the challenges to the forthcoming legislative elections, the security situation, reconciliation and

reintegration and regional cooperation. Members of the Council stressed the need for free and fair elections, improved governance and the upholding of human rights in a press conference at the end of the visit.

On 30 June the Council held an open debate on Afghanistan. The permanent representative of Turkey gave an oral report of the Council's mission to Afghanistan. Council members in their remarks touched on the challenges facing Afghanistan with many focusing on the upcoming legislative elections, the security situation and reintegration and reconciliation, as well as the Council's recent visit to Afghanistan. The Austrian permanent representative, who is also chair of the 1267 sanctions committee (Al-Qaida and Taliban), provided information on the work being done on the 1267 sanctions list.

The 1267 Committee completed its review of the consolidated list of individuals and entities subject to its sanctions regime at the end of July. It reviewed 488 names, delisted 45 and confirmed 443. Ten of the delisted are Taliban members leaving 132 Taliban still on the list.

On 17 August Karzai said that he would be signing a decree ordering the disbanding of all private security forces by the end of the year.

Key Issues

A key issue is the impact of what appears to be a deteriorating security situation and how this could affect the UN's ability to carry out its mandate effectively. The lack of safe accommodation is expected to be a constraint on the number of UN officials in Afghanistan, which is particularly relevant currently in the lead up to the elections.

Also an issue is the response to the UN report on the increase in the number of civilians killed and whether there is anything that the Council should say on the protection of civilians issue.

A potential future issue is maintaining security for those who are being protected by private security forces if no credible alternative is found to replace them by the deadline set by the Afghan government.

An issue related to the elections is whether the changes made to improve electoral oversight will result in less controversial elections, and if not, what impact there might be for the UN and for the overall political situation.

An important question is whether the framework for the Afghan government's 23 national priority programmes will be finalised by October as promised during the Kabul Conference. A related issue is how well the international community is succeeding in realigning aid programmes to fit these priority areas.

Underlying Issues

A key underlying problem is the continuing high levels of corruption in the public sector in Afghanistan and the backlash both domestically and from the international community if attempts to combat corruption do not stop progress.

Also an underlying problem is the reluctance on the part of some members of the international community to be subject to aid coordination.

Options

A possible option is a statement following de Mistura's briefing touching on the outcome of the legislative elections and looking ahead to the work to be done following the elections.

Another possible option is informal Council discussions on how the Council should respond to and give support to the next phase in the Kabul Process taking into account the commitments made at the Kabul Conference.

A related option is to request the Secretary-General to provide more detailed information about the integrated strategic framework for UNAMA and how the UN country team will be working together on key priorities.

Also a possibility, taking advantage of the high-level session of the General Assembly is to have an informal interactive dialogue following up the Council mission to Afghanistan and intensifying the focus on the next steps in the Kabul Process.

Council Dynamics

With the Afghanistan report and briefing scheduled for the second half of September and given that the General Assembly general debate starts in the third week of September, Council members seem conscious that they will not be able to give much attention to Afghanistan and the UNAMA report until very close to the date of the discussion.

A number of members seem to feel that the next six months should be a period of consolidation. Therefore no major decisions are likely before March 2011 when the mandate is renewed.

Some members like Austria, Gabon and Mexico have shown concern about the high number of civilians and children being killed in this conflict and may want to highlight UNAMA's midyear report on civilian casualties.

While Council members have accepted that UNAMA's good offices role allows it to get involved in reconciliation activity, there is still a lack of consensus about what this really should entail. France for example has suggested that de Mistura should help launch negotiations. Others seem likely to prefer a less active role for UNAMA in this area.

The Council visit to Afghanistan seems to have provided members with a better insight into the difficult security situation in Afghanistan. It remains to be seen whether this will affect their views on what UNAMA may need in order to carry out its mandate.

UN Documents

Selected Security Council Resolutions

- S/RES/1917 (22 March 2010) extended UNAMA's mandate 23 March 2011.
- S/RES/1890 (8 October 2009) extended the ISAF mandate until 13 October 2010.
- S/RES/1401 (28 March 2002) created UNAMA.

Selected Secretary-General's Report

- S/2010/318 (16 June 2010)



Other

- SC/9992 (23 July 2010) was the Council press statement on the Kabul Conference.
- S/2010/353 (1 July 2010) was the quarterly ISAF report from 1 November 2009 to 31 January 2010.
- S/PV.6351 (30 June 2010) was the Council June debate on Afghanistan.
- S/2010/325 (21 June 2010) was the terms of reference for the Council mission to Afghanistan.

Other Relevant Facts

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

Staffan de Mistura (Sweden)

UNAMA: Size, Composition and Duration

- *Strength (as of 31 May 2010):* 338 international civilians, 1,380 local civilians, 16 military observers, 48 UN volunteers
- *Duration:* 28 March 2002 to present; mandate expires on 23 March 2011

ISAF Military Commander

General David Petraeus (US)

Senior Civilian Representative

Ambassador Mark Sedwill (GBR)

ISAF: Size, Composition and Duration

- *Total strength (as of 6 August 2010):* about 119,819 troops
- *Contributors of military personnel:* 47 NATO and non-NATO countries
- *Current top contributors:* US, UK, Germany, France, Italy and Canada
- *Duration:* 20 December 2001 to present; mandate expires on 13 October 2010

Operation Enduring Freedom: Size, Composition and Duration

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

Additional Useful Sources

- UNAMA Human Rights: “Afghanistan: Mid Year Report 2010 Protection of Civilians in Armed Conflict”, August, 2010 <http://info.publicintelligence.net/UN-Afghan-Civilians-2010.pdf>
- Kabul Conference Communiqué, 20 July 2010

Haiti

Expected Council Action

The Council is due to receive a report from the Secretary-General on the UN mission in Haiti, MINUSTAH, by 31 August. At time of writing there was no decision for the Council to take up Haiti formally in September, although there was some discussion of a possible debate—to highlight the importance of the issues. The MINUSTAH mandate expires on 15 October and accordingly some initial informal discussion at the very least is likely.

Key Recent Developments

On 4 June the Council adopted resolution 1927 which authorised the deployment of 680 additional police officers for the UN Stabilisation Mission in Haiti (MINUSTAH) as a temporary measure in the aftermath of the January earthquake, with a particular focus on building the capacity of the Haitian national police. The Council recognised the need for MINUSTAH to assist the government in protecting internally displaced persons and women and children. The resolution also encouraged the mission, within available means, to provide temporary logistical and technical support to the government of Haiti. (This will be phased out as reconstruction progresses and Haiti’s national capacity grows.)

On 17 June the Interim Haiti Reconstruction Commission held its first meeting. The Commission is meant to oversee the aid pledged to be delivered in the initial 18-month phase of reconstruction, and is aimed at supporting the coordinated planning and implementation of reconstruction activities. (The Commission, which has been supported by donors and was approved by Haiti’s parliament on 15 April, is co-chaired by Prime Minister Jean-Max

Bellerive and UN Special Envoy for Haiti Bill Clinton. It announced 29 reconstruction projects on 17 August that it would support with \$1.6 billion in international funding.)

In late June Haitian President René Préval issued decrees mandating that legislative elections be organised for 28 November, the same date set for the presidential election. (Préval is not running for an additional term.) In a statement issued on 30 June, the Secretary-General urged member states to provide additional financial resources as soon as possible to assist with the elections. MINUSTAH’s mandate to provide security and logistical assistance for elections in Haiti was reaffirmed in resolution 1927.

On 12 July the Inter-Agency Standing Committee (IASC), which is composed of UN and partner agencies, issued a 6-month report on the response to the 12 January earthquake in Haiti. The report said that the relief operation in Haiti had achieved many of its immediate objectives, with food assistance provided to about four million people, emergency shelter materials distributed to about 1.5 million people and drinking water distributed to about 1.2 million people. However, the report noted that humanitarian needs in Haiti remain immense and significant challenges remain in addressing them. Shelter was singled out as one of the most pressing needs. About 125,000 transitional shelters for victims of this year’s earthquake are expected to be completed by mid-2011, though fewer than 4,000 of the shelters—which provide more hurricane protection than tents—have been built so far. (The Atlantic hurricane season occurs from June through November.)

On 14 July the UN Economic and Social Council (ECOSOC) Ad Hoc Advisory Group on Haiti released a report based primarily on its visit to the country from 16 to 19 June. (The Ad Hoc Advisory Group was initially established in 1999 and subsequently reactivated in 2004 in order to help coordinate the development of a long-term assistance programme for the country. In April 2005, the Group undertook a mission to Haiti in conjunction with the Security Council, possibly the only such joint trip in Council

practice.) The Group’s 14 July report:

- recommended that full use be made of the capacity of the UN to mobilise international efforts and aid and that its leadership role be recognised and promoted on the ground;
- called for all actors to lead the electoral process to a positive end and to avoid any disruption in the recovery and reconstruction process;
- urged the Haitian authorities and their development partners to make every effort to ensure the efficient functioning of the Commission and the Haiti Reconstruction Fund, bearing in mind that although the Fund has been established additional work is needed with regard to its operating methods and procedures and the specific role to be played by the World Bank;
- emphasised the importance of adhering to the Government of Haiti’s Action Plan for the Reconstruction and National Development of Haiti;
- recommended that all agencies and NGOs use the aid tracking portal established by the government of Haiti and the UN Development Programme;
- recommended that the sustained priority of decentralisation be ensured by strengthening offices in the provinces in order to assist local development efforts;
- noted the need for increased interaction and collaboration among and between the international organisations and the humanitarian cluster system;
- called on the UN system to play a strong leadership role as the transition continues from response to recovery and reconstruction;
- recommended clarification regarding the roles and responsibilities of its high-level representatives;
- firmly supported further renewals of the current mandate of MINUSTAH in order to ensure and consolidate stability and security in Haiti; and
- stressed the need for all countries which pledged funds for Haiti to disburse them fully and rapidly, and to maintain their commitment.

Human Rights-Related Developments

During the debate on technical assistance and capacity building in the Human Rights Council's (HRC) on 16 June, the Independent Expert on the situation of human rights in Haiti, Michael Forst, said Haiti was living through a crisis without precedent. The earthquake had exacerbated the situation in a state that was still fragile and a country that was experiencing extreme poverty. At the end of the debate, Forst said that the HRC and the Security Council should speak to each other more regularly in order to address what was particular about Geneva and the HRC and what was particular about the Security Council and New York, especially where their actions overlapped. He also said he had drawn four messages from the debate. First, there was a need for the protection of vulnerable groups, particularly for persons with disabilities. The second was the importance of a human rights-based approach in the reconstruction efforts. The third concerned the need for a role for women in decision-making and their participation in political institutions. Fourthly, progress in judicial reform and the establishment of the rule of law had been interrupted and needed to be resumed.

Key Issue

A key issue for the Council's renewal of the MINUSTAH mandate is whether the current composition and tasks of MINUSTAH as authorised in S/RES/1927 (4 June 2010) continue to be appropriate, especially in light of the upcoming elections and the continuing reconstruction challenges particularly relating to the provision of shelter.

Underlying Problems

Extreme poverty, recurrent political instability (which the elections could rekindle) and challenges posed in the strategic coordination of international assistance provided by multiple actors are all problems that continue to underlie the situation in Haiti.

Another underlying problem is donor assistance disbursement rates and the risk that other international humanitarian emergencies may have an adverse impact on the disbursement of funds pledged to Haiti.

Options

Options for the Council include:

- holding a debate to highlight the big picture issues in the Secretary-General's report in advance of discussion of MINUSTAH's mandate in October; or
- taking no formal action at this time.

Council and Wider Dynamics

There is widespread support among Council members for the continuation of MINUSTAH's mandate as a critical facet of the international community's response to the post-earthquake needs of the country.

Some members feel that an early discussion of the Secretary-General's report would be useful either in the Council or among the Friends group (composed of Argentina, Brazil, Canada, Chile, Costa Rica, France, Mexico, Peru, Uruguay and the US). (Expert-level meetings among members of the Council are expected in late September early October.)

At this point most members appear to favour maintaining the current mandate, as recommended by the ECOSOC Ad Hoc Advisory Group on Haiti. However, there appears to be an understanding that should there be any material change to the humanitarian situation in Haiti (such as the potential exacerbation of the humanitarian crisis due to the effects of a hurricane or tropical storm), or a deterioration of the situation in the country in the run-up to national elections on 28 November, a reassessment should take place.

The Friends group continues to play an influential role in discussions regarding Haiti. Council members Brazil, France, Mexico and the US are all heavily involved in the group. It is unclear at this time if a single country has the lead on Haiti.

UN Documents

Selected Council Resolutions

- S/RES/1927 (4 June 2010) expressed concern over new challenges and threats resulting from the 12 January earthquake in Haiti, authorised the deployment of 680 additional officers for the police component of MINUSTAH as a temporary surge with a particular focus on building the capacity of the Haitian National Police and

encouraged the mission, within available means, to provide temporary logistical and technical support to the Government of Haiti that will be phased out as Haiti's national capacity grows.

- S/RES/1908 (19 January 2010) bolstered the troop and police personnel for MINUSTAH by 1,500 additional police and 2,000 additional military personnel.
- S/RES/1892 (13 October 2009) renewed the mandate of MINUSTAH until 15 October 2010.

Latest Secretary-General's Report

- S/2010/200 (22 April 2010)

Selected Presidential Statements

- S/PRST/2010/7 (16 April 2010) was adopted during an open debate on peacebuilding.
- S/PRST/2010/2 (12 February 2010) was on UN peacekeeping operations' transition and exit strategies.
- S/PRST/2009/24 (5 August 2009) was on integration of peacebuilding in peacekeeping missions.
- S/PRST/2009/23 (22 July 2009) was on post-conflict peacebuilding.

Selected Press Statement

- SC/9865 (19 February 2010) conveyed the Council's appreciation for MINUSTAH's work and pledged its continuing support to the nation and people of Haiti.

Selected Letter

- S/2010/27 (18 January 2010) was from Mexico to the Council arguing for a realignment of MINUSTAH's mandate.

Selected Meeting Record

- S/PV.6303 (28 April 2010) was the most recent briefing on MINUSTAH.

Other

- E/2010/102 (14 July 2010) was an ECOSOC report of the Ad Hoc Advisory Group on Haiti.

Other Relevant Facts

Special Representative of the Secretary-General and Head of MINUSTAH

Edmond Mulet (Guatemala)

Deputy Special Representative of the Secretary-General

Kevin Kennedy (US)

Deputy Special Representative of the Secretary-General (Ad Interim) and UN Resident Coordinator and Humanitarian Coordinator (Ad Interim)

Nigel Fisher (Canada)

UN Special Envoy for Haiti

Bill Clinton (US)

Force Commander

Major-General Luiz Guilherme Paul Cruz (Brazil)

Police Commissioner

Geraldo Chaumont (Argentina)

Size and Composition of Mission

- *Authorised strength as of 4 June 2010:* military component of up to 8,940 military personnel and police component of up to 4,391 officers.
- *Current strength as of 30 June 2010:* 11,578 total uniformed personnel, including 8,609 troops and 2,969 police. (As of 31 May 2010 the uniformed personnel are supported by 473 international civilian personnel, 1,235 local civilian staff and 208 UN volunteers.)
- *Contributors of military personnel:* Argentina, Bolivia, Brazil, Canada, Chile, Ecuador, France, Guatemala, India, Japan, Jordan, Nepal, Paraguay, Peru, Philippines, Republic of Korea, Sri Lanka, the US and Uruguay.
- *Contributors of police personnel:* Argentina, Bangladesh, Benin, Brazil, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, China, Columbia, Côte d'Ivoire, Croatia, Egypt, El Salvador, France, Grenada, Guinea, Guinea-Bissau, India, Italy, Jamaica, Jordan, Lithuania, Madagascar, Mali, Nepal, Niger, Nigeria, Pakistan, Philippines, Romania, Russian Federation, Rwanda, Senegal, Serbia, Spain, Sri Lanka, Sweden, Thailand, Togo, Turkey, the US, Uruguay and Yemen.

Cost

1 July 2010 - 31 December 2010: \$380 million (A/C.5/64/19)

Nepal

Expected Council Action

The mandate of the mission in Nepal, UNMIN, expires on 15 September. Karin Landgren, UNMIN's head, is expected to brief the Council in early September. Among the areas likely to be covered in the briefing are the political stalemate in Nepal following the resignation of Madhav Nepal as prime minister on 30 June, developments in integration of the Maoists ex-combatants and impact of these developments on UNMIN's ability to carry out its mandate.

Since UNMIN was established in 2007, its mandate has reflected a formal request from the Nepalese government. However, it is unclear whether in the current political situation a quick decision on a formal request will be possible. It may be that Nepal will ask for a short rollover mandate.

Key Recent Developments

Madhav Nepal resigned as the prime minister of Nepal on 30 June. He said that he was resigning in order to avert a crisis and find political resolution to the peace process and the drafting of the new constitution. The Maoists had demanded his resignation in exchange for supporting an amendment to the constitution at the end of May allowing for an extension of the deadline for drafting the constitution which had stalled over the parties' differences over power-sharing and the integration of the Maoists ex-combatants.

On 1 July the Secretary-General called on Nepal's political parties to "intensify... efforts towards the formation of consensus government" following Nepal's resignation.

At press time the Nepal parliament had held five unsuccessful elections since June to try and elect a new prime minister. The fifth round took place on 23 August.

In July the UN Mission in Nepal (UNMIN) proposed in a "non-paper" a sixty-week plan for the integration and rehabilitation of Maoist combatants. This resulted in an official objection from the Nepalese government and accusations of going beyond UNMIN's mandate. UNMIN said that this was within its mandate which asks for parties to take advantage of "UNMIN's expertise and readiness to support the

peace process and facilitate the completion of its tasks". It also made it clear that the paper had been based on consultations with the main parties.

On 3 August UNMIN expressed concern at reports that both the national army and the Maoists army planned to start recruiting. UNMIN reiterated its position that any recruitment by the Nepal army or by the Maoist constitutes a breach of the 2006 Comprehensive Peace Agreement and the Agreement on the Monitoring of the Management of Arms and Armies. Recruiting personnel, even to fill vacancies is prohibited under the arms agreement, unless it has been agreed by both parties. On 5 August the Special Committee for the supervision, integration and rehabilitation of the Maoist ex-combatants asked the Maoists to stop recruitment.

Human Rights-Related Developments

During its general debate on technical assistance and capacity building the Human Rights Council (HRC) on 16 June welcomed Nepal's decision to extend the mandate of the country office of the High Commissioner for Human Rights (OHCHR) for 12 months. The decision reflected agreement between the government and the High Commissioner that the OHCHR presence continued to make a positive contribution towards an improved human rights situation in Nepal. Pooja Patel of the Asian Forum for Human Rights and Development told the HRC that after much uncertainty over whether the Nepalese government would extend the mandate the agreement had ultimately been signed. The Forum, however, was disappointed that four regional offices were closed. It felt that such regional presences had played an important preventive role by deploying standing human rights monitors into districts to defuse local tensions before they escalated. On 5 August Richard Bennett, head of the Office of the High Commissioner on Human Rights left his position to head the Secretary-General's High-Level Panel on Sri Lanka. A successor has not been named as yet.

Key Issues

The key immediate issue for the Council is finding a formula to manage UNMIN's role in the context of the political disarray. While UNMIN has been able to perform its monitoring function it has found it difficult to fulfil other aspects of its mandate in the face of the increasing levels of distrust between the political parties and hostility towards UNMIN's efforts to be even-handed in its political role.

A critical wider issue is the possibility that the peace process may be derailed given the unsettled political situation. A related issue is what measures the Council can take to help prevent the peace process from unravelling.

A key substantive issue is the need for a plan to address the future of the 19,000 Maoist ex-combatants. (This has a direct impact on UNMIN's ability to fulfil its mandate.) There has been little progress on this issue with the two parties unable to agree over basics like the models for integration or the timing. UNMIN's recent attempt to produce a timeline in consultation with the parties was not well received by one side.

A procedural issue for the Council is what to do if Nepal is unable to come up with any formal request for an extension for UNMIN and whether to retain the status quo with a short rollover or to withdraw.

A closely related issue is resolution 1921 which in May extended UNMIN's mandate till 15 September 2010 and stated that UNMIN "should immediately begin to make the necessary arrangements for its withdrawal, including handing over any residual monitoring responsibilities by 15 September 2010" and whether in the deteriorating situation that decision should still stand.

Also an issue given that the mission is now largely Kathmandu-based, and the OHCHR's regional offices have been closed down, is the UN country team's ability to provide a full picture of the situation in Nepal to the Council.

Underlying Problems

Although there have been some positive developments in this regard, underlying problems still include the relative exclusion

of marginalised groups from government, the lack of basic services and security and widespread poverty. The lack of progress in addressing impunity and accountability for human rights violations committed both during and after the conflict are also problems.

Options

One option given the current political situation is a rollover of UNMIN's mandate with no change for a short period.

Other options include:

- extending UNMIN's mandate for a longer period (6-12 months) with no change;
- choosing to send a signal that the UN is serious about withdrawing the mission sooner rather than later through some sort of physical change on the ground (for example the consolidation of cantonments so that UNMIN is responsible for a smaller number of cantonments); and
- choosing not to renew UNMIN.

Council Dynamics

While many Council members are growing increasingly frustrated with the political stalemate and the impact on UNMIN's ability to carry out its mandate, there is a wide sense that it would be irresponsible to change the status quo at this point.

While there is more talk of the possibility of withdrawing UNMIN as members grow increasingly conscious of how difficult it is for UNMIN to play an effective political role, most members are not willing to risk pulling out during a time of real political fragility. Some Council members, like China, are unlikely to agree to anything but the period asked for by the Nepalese government. China continues to hold its position that the wishes of the Nepalese government need to be paramount.

Some members like the UK, the lead country for Nepal on the Council, are keen to at least start a discussion on ways of showing that UNMIN is not in Nepal for the long-term. There may be an attempt to include stronger language in the resolution renewing UNMIN to indicate the urgency for an exit strategy.

A number of members feel that a short mandate is counter-productive to UNMIN's



effectiveness but appear resigned to the fact that this might be the only possible outcome.

UN Documents

Security Council Resolutions

- S/RES/1921 (12 May 2010) extended UNMIN until 15 September 2010.
- S/RES/1740 (23 January 2007) was the resolution establishing UNMIN.

Secretary-General's Report

- S/2010/214 (28 April 2010) concerned the implementation of resolution 1909.

Other

- S/PV.6311 (12 May 2010) was the record of the adoption of the resolution 1921
- S/PV.6308 (5 May 2010) was the record of a recent briefing from the Secretary-General's Special Representative, Karin Landgren.
- S/2010/229 (5 May 2010) was the letter from the Nepalese government requesting an extension on UNMIN's mandate for four months.

Other Relevant Facts

Special Representative of the Secretary-General and Head of Mission

Karin Landgren (Sweden)

Size and Composition

248, including about 72 arms monitors as of August 2010.

Duration

23 January 2007 to 15 September 2010

Sudan

Expected Council Action

In September, the Sudan Sanctions Committee's group of experts is likely to submit its report in advance of the 15 October 2010 expiration of their mandate. The periodic report of the Sanctions Committee also falls due in September.

The Secretary-General is also likely to chair a high-level meeting on Sudan involving many Security Council members and other key stakeholders in the week of 20 September.

A formal briefing on Sudan is also a possibility, along with informal discussions on a possible Council mission to Sudan.

Key Recent developments

Violence has been unusually high in Darfur. There were 144 fatalities in July. Particularly serious has been the situation surrounding the Kalma internally displaced persons (IDP) camp in South Darfur. Violent incidents also followed the latest round of peace talks in Doha in mid-July. Clashes between supporters of the Liberation and Justice Movement, who are currently in negotiations with the government, and supporters of the Sudan Liberation Movement who were not represented at the talks, have taken the lives of eight IDPs in Kalma. Six local leaders accused by Sudanese authorities sought refuge with the AU-UN Hybrid Operation in Darfur (UNAMID). On 2 August the government demanded that UNAMID hand over the six leaders but UNAMID refused. That same day the government blocked UN agencies and international NGOs from operating in the camp, but restored some humanitarian access on 16 August to allow for the delivery of medicines and fuel to run water pumps.

Tribal clashes have renewed between the Misserya and Rizigat tribes in the Kass area of South Darfur in mid-August. An estimated fifty people have died in the clashes and the violence had reportedly spread into the West Darfur state.

Security has been a problem for UNAMID staff. On 26 July seven peacekeepers on patrol in West Darfur were injured during an ambush. On 14 August, armed men abducted two Jordanian UNAMID police advisors. The peacekeepers were released unharmed on 17 August.

Under-Secretary-General for Peacekeeping Operations Alain Le Roy briefed the Council on the violence in Kalma Camp in closed consultations on 30 July.

Relations between the Sudanese government and the UN appear to have deteriorated. On 7 August President Omar al-Bashir threatened to expel the mission if it attempted to block or hinder the work of Sudanese authorities. Al-Bashir's comments apparently referred to UNAMID's unwillingness to turn over the Darfuri leaders who had sought UNAMID's protection. On 16 August the government expelled three UN employees, the heads of the UN Refugee Agency (UNHCR) and the FAO in West Darfur and the head of UNHCR in Zalengei, from West Darfur state. Abdallah al-Fadil, head of UNAMID in West Darfur said Sudanese authorities had not made it clear why the staff members were asked to leave, only that they had been believed to have made mistakes "beyond their mandate." The government also expelled two International Committee of the Red Cross employees.

On 23 August Under-Secretary General for Humanitarian Affairs John Holmes and Assistant Secretary-General for Peacekeeping Atul Khare briefed Council members in closed consultations concerning the humanitarian situation in Darfur. In remarks to the media which followed the Council president, Vitaly Churkin, read a statement condemning the instigation of violence in Kalma camp and attacks on humanitarian personnel. The statement also welcomed UNAMID's efforts to restore calm and stressed the need to demilitarise Kalma and other IDP camps and recalled the obligation of Sudanese authorities and other parties to ensure humanitarian access. It also urged all parties to join the Doha process.

On 30 July the Council adopted resolution 1935, extending the mandate of UNAMID until 31 July 2011. Resolution 1935 underlines the need for UNAMID to focus on protection of civilians and ensure humanitarian access. It also welcomes the priority given to UNAMID's efforts to support the work of Joint Chief Mediator Djibril Bassolé. It condemns all attacks against UNAMID, expresses deep concern at continuing restrictions placed on UNAMID's operations and urges the Sudanese government

to comply with the Status of Forces Agreement. It also encourages UNAMID to facilitate the work on early recovery and reconstruction in Darfur of the UN country team and expert agencies.

During his last briefing to the Council on 27 July, UNAMID's head, Ibrahim Gambari emphasised the work UNAMID was doing to support a process of internal political dialogue in Darfur, focusing on the causes of conflict including political and economic marginalisation, land, justice and reconciliation. He reported that fighting between government forces and the Justice and Equality Movement continued to be a major cause of instability and inter-communal fighting had been occurring along the border of South and West Darfur. Closed consultations followed.

On 5 July Gambari convened a retreat in El Fasher with special envoys and representatives of member states and UN partners. The participants agreed it was imperative to reach a lasting solution to the conflict in Darfur before the end of the year.

On 29 July the National Congress Party (NCP) in Khartoum approved a new strategy on Darfur which reportedly would involve shifting the focus from external venues (such as the current Doha process) to a domestically controlled approach to all Darfur issues—security, development, reconciliation, humanitarian situation and political negotiations—to be presented to the legislative councils of Darfur's three states.

Regarding the North-South process, on 23 June the NCP and Sudan People's Liberation Movement (SPLM) signed the Mekelle Memorandum of Understanding which agreed that negotiations on post-2011 referendum arrangements on citizenship, security, financial, economic and natural resources, and international treaties and legal issues shall be facilitated by the AU's High-level Implementation Panel for Sudan supported by the Inter-Governmental Authority on Development (IGAD), the IGAD partners' forum and the UN.

On 17 July the Sudan Consultative Forum held its first meeting in Khartoum. The Forum was established to coordinate international support to the democratic transformation of Sudan, to implement the remaining provisions of the Comprehensive Peace Agreement and to promote an inclusive political agreement to bring about peace in Darfur.

Le Roy briefed Council members on developments in Southern Sudan and the work of the UN Mission in Sudan (UNMIS) in closed consultations on 29 July. He reportedly told Council members that the UN had received a formal request for assistance for the referendum from both the NCP and the SPLM involving financial support, technical assistance, logistical support and monitoring. The Secretary-General is considering appointing a panel of three eminent persons to lead a monitoring mission.

On 2 August delegations from the NCP and SPLM undertook a workshop on referendum issues in Cairo under the auspices of the Egyptian government. The two parties agreed to hold the referendum on Southern Sudan's independence in January 2011 as planned. Earlier, several NCP officials had called for border demarcation to be finalised before the referendum. Demarcation remains stalled. Voter registration also remains delayed as the parties discuss the nomination of the Secretary General of the Southern Sudan Referendum Commission. The formation of Abyei referendum commission remains stalled.

The AU, during its July summit in Kampala, reiterated its decision to not cooperate with the International Criminal Court (ICC) in the arrest and surrender of Omar al-Bashir. On 12 July the Pre-Trial Chamber of the ICC issued a second arrest warrant against al-Bashir for three counts of genocide. On 21 July the AU Peace and Security Council urged the Security Council to defer the ICC proceedings against al-Bashir, emphasising the need for peace talks to be completed before the January 2011 referendum. Al-Bashir travelled to Chad on 21 July, his first visit to a state party to the ICC Rome Statute since his 2009 arrest warrant.

Developments in the Sanctions Committee

On 7 July the Panel of Experts provided their midterm briefing to the Sanctions Committee. The Panel reported problems with access to locations of interest in Darfur. It also found significant amounts of ammunition which it believed to be transferred into Darfur in contravention of the arms embargo and cited reports of aerial bombardments in Darfur. The movement of Sudanese Armed Forces troops into Darfur without approval from the Committee, and whether this constitutes a violation of the sanctions regime, continues to be discussed in the Committee. As a follow-up to the Panel of Experts' recommendation in their 2009 report on enhancing due diligence for corporations whose products and services potentially affect the conflict in Darfur, the Committee was briefed by the Executive Director of the UN Global Compact, Georg Kell on 7 June. A briefing by the Special Representative of the Secretary-General on Business and Human Rights, John G. Ruggie is expected in the fall.

Four individuals are listed for targeted sanctions on the Sudan Sanction's list. It seems likely that any attempt to add Ahmad Harun and Ali Kushayb, to the Sanctions list, as suggested to the Council in June by the Prosecutor of the ICC, would need to be brought to the Council via a resolution. (The Court issued arrest warrants for Harun and Kushayb on 51 counts each of crimes against humanity and war crimes). At press time, no formal listing request from a Council member was before the Council.

Human Rights-Related Developments

The Sudanese National Assembly on 1 August 2010 called for the enforcement of the stoning of women accused of extra marital affairs, the promotion of early marriages and polygamy, and the removal of HIV/AIDS education from Sudan's school curricula. This was criticised by the 'No to Women's Oppression Coalition' (the coalition was formed following the case of Lubna Hussein, a UN



public information officer who was arrested in 2009 by the Sudanese authorities for wearing trousers in Khartoum). Coalition members said that this not only jeopardised the safety and security of women it also perpetuated violence, conflicts and hatred in society. Removal of HIV/AIDS education and awareness from the curricula showed poor judgment and lack of awareness of the implications of the health risks, they argued. Promotion of polygamy was also seen by the Coalition as one of the major causes of the spread of sexually transmitted diseases with serious consequences for the lives of children, families and the stability of societies.

Key Issues

A key issue for the Council is the conduct as the date for the referendum approaches is that they be conducted in a credible, peaceful way. A key concern is the limited time remaining in which to prepare for the referendum. Of particular concern is the failure to establish the Abyei Referendum Commission and the need to resolve the residency criteria (which determines who is entitled to vote in the referendum), including in Abyei.

A related issue is the parties' reaching an agreement on post-referendum issues before the referendum on southern Sudan's self determination.

A key procedural issue for the Council members in view of the possible visit to Sudan will be the limitations created by the fact that President Omar Al Bashir is an ICC indictee.

A key issue related to Darfur is the continued need for a credible and effective political strategy to resolve the conflict and turn around the deteriorating security situation. A key concern is the recent violence in Darfur between those in support of peace talks in Doha and those against. How the issue of the six local leaders under the protection of UNAMID is managed is a further

key concern given its serious implications for the UN's relationship with key stakeholders in Darfur, the Doha peace talks and the broader situation in Darfur.

A related issue is the access and freedom of movement restrictions under which humanitarian agencies and UNAMID are forced to operate in Darfur. An outcome of these restrictions of particular concern is UNAMID's inability to fully report on and assess the true situation on the ground.

On sanctions, in addition to the listing recommendation from the ICC Prosecutor, a key issue is how to find a consensus to better enforce the sanctions.

Options

Council action in September on sanctions in response to the Panel of Expert's final report is unlikely. However, the report is likely to encourage work on the renewal of the Panel's mandate in mid October. Possible areas of attention include:

- including in October's resolution specific language on the Council's intention to consider taking strong and effective measures against any individual or group directly impeding peacekeeping or humanitarian aid;
- to further examine the role of the private sector and perhaps seek engagement with companies identified by the Panel of Experts that have or have had in the past a significant economic relationship with actors involved in the Darfur crisis to discuss compliance with UN sanctions;
- along this line, the Council could establish tangible guidance on how to address the role of dual use products.

Another option for the Council is to request the Panel of Experts to look into the late July/August events in Kalma Camp as a threat to the peace process.

On Sudan in general, an option for the Council would be to request regular briefings from the Secretariat during the period heading up to the referendum.

Council Dynamics

The negotiations in Juba on renewal of the UNAMID mandate underlined Council members' differing views on the purpose and intent of peacekeeping. It seems China wanted to emphasise UNAMID's role in

addressing the political causes of the conflict and to stress UNAMID's priorities to include the peace process and early recovery activities. Maintaining UNAMID's focus on security related tasks, namely protecting civilians and ensuring humanitarian access, was seen as a priority issue for some other members including Austria, France, Japan, Mexico, the UK and the US.

Most members favoured strengthening language on the peace process and support the work of Bassolé but were also keen to ensure the work of UNAMID on the peace process complemented Bassolé and was not conducted in parallel.

Third, some countries, including China, the African members of the Council and Brazil, wanted UNAMID to be authorised to perform early recovery activities where appropriate but others resisted this proposal arguing that early recovery is the domain of other agencies and organisations and that UNAMID's responsibility lays in providing a secure environment for these actors to conduct their work.

The UK is the lead country on Darfur in the Council. The US is the lead country on the north-south Sudan peace process.

UN Documents

Selected Security Council Resolutions

- S/RES/1935 (30 July 2010) renewed UNAMID.
- S/RES/1919 (29 April 2010) renewed UNMIS.
- S/RES/1891 (13 October 2009) renewed the mandate of the Darfur Sanctions Panel of Experts for another year.
- S/RES/1593 (31 March 2005) referred the situation in Darfur to the ICC.
- S/RES/1591 (29 March 2005) and S/RES/1556 (30 July 2004) imposed sanctions.

Latest Secretary-General's Reports

- S/2010/388 (19 July 2010) was on UNMIS.
- S/2010/382 (14 July 2010) was on UNAMID.

Selected Security Council Meeting Records

- S/PV.6365 (27 July 2010) was a briefing by Joint AU-UN Special

Representative for Darfur Ibrahim Gambari.

- S/PV.6338 (14 June 2010) was the briefing by former South African President Thabo Mbeki, Haile Menkerios, Ibrahim Gambari and Djibril Bassolé.
- S/PV.6336 (11 June 2010) was the briefing by ICC Prosecutor Luis Moreno-Ocampo.

Other

- Assembly/AU/Dec.296(XV) (27 July 2010) reiterated the AU's decision to not cooperate with the ICC in the arrest and surrender of al-Bashir.

Other Relevant Facts

UNAMID: Joint AU-UN Special Representative for Darfur

Ibrahim Gambari (Nigeria)

Joint AU-UN Chief Mediator

Djibril Yipènè Bassolé (Burkina Faso)

UNAMID: Force Commander

Lieutenant General Patrick Nyamvumba (Rwanda)

UNAMID: Size, Composition and Cost

- *Maximum authorised strength:* up to 19,555 military personnel, 3,772 police and 19 formed police units (total police 6,432)
- *Main troop contributors:* Nigeria, Rwanda, Egypt and Ethiopia
- *Military Strength as of 30 June 2010:* 17,018 military personnel
- *Police Strength as of 30 June 2010:* 4,418 police personnel
- *Cost: 1 July 2010 - 30 June 2011:* \$1.81 billion

UNAMID: Duration

31 July 2007 to present; mandate expires 31 July 2011

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

Haile Menkerios (South Africa)

UNMIS: Force Commander

Major General Moses Bisong Obi (Nigeria)

UNMIS: Size, Composition and Cost

- *Maximum authorised strength:* up to 10,000 military and 715 police personnel
- *Main troop contributors:* India, Pakistan and Bangladesh

- *Military Strength as of 30 June 2010:* 9,441 military personnel
- *Police Strength as of 30 June 2010:* 676 police personnel
- *Cost: 1 July 2010 - 30 June 2011:* \$938 million

UNMIS: Duration

24 March 2005 to present; mandate expires 30 April 2011

Sanctions Committee Chairman

Thomas Mayr-Harting (Austria)

Somalia

Expected Council Action

The Secretary-General’s report on Somalia is due by 1 September. Later in the month the Council is expected to hold a debate on Somalia most likely featuring a briefing by the Secretary-General’s new Special Representative Augustine Mahiga. This would be Mahiga’s first appearance before the Council since his appointment in June. It is unclear whether there will be any outcome from the debate. However, the decision of the July AU summit to expand AMISOM could lead to proposals from the African members of the Council.

Key Recent Developments

On 25 August the Council held a debate on Somali piracy. At this occasion the Secretary-General announced the appointment of a special adviser on legal issues related to piracy off the coast of Somalia while the Council adopted a presidential statement, initiated by Russia, that:

- expressed the Council’s continued concern about the piracy threat and its belief that those responsible for acts of piracy must be prosecuted;
- welcomed the Secretary-General’s 26 July piracy report;
- commended ongoing efforts to prosecute suspected pirates and stressed the need for these efforts to continue;
- emphasised the need for regular review of progress relating to prosecution and imprisonment of pirates and encouraged the International Contact Group on Piracy off the Coast of Somalia to continue discussions on possible further steps to ensure accountability based on the

options proposed by the Secretary-General; and

- requested the Secretary-General to include in his next piracy report (due by 31 October) observations on possible ways to enhance cooperation to prosecute and imprison pirates.

Somalia has continued to cause serious international concern over the past several weeks.

On 24 August, more than thirty people, including six members of the Somali parliament, were reported to have been killed in an attack by gunmen disguised as government soldiers against a hotel in Mogadishu for which the Islamist rebel group Al-Shabaab claimed responsibility. The Council issued a press statement that same day, condemning the attack.

On 11 July about eighty people were killed in two separate, almost simultaneous bombing attacks in the Ugandan capital Kampala targeting locations where crowds had gathered to watch the televised football world cup final. The Islamist rebel group Al-Shabaab claimed responsibility for the bombings and said they had been carried out in retaliation for Uganda’s participation in the AU Mission in Somalia (AMISOM). The group also threatened similar attacks against AMISOM’s other main troop contributor, Burundi. It was Al-Shabaab’s first major attack outside Somalia and heightened international concern that the crisis in the country is spreading beyond its borders.

In a press statement on 12 July the Council condemned the attacks, underlining the need to bring to justice those responsible for “these reprehensible acts of terrorism” and reaffirming the importance of combating terrorism in all its forms.

The Ugandan president, Yoweri Museveni, said the attacks would not affect Uganda’s engagement in AMISOM, rejecting calls for a troop withdrawal and asserting his country’s resolve to defeat Al-Shabaab.

In early July the Somali prime minister, Omar Abdirashid Ali Sharmarke, reshuffled his cabinet to include five ministers from Ahlu Suna Wal Jamma (ASWJ), the pro-government Islamist group that controls

parts of central Somalia, in accordance with the cooperation framework agreement signed in Addis Ababa on 15 March between this group and the Transitional Federal Government (TFG).

On 5 July the Intergovernmental Authority on Development (IGAD) decided to deploy an additional 2,000 troops to AMISOM to reach the authorised strength of 8,000 and called on the AU Commission “to mobilise the necessary resources, logistics and equipment for the deployment.” IGAD also decided “to work with all parties, including AMISOM and the UN Security Council to raise 20,000 troops to be deployed throughout the country.”

The 25-27 July AU summit held in Kampala endorsed IGAD’s decisions and mandated the AU Commission to start planning for the deployment of additional AMISOM troops. It also requested the Commission to appoint a “High Level Personality to galvanise international support and attention for Somalia and the engagement of the population in governance processes in order to enhance the legitimacy of the TFG.” Despite calls from the TFG and Uganda to change AMISOM from a peacekeeping to a peace enforcement operation, the AU did not modify the mission’s mandate. It seems that Mahiga advised against changing the mandate in a meeting with African leaders on 25 July.

On 27 July Mahiga welcomed AU’s endorsement of the decision to send an additional 2,000 AMISOM troops to Somalia. He said the US, the EU and Algeria were ready to lift such troops and estimated that it could be done within thirty to forty days.

On 20 July the Council was briefed by Under-Secretary-General for Political Affairs, B. Lynn Pascoe, on compliance with resolution 1907 that imposed sanctions on Eritrea. Pascoe focused on the provisions of the resolution relating to the border dispute between Eritrea and Djibouti and said

that aspects relating to Somalia would be best addressed by the Monitoring Group on Somalia and Eritrea. In informal consultations following the briefing, Council members welcomed recent positive steps taken by Eritrea, but stressed the need for verifiable information on whether, as called for in the resolution, Eritrea had ceased all efforts to destabilise the Somali government. Some members also underlined the importance of a comprehensive approach to the Horn of Africa which would include a solution to the border dispute between Ethiopia and Eritrea.

In the same informal consultations on 20 July Mexican ambassador Claude Heller, in his capacity as chair of the Somalia/Eritrea Sanctions Committee, briefed Council members on the work of the Committee. (Resolution 1844 of 20 November 2008 calls for the Committee to report to the Council every 120 days.) In connection with this briefing Council members reviewed the effects of their decision in paragraph 5 of resolution 1916 that the assets-freeze provisions of the Somalia sanctions regime should not apply to financial assets or economic resources “necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia”. Council members generally agreed with the assessment of the recent report of the Humanitarian Coordinator for Somalia that it was too early for a thorough assessment of the effects of this provision. In a press statement on the review following the consultations, the Council noted that the assets-freeze exemption remained necessary to address the situation in Somalia.

On 8 August, Mahiga announced that the UN Political Office in Somalia (UNPOS) planned to strengthen its presence in Puntland and Somaliland with international staff within the next few months. While UNPOS also wanted to move into Mogadishu, “a cautious approach” was necessary because of the security situation.

In presidential elections held in Somaliland on 26 June, the opposition candidate Ahmed M. Mahmoud defeated the incumbent Dahir Riyale Kahin. According to international election observers the elections were well organised, free and fair.

Developments in the Sanctions Committee

On 12 August, Under-Secretary-General for Humanitarian Affairs John Holmes briefed the Sanctions Committee on the July report of the Humanitarian Coordinator for Somalia. The World Food Programme and the UN Children’s Fund also participated. Members of the new Monitoring Group for Somalia/Eritrea, which was reestablished in July, met with the Committee for the first time and presented their work plan.

Human Rights-Related Developments

The Human Rights Council’s independent expert on the situation of human rights in Somalia, Shamsul Bari, recently urged the international community to pay due attention to the protection of civilians in Somalia and ensure accountability for gross human rights abuses and international humanitarian law violations. In a statement on 10 August 2010 immediately after his visits to Kenya, Somalia and Uganda, Bari said he was deeply disturbed by the “continuing endless reports of civilian casualties —many of them women and children — caused by ongoing fighting in the south-central region and in Mogadishu”. Noting that there were generations who had known nothing but violence and conflict, he warned that “law, without enforcement, is of little consequence to victims at the hands of the perpetrators”. Bari called on the international community to help make perpetrators accountable. He counselled that to be effective in the protection of civilians, the international community, including the UN and the AU, needed to work in unison to be effective and to ensure accountability for violations that might amount to crimes against humanity and war crimes.

Key Issues

A key issue for the Council is whether to respond to increasing evidence that the conflict in Somalia may be spreading beyond the country’s borders.

Another key issue for the Council in September is whether there is a need to update

the UN strategy and whether the current “three-phased” approach is making a difference in Somalia.

A further issue is the future of AMISOM and whether the Council should now respond to the AU’s call for a significant increase in troops to be deployed in Somalia. Related issues are possible financial dimensions of such a decision and its impact on UN strategy.

The TFG’s ineffectiveness continues to be an issue. A related question is whether the TFG is receiving the right kinds of assistance from the international community.

Improving TFG’s relations with Somaliland and Puntland is another important issue linked to strengthening Somali government authority. It remains to be seen whether the announced strengthening of UNPOS’s presence in these regions will have a positive impact in this regard.

Another key issue is whether more can be done to encourage reconciliation with moderate elements among the insurgents.

Monitoring progress in the constitution drafting process is also an important political issue as the transitional period will be coming to an end in August 2011.

A key humanitarian issue is whether the Council should take up more directly the suffering of the civilian population, the continuing deterioration in the humanitarian situation and the ongoing violations of international humanitarian, human rights and refugee law. (Also AMISOM has been accused of such violations.) A related issue is whether the Council should address the TFG’s violations against children as evidenced in the Secretary-General’s April report on children and armed conflict.

Options

Options for the Council include:

- simply listening to the briefing and holding a debate where Council members state their national positions;
- inviting non-Council members to present their views in an open debate;
- adopting a presidential statement that would reaffirm some of the Council’s previous messages and in particular express support for the new Special Representative, urge the Somali leadership to

overcome political divisions, welcome IGAD's decision to immediately deploy the additional troops needed for AMISOM to reach its currently authorised troop level, express serious concern about the humanitarian situation and protection of civilians, call on member states to contribute to humanitarian funding for Somalia, call for the immediate cessation of all violations against civilians and call on Somalia to ratify the Convention on the Rights of the Child;

- indicating in a presidential statement that it would consider, if requested by the AU, any proposal for increasing the AMISOM authorised troop level;
- inviting the Secretary-General's Special-Representative for Children and Armed Conflict to brief the Sanctions Committee; and
- revising the targeted sanctions regime for Somalia to include as a designation criterion the recruitment and use of child soldiers or other violations against children.

Council Dynamics

A draft presidential statement on piracy was circulated by Russia on 11 August. It was mostly uncontroversial as Russia avoided favouring one option over another of those presented by the Secretary-General in his piracy report. (For more background on the piracy issue, please refer to our August Monthly Forecast.) There are, however, differences of view between members like the US and the UK who would prefer this issue to be dealt with exclusively in the piracy contact group and others who want to ensure that the Council stays involved.

On the wider issues, members are concerned by the regional security implications of the Kampala bombings and also see political divisions among the Somali leadership and the TFG's lack of effectiveness as a major problem. There are hopes that the new Special Representative will be able to bring about progress on key issues.

IGAD's call for a troop increase of 20,000 in Somalia is being approached with some caution. Some Council members first want to see AMISOM reach its current authorised strength of 8,000 troops and then assess how this will affect the security situation.

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

UN Documents

Selected Security Council Resolutions

- S/RES/1918 (27 April 2010) requested a report from the Secretary-General within three months on options to ensure prosecution and imprisonment of persons responsible for piracy off the coast of Somalia.
- S/RES/1916 (19 March 2010) extended the mandate of the Somalia/Eritrea Monitoring Group and requested the Secretary-General to re-establish it for a period of 12 months with the addition of three experts.
- S/RES/1910 (28 January 2010) renewed authorisation of AMISOM until 31 January 2011 and requested the Secretary-General to report on all aspects of the resolution every four months starting from 1 January.
- S/RES/1907 (23 December 2009) imposed an arms embargo and targeted sanctions against Eritrea.
- S/RES/1844 (20 November 2008) imposed targeted sanctions relating to the situation in Somalia.

Latest Secretary-General's Reports

- S/2010/394 (26 July 2010) provided options for addressing Somali piracy.
- S/2010/327 (22 June 2010) was a report on Eritrea's compliance with resolution 1907.
- S/2010/234 (11 May 2010) was the latest regular report on Somalia.
- S/2010/181 (13 April 2010) was the latest report on children and armed conflict.

Selected Meeting Records

- S/PV.6362 (20 July 2010) was the briefing on Eritrea's compliance with resolution 1907 by the Under-Secretary-General for Political Affairs.
- S/PV.6313 (12 May 2010) was the latest briefing by the Secretary-General's Special Representative.

Selected Letters

- S/2010/372 (12 July 2010) was from the chair of the Sanctions Committee transmitting to the Council the report of the Humanitarian Coordinator for Somalia on the implementation of

paragraphs 4 and 5 of resolution 1916 and on impediments to the delivery of humanitarian assistance in Somalia.

- S/2010/361 (7 July 2010) was from Ethiopia conveying the 5 July IGAD communiqué.
- S/2010/357 (1 July 2010) was from the Secretary-General informing the Council of the appointment of six of the eight experts to the Monitoring Group for Somalia and Eritrea, including Matt Bryden as the coordinator.
- S/2010/350 (30 June 2010) was from Eritrea welcoming the Secretary-General's 22 June report on Eritrea and confirming its support for the Istanbul declaration on Somalia.

Selected Council Press Statements

- SC/10012 (24 August 2010) condemned the attacks against a hotel in Mogadishu for which the Islamist rebel group Al-Shabaab claimed responsibility.
- SC/9988 (20 July 2010) was on the review of paragraph 5 of resolution 1916.
- SC/9980 (12 July 2010) was on the Kampala bombings.

Other Relevant Facts

Special Representative of the Secretary-General

Augustine Mahiga (Tanzania)

Chairman of the Somalia Sanctions Committee

Claude Heller (Mexico)

AMISOM

- *Maximum authorised strength:* 8,000 troops plus maritime and air components
- *Strength as of August 2010:* about 6,300 Ugandan and Burundian troops
- *Duration: February 2007 to present:* AU mandate expires on 17 January 2011 and Council authorisation expires on 31 January 2011

Security Council Statistics

In our February 2010 Forecast we analysed the statistical output of the Security Council for 2009. The finding that there had been a significant drop in the number of Security Council decisions of 26 percent from 2008 was a surprise. Even more of a surprise was when the longer historical context was considered. When the 2009 result was graphed against the outputs of the Security Council over the past twenty years, it showed that the number of Security Council decisions in 2009 was quite unprecedented in the post cold war period. The 2009 figure represented a return to lower levels of activity not seen for almost twenty years.

In our analysis we cautioned that progress is not measured only by formal decisions and that more is not necessarily better. And as we have highlighted in various reports during 2010 there has been a qualitative change in the atmosphere in the Council which had made it much more productive on a range of issues which were previously relatively intractable.

However, statistics are important benchmarks. We have therefore prepared an interim comparison between 2009 and 2010 covering the seven months from 1 January 2010 to 31 July 2010. An interesting picture emerges which suggests—at least at this point—that the pattern of 2009 is being sustained. As of 31 July the number of Security Council resolutions and presidential statements adopted during 2010 was 43. By comparison the number adopted in the same seven months period in 2009 was 45. Of course it remains to be seen how events will drive the output of the Council for the remainder of 2010.

Because of the fact that statistics are important indicators and because some have stressed the need to assess not only the formal decisions of the Council but also its informal work, we have also during 2010 analysed a set of statistics which correlate to the availability of information about the informal work of the Security Council.

Appearances of the Council President and other Council members at the media stakeout have proved over the years to be a major source of insight to the informal work of the Council. Such appearances have

significantly improved the transparency of the Council and the information available to member states and the wider public—especially since the advent of the UN Webcast archive. However, questions have arisen since the relocation of the Security Council in April 2010 to new temporary premises regarding ongoing transparency. Accordingly we analysed the numbers of stakeout appearances since the move of the Security Council to the new temporary accommodation and compared these with the figures for the same period for the preceding four years. (Since on some occasions the stakeout is used to speak about non Security Council issues, the statistics have been adjusted in all cases to limit the numbers to appearances which deal with Security Council matters.)

The findings are as follows:

April-July Stakeout Appearances for 2010

By the President 38

By other Members 32

April-July Stakeout Appearances Average for 2006-2009

By the President 48

By other Members 89

The reduction of 20 percent in appearances in recent months by the president from the past four-year average is significant. But even more significant is the 64 percent drop in appearances by other Council members. There is no doubt that the constraints of the new temporary facilities are a key factor in this, including the distance to the stakeout venue from the new locations for the UN press corps. However, other factors may be contributing as well, including timely liaison between the Security Council Affairs Division and the interested parties. Although the new facilities are temporary, the physical status quo seems likely to prevail for some time and there is therefore a real risk that the information status quo will become a permanent habit.

Stakeout Appearances April – July 2006-2010		
2010		
MONTH/PRESIDENT	BY THE PRESIDENT	BY OTHER MEMBERS
April - Japan	11	5
May - Lebanon	4	10
June - Mexico	13	9
July - Nigeria	10	8
2009		
MONTH/PRESIDENT	BY THE PRESIDENT	BY OTHER MEMBERS
April - Mexico	11	30
May - Russia	6	23
June - Turkey	7	20
July - Uganda	5	6
2008		
MONTH/PRESIDENT	BY THE PRESIDENT	BY OTHER MEMBERS
April - South Africa	17	22
May - UK	12	13
June - US	20	13
July - Vietnam	14	37
2007		
MONTH/PRESIDENT	BY THE PRESIDENT	BY OTHER MEMBERS
April - UK	10	18
May - US	16	18
June - Belgium	12	15
July - China	13	27
2006		
MONTH/PRESIDENT	BY THE PRESIDENT	BY OTHER MEMBERS
April - China	12	15
May - Congo	4	27
June - Denmark	5	7
July - France	29	63

Expected Council Action

A briefing from the chair of the 1737 Sanctions Committee on Iran is expected in September. A report from the IAEA on Iran's compliance with Council resolutions is also expected. No Council action was expected at time of writing. However, issues relating to Iran seem likely to arise in various informal meetings during the high-level General Assembly week in September.

Key Recent Developments

On 9 June the Council approved resolution 1929 which strengthened sanctions against Iran. The resolution also requested the Secretary-General to establish a panel of experts for a period of one year to assist the 1737 Committee carry out its work. The International Atomic Energy Agency (IAEA) was requested to report on Iran's compliance within ninety days. States were requested to report on their implementation of sanctions measures within sixty days. (It appears that a number of suggestions for the membership of the panel had been received by the Secretariat by the target deadline of the first week of August. Accordingly, it is possible that, after consultation with the Committee, the panel may be established by early September.) Resolution 1929 also stressed the willingness of the E3+3 (China, France, Germany, Russia, the UK and the US) to enhance diplomatic efforts and dialogue with Iran and affirmed that sanctions measures will be suspended if Iran complies with existing resolutions but further measures will be adopted if the IAEA reports noncompliance on the part of Iran.

On 28 June Japan's Ambassador Yukio Takasu, the then chair of the 1737 Sanctions Committee, delivered a briefing to the Council. The five permanent members of the Council each took the floor following the briefing, with all reiterating their willingness to engage diplomatically with Iran. The UK and the US urged the early establishment of the panel of experts and France encouraged states to cooperate with the panel in the future. China stated that work to promote implementation of the fuel swap plan

brokered by Brazil and Turkey continued. Russia voiced concern that some countries were taking additional restrictive measures not provided for in Council resolutions. (Media sources have reported that equipment acquired by German nationals on behalf of Russia for use in the Bushehr nuclear reactor in Iran was recently seized by German authorities because the transaction violated EU rules.)

On 1 July additional US measures against Iran, targeting the country's energy and banking sectors, went into effect. China criticised the move on 6 July, saying that individual states should not elaborate or expand on sanctions measures imposed by the Council. Russia announced plans on 14 July for closer cooperation between Russia and Iran with regard to petroleum interests. However, Russian President Dmitry Medvedev also urged Iran to fully explain alleged military components of its nuclear programme. On 26 July the EU adopted additional sanctions against Iran that included new restrictions on the energy and financial sectors, as well as various asset freezes and travel bans.

On 16 July the members of the Council condemned in a press statement the terrorist bombings that occurred that day in Zahedan, Iran which killed over two dozen people (SC/9986).

Iran has suggested on several occasions that it was prepared to engage in talks concerning its nuclear programme. On 25 July Iranian foreign minister Manouchehr Mottaki, Turkish Foreign Minister Ahmet Davutoglu and Brazilian Foreign Minister Celso Amorim met in Istanbul. Davutoglu said after the meeting that Iran had confirmed that EU foreign affairs head Catherine Ashton and Iranian chief nuclear negotiator Saeed Jalili would meet in September after the conclusion of Ramadan. Iranian president Mahmoud Ahmadinejad said on 2 August he was willing to meet with US President Barack Obama during his visit to New York for the convening of the General Assembly in September. Also, on 9 August Iranian Atomic Energy Organisation head Ali Akbar Salehi said talks with France, Russia, the US and the IAEA



(the Vienna group) were expected to restart in the next several weeks.

On 9 August an IAEA spokesperson advised that Iran had begun operating a second array of enrichment centrifuges to enrich uranium to the 20 percent level at the Natanz uranium enrichment complex, and noted that the move violated existing Council resolutions under which Iran is to suspend all enrichment-related activities. The use of two cascades allows low-enriched uranium (LEU) to be re-fed into the centrifuges in order to process the material more efficiently. (On 11 July Salehi was reported as saying that Iran had enriched 20 kilograms of uranium to the 20 percent level. The following day Russian President Medvedev said Iran was approaching the point at which it could potentially create a nuclear weapon.)

On 16 August Salehi said Iran would begin construction of an additional uranium enrichment facility by March 2011.

On 21 August the nuclear reactor of the Bushehr power plant in Iran began to be charged with fuel, according to a spokesperson for Russia's atomic energy agency. The Bushehr plant, which Russia assisted in constructing, is Iran's first nuclear power plant. Russia has supplied about 64 tons of low-enriched uranium for use in the plant. Salehi said that after the nuclear fuel is inside the plant, about a week will be required to transfer it to the reactor's core. Russian technicians are then expected to be involved with bringing a nuclear reaction to a minimal sustainable level and to conduct tests on controls and safety features for about two to three months. It will take several months after that point for the plant to reach its maximum power output. The spent fuel is planned to be returned to Russia. (The irradiated spent fuel will contain plutonium which could in turn be used in constructing a nuclear weapon.)

Human Rights-Related Developments

The UN Committee on the Elimination of Racial Discrimination (CERD) considered Iran's report on 5 August 2010. The Committee's rapporteur, Dilip Lahiri, noted that Iran appeared to be doing what CERD had asked it to do in terms of increasing economic and social indicators. But it was difficult to evaluate these efforts because of the absence of data by ethnicity or race. For example, it was generally accepted that almost half the population of Iran comprised minority ethnic groups, and over 40 percent of the population used languages other than Persian. Iran's report made frequent mention of deprived regions and underdeveloped communities, and the financial allocations made to address this situation. Despite repeated requests from CERD, however, the Committee had not received details of the demographic composition of Iran's population, or economic and social indicators disaggregated by ethnicity. The Committee's rule of thumb was to suspect racial discrimination, direct or indirect, whenever there were marked and persistent disparities in indicators between ethnic groups. This lack of data also made it difficult to identify and tackle discrimination and take concrete steps to combat it. Lahiri noted that it would also have been helpful if examples of discrimination complaints filed with Iranian human rights bodies had been produced. Iran was urged to rectify these issues in its next periodic report.

Key Issues

A key issue for the Council is whether the stated willingness on the part of Iran to engage in talks with the E3+3 might present an opportunity for negotiations on the issue.

A second issue is whether the enhanced sanctions by the Council are having any effect in influencing the Iranian government to return to negotiations in a meaningful way.

Underlying Problems

A key underlying problem is the continuing distrust between Iran and many members of the international community. Iran's insistence on continuing and in some aspects expanding its nuclear programme in the face of multiple Council resolutions has only exacerbated this lack of trust.

A related underlying issue is the ongoing public discussion, by both sides, of military options.

Options

Options for the Council include:

- a statement noting recent statements made by Iran with regard to reengaging in talks on its nuclear programme, urging the parties to intensify efforts to find a basis for negotiations and repeating its calls for compliance with Council resolutions; or
- to wait and see how various developments play out including the impact of resolution 1929, the establishment of the panel of experts, before discussing additional action.

Council and Broader Dynamics

Council members are waiting for the formation of the panel of experts. The panel is viewed by most as a significant new component of the sanctions regime. (One of the first tasks of the panel will be to aid the Committee in assessing the country reports on implementation that were due in early August.)

Many members seem to feel that some more time is needed in order to judge the effect resolution 1929 is having before discussing any further intensification of the sanctions. Some Council members think that there are some early indicators, such as the stated willingness of Iran to reengage in negotiations with the E3+3 through Catherine Ashton, which suggest some response to the apparent desire on the part of Iran to reengage should be tested. All are conscious, however, that the real issue is whether such negotiations will occur in a substantive manner. Brazil and Turkey (who both voted against resolution 1929) appear to remain somewhat sceptical of

the utility of the sanctions. Nevertheless, they have voiced support for the implementation of resolution 1929 as a matter of international law.

UN Documents

Selected Council Resolutions

- S/RES/1929 (9 June 2010) imposed a fourth round of sanctions against Iran. The resolution reaffirmed past Council decisions, imposed new measures on Iran and requested the Secretary-General to establish a panel of experts for a period of one year to assist the Iran Sanctions Committee in carrying out its work.
- S/RES/1887 (24 September 2009) reaffirmed previous resolutions related to Iran's nuclear activities.
- S/RES/1835 (27 September 2008) reaffirmed commitment to a negotiated solution within the E3+3 dual-track framework, and called upon Iran to comply with previous Council resolutions.
- S/RES/1803 (3 March 2008) reiterated existing measures against Iran and imposed additional ones.
- S/RES/1747 (24 March 2007) established a ban on Iran's arms exports and added names to the list of people and entities subject to assets freeze.
- S/RES/1737 (23 December 2006) banned trade with Iran of certain items related to nuclear activities and weapon delivery systems, imposed an asset freeze on certain persons and entities and established a sanctions committee.
- S/RES/1696 (31 July 2006) demanded that Iran suspend all enrichment-related and reprocessing activities, including research and development, to be verified by the IAEA.

Selected Meeting Record

- S/PV.6344 (28 June 2010) was the most recent briefing by the chair of the 1737 Committee.

Selected Letter

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

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

Latest IAEA Reports

- GOV/2010/28 (31 May 2010)
- GOV/2010/10 (18 February 2010)
- GOV/INF/2010/2 (10 February 2010)

Other Relevant Facts

Sanctions Committee Chairman

- Tsuneo Nishida (Japan)

Liberia

Expected Council Action

In September the Council is expected to renew the mandate of the peacekeeping operation in Liberia, UNMIL, which expires on 30 September. A briefing by Ellen Løj, the Head of UNMIL, is also expected. The Secretary-General's progress report on UNMIL was submitted to the Council on 11 August.

Key Developments

On 11 August the Secretary-General submitted his recommendations for the UN Mission in Liberia (UNMIL). He indicated that over the reporting period civil society and other national stakeholders in Liberia intensified preparations for the 2011 legislative and presidential elections. The report noted that the overall security situation in the country remained generally stable, but fragile. Ethnic and communal tensions, disputes over access to land and resources, and a general lack of confidence in the criminal justice system continued to affect security.

The Secretary-General advised that UNMIL had completed the third stage of its drawdown between October 2009 and May 2010, with a total of 2,209 military personnel being repatriated during the period (adjustments made to the mission in 2006, September 2008, March 2009 and May 2010 have now reduced UNMIL's troop strength from 15,250 to the current authorised strength of 8,102). Regarding possible timelines for the end of UNMIL, the Secretary-General concluded that it was

still too early for this. He indicated that future recommendations for further reductions in the UN peacekeeping force would be based on the findings and proposals of a comprehensive UN technical assessment mission to be sent to the country after the 2011 elections and which will assess preparations for the handover of security responsibilities from UNMIL to the Liberian authorities.

The Secretary-General recommended that:

- UNMIL's current military and police levels should be maintained until after the 2011 elections, in view of the number of potentially destabilising factors and the limited capacity of national security institutions to handle such challenges independently of UNMIL; and
- the Council should extend UNMIL's mandate for another year, at its current strength.

(For further key developments over the past six months, please see our August *Monthly Forecast*.)

Human Rights-Related Developments

Liberia's Truth and Reconciliation Commission (TRC) concluded its work on 29 July. Its chairperson, Jerome Verdier, expressed dissatisfaction with the lack of implementation of the TRC's recommendations contained in its final report of December 2009. "We disagree that Liberia's nightmare is over. If we ignore the TRC recommendations, we do so at our own peril," Mr Verdier said at the body's closing ceremony. He said that the Commission was under no illusions as to the sensitivity of issues associated with the implementation of the recommendations. Like reconciliation, it would take years before full implementation was achieved. But Verdier noted, "we need to commit ourselves to the implementation and begin in earnest a process or framework for implementation". Stemming from the Accra Comprehensive Peace Accord in 2003, the TRC was tasked to investigate gross human rights violations, violations of international humanitarian law and other abuses that



occurred during the period from January 1979 to October 14, 2003.

In its submission to the Human Rights Council for the Universal Periodic Review of Liberia, scheduled for 1 November this year, Human Rights Watch urged Liberia's government to "establish an accountability mechanism as recommended by the TRC that can fairly and effectively ensure justice for the worst crimes committed, including by promoting the independence of such a mechanism from influence by any external actors".

Key Issues

A key related issue is the future of UNMIL at this stage, bearing in mind resolution 1885's acceptance that the conduct of free and fair, conflict-free elections should become a core benchmark for UNMIL's future drawdown and the Secretary-General's recent recommendations.

A second issue is whether there is a need for UNMIL's role in the period leading up to the 2011 elections for UNMIL's mandate to be modified.

A third issue is whether the Council should take the opportunity of its September renewal resolution to act on some of the recommendations of the sanctions Panel of Experts on Liberia in its midterm report submitted to the Liberia Sanctions Committee in May. (The Panel recommended that the Council renew the elements of the mandate requiring UNMIL to provide assistance to the Liberian government in re-establishing proper administration of its natural resources and authority in mining and forestry areas, and that UNMIL support the creation of a specialised explosive-ordnance disposal unit as part of the Liberian National Police and gradually hand over this activity to the Liberian authorities.)

A fourth issue, given the recommendations to the Council from the facilitators of the Peacebuilding Review in July (see our August Monthly Forecast for details on this issue) is how to adapt Council processes when discussing Liberia to reflect the proposal that it should seek wider input in its decision making, including seeking the advice of the Peacebuilding Commission (PBC) structures when peacekeeping mandates are being reviewed.

Underlying Problems

Major socioeconomic challenges coupled with weaknesses in state institutions relating to democracy and the rule of law, youth unemployment and ex-combatants, the slow pace of security sector reform in restoration of effective state control over the national territory, as well as the menace of illicit drug trafficking seem to continue to threaten the stability of Liberia. The wider in the region is also a worrying factor.

Options

Options include:

- renewing UNMIL with existing force levels;
- adjusting the mandate to reflect the Secretary-General's proposals on electoral-assistance tasks and the mission's third phase drawdown plan;
- implementing the Panel recommendations, including adding to the mandate of UNMIL the task of providing assistance to the Liberian government in re-establishing proper administration of its natural resources and authority in mining and forestry areas;
- renewing the mandate without any modification;
- not renewing or substantially downsizing UNMIL; and
- seeking the advice of the PBC structures in reviewing UNMIL's mandate, following the Council's 14 July request to the PBC for advice on Liberia.

Council Dynamics

At press time Council members were still studying the Secretary-General's report, without any detailed discussions having yet taken place among them. However, the sentiment among many Council members seems to support the Secretary-General's recommendation on force size.

It remains to be seen whether there is also support for any modifications to the mandate, especially regarding UNMIL's support of Liberia's electoral needs and the recommendations of the Panel. However, many Council members remain committed to the view that the 2011 elections are a core benchmark for determining the mission's eventual drawdown and withdrawal.

It also remains to be seen if the Council will take up the recommendations of the facilitators of the Peacebuilding Review in July, by seeking the PBC's input into its review of the mandate of UNMIL.

The US is the lead country on this issue in the Council.

UN Documents

Selected Security Council Resolutions

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

Selected Secretary-General's Reports

- S/2010/429 (11 August 2010) was the latest report on UNMIL.
- S/2007/479 (8 August 2007) was the initial drawdown plan for UNMIL.

Other

- S/2010/319 (17 June 2010) was the latest report of the Panel of Experts on Liberia.

Other Relevant Facts

Special Representative of the Secretary-General

Ellen Margrethe Løj (Denmark)

UNMIL Force Commander

Lieutenant-General Sikander Afzal (Pakistan)

UNMIL: Size, Composition and Cost

- *Strength as of 30 June 2010*: 9,307 personnel, including 7,810 troops, 1,364 police and 133 military observers

- *Key contributing countries*: Bangladesh, Nigeria, Pakistan and Ghana
- *Cost*: 1 July 2010 to 30 June 2011: US\$524,052,800 million

UNMIL: Duration

September 2003 to present; mandate expires 30 September 2010

Chairman of the Liberia Sanctions Committee

Ivan Barbalić (Bosnia and Herzegovina)

Panel of Experts on Liberia

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

Sierra Leone

Expected Council Action

In September the Council will be briefed on developments in Sierra Leone by Michael von der Schulenburg, the head of UNIPSIL. The Secretary-General's next progress report is due in mid-September. The mandate of UNIPSIL, which expires on 30 September, is expected to be renewed for another year.

Key Recent Developments

On 22 March Michael von der Schulenburg, the Secretary-General's Executive Representative in Sierra Leone briefed Council members on the work of the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL). Three issues have traditionally been considered critical for peace consolidation in the country:

- youth unemployment;
- illicit drug trafficking; and
- corruption.

The Secretary-General's representative is also likely to flag the 2012 presidential, parliamentary and local elections as a fourth critical. In March he noted that the elections would present quite difficult and complex challenges for the country, including the prevailing ethnic loyalties in party politics, winner-takes-all syndrome and political party financing.

The chairman of the Peacebuilding Commission's (PBC) country-specific configuration for Sierra Leone, Canadian Ambassador John McNee also briefed the Council at the March meeting.

From 14 to 16 June the Secretary-General visited Sierra Leone, where he highlighted the successes of the country in consolidating peace, and he visited the UN supported Special Court for Sierra Leone, set up to deal with the worst crimes committed during that country's civil war which ended in 2002. He told journalists that the country was one of the most successful examples of post conflict recovery, peacekeeping and peacebuilding, and noted that the UN mission's smooth transition from a peacekeeping operation to a peacebuilding support one provided an example for other countries emerging from conflict.

On 15 July the Council through an exchange of letters with the Secretary-General accepted his proposal that he would work out an agreement with the Sierra Leonean government to set up a residual mechanism for the Special Court for Sierra Leone, and a statute of the residual mechanism. (The Special Court has prosecuted and convicted eight persons since it was set up in February 2002. One indicted person remains at large, and its only remaining trial is that against former Liberian President Charles Taylor, at The Hague. It is expected that Taylor's trial will be completed around June 2011 and any appeal concluded around February 2012.)

Peacebuilding Commission-Related Developments

On 26 March Ambassador McNee briefed the PBC country-specific configuration for Sierra-Leone on the PBC delegation's visit to Sierra Leone from 8 to 12 March. Also discussed during the meeting was the new Joint Response to Youth Employment in Sierra Leone, which is an integrated national programme to assist in the creation of employment opportunities for young people. (The joint response was

developed by the government of Sierra Leone together with international partners like the World Bank, the Deutsche Gesellschaft für Technische Zusammenarbeit, the UN Development Programme, the International Labour Organisation, UN Industrial Development Organisation and the EU.)

Human Rights-Related Developments

The third annual report of the Human Rights Commission of Sierra Leone (established by an act of the country's parliament in 2004) was presented to Sierra Leone's president on 3 August. The Commission was mindful of Sierra Leone's forthcoming Universal Periodic Review (UPR) by the Human Rights Council set for 5 May 2011 and signalled it would work with and support the government and civil society to ensure that Sierra Leone deposited its UPR State Report well before the deadline.

The Commission will next convene a meeting with cabinet ministers to discuss its findings and recommendations. Five key recommendations are for the government to:

- establish a follow-up forum to the Truth and Reconciliation Committee (TRC);
- provide the remaining 49 percent of its contribution to the reparations programme;
- implement a 30 percent quota for women in leadership;
- complete the constitutional review process in the shortest possible time; and
- fulfil the remaining TRC recommendations.

Introducing the report, the chair of the Commission, while commending the government for upgrading health infrastructure including hospitals, noted that there still remained human rights challenges that needed to be addressed.



Key Issues

A key issue for the Council is deciding on UNIPSIL's role in Sierra Leone in light of developments on the ground, as well as the presidential, legislative and local government elections scheduled for 2012. A closely related issue is whether UNIPSIL is sufficiently well resourced to ensure effective peace consolidation in the country.

Another key issue for Council members likely to be addressed by the Secretary-General in his upcoming report is action needed to develop benchmarks for the transition of UNIPSIL eventually into a UN Country Team presence, in line with resolution 1886.

A third issue, given the recommendations to the Council from the facilitators of the Peacebuilding Review in July (see our *August 2010 Forecast* for details on this issue) is how to adapt Council processes when discussing Sierra Leone to reflect the proposal that it should seek wider input in its decision making, including seeking the advice of the PBC structures when peacekeeping mandates are being reviewed.

Underlying Problems

Socioeconomic challenges coupled with weaknesses in state institutions relating to democracy and the rule of law, youth unemployment (one third of Sierra Leone's population is between 15 and 35 years of age) and illicit drug trafficking persists. Economic recovery has been slow partly because the reconstruction needs are immense.

Council Dynamics

Sierra Leone is not currently generating controversy in the Council, due largely to the successful transitioning of the UN mission from peacekeeping to peacebuilding operations, and its relatively stable peace consolidation process. Consequently,

Council members appear agreed on the continued utility of UNIPSIL and many seem ready to support a related recommendation by the Secretary-General for a further extension of the mandate of the mission.

Most members seem likely to prefer to retain the main elements of UNIPSIL's mandate, with the only modifications being made to it with regard to authorising the mission to engage in activities that will enable it to better support the process towards holding peaceful and credible national elections in Sierra Leone in 2012.

It also remains to be seen if the Council will take up the recommendations of the facilitators of the Peacebuilding Review in July, by seeking the PBC's input into its review of the mandate of UNMIL.

The UK is the lead country on this issue in the Council.

International Court of Justice Elections

Expected Council Action

The Security Council and the General Assembly will meet on 9 September to hold elections for the vacant seat created by the resignation of Judge Thomas Buergenthal (US) from the ICJ. (The date of the election was decided by the Council in resolution 1926 of 2 June.) The elected judge will occupy the seat for the remainder of Buergenthal's term, until 5 February 2015.

The Statute of the ICJ in article 8 provides that:

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

At press time the list of nominations had not been published by the Secretariat. In June, however, the US informed the UN Office of Legal Affairs that Joan E. Donoghue had been nominated by its national group. While no UN members have a legal entitlement to representation at the International Court of Justice (ICJ), in recent times the court has always included a judge from each of the P5 countries. (In a recent, similar election on 29 June resulting from the resignation of the Chinese Judge Shi Jiuying, Xue Hanqin, also a Chinese national and the only nominated candidate, was elected.) It seems unlikely that there will be candidates other than Donoghue.

Background

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

The ICJ and the Council have an important relationship established by the Charter. In the event that a state fails to abide by an ICJ decision, the other party may have recourse

Council about his intention to work out an agreement with the Sierra Leonean government to set up a residual mechanism for the Special Court for Sierra Leone.

- S/2008/63 (31 January 2008) was from the Secretary-General conveying the completion strategy for UNIOSIL.

Other

- S/PV.6291 (22 March 2010) was the verbatim record of the open meeting by the Council on UNIPSIL.
- A/HRC/10/52 (4 March 2009) was the annual report of the High Commissioner for Human Rights on Sierra Leone.
- S/PV.6080 (9 February 2009) was the open debate by the Council to consider the first report of the Secretary-General on UNIPSIL.

PBC

- PBC/3/SLE/6 (12 June 2009) was the outcome of the PBC High-level Special Session on Sierra Leone.
- PBC/3/SLE/L.2 (10 June 2009) was the PBC's latest conclusions and recommendations on Sierra Leone.
- PBC/3/SLE/4 (6 April 2009) was the PBC statement welcoming the joint communiqué between the two leading political parties in Sierra Leone.
- PBC/2/SLE/1 (3 December 2007) was the Sierra Leone Peacebuilding Cooperation Framework.
- PBC/OC/1/2 (21 June 2006) was a letter from the Council president to the Secretary-General referring Sierra Leone to the PBC.

Other Relevant Facts

UNIPSIL Executive Representative of the Secretary-General

Michael von der Schulenburg (Germany)

Size and Composition of Mission

Staff strength (as of 31 May 2010): 27 international civilians, 32 local civilians and one UN volunteer.

Duration

1 October 2008 to present; mandate expires 30 September 2010

UN Documents

Selected Security Council Resolutions

- S/RES/1886 (15 September 2009) extended the mandate of UNIPSIL until 30 September 2010 and requested the Secretary-General to develop benchmarks for the transition of UNIPSIL into a UN Country Team presence.
- S/RES/1829 (4 August 2008) authorised the creation of UNIPSIL to replace UNIOSIL for one year commencing 1 October.
- S/RES/1688 (16 June 2006) requested the Secretary-General to assist in the transfer of former Liberian President Charles Taylor to the Special Court's special outpost in the Netherlands.

Latest Secretary-General's Report

- S/2010/135 (15 March 2010)

Selected Letters

- S/2010/385 (15 July 2010) conveyed the Council's approval for the Secretary-General to work out an agreement with the Sierra Leonean government to establish a residual mechanism for the Special Court for Sierra Leone.
- S/2010/384 (15 July 2010) was from the Secretary-General informing the

to the Council. Under the Charter, the Council may then make recommendations or decide upon measures to give effect to the ICJ's decision.

The ICJ also exercises advisory jurisdiction through a procedure allowing intergovernmental organisations to request advisory opinions. The Council or the General Assembly may request the ICJ to give an advisory opinion on any legal issue. The General Assembly may also authorise other UN organs or agencies to request advisory opinions from the ICJ.

Election Process

Article 14 of the ICJ Statute provides that:

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

Article 4 provides that members of the Court shall be elected from a list of persons nominated by the national groups in the Permanent Court of Arbitration (PCA), (members of the PCA from the same country constitute a national group) or in the case of UN member states not represented in the PCA, by national groups appointed specifically for this purpose. Article 5 provides that the Secretary-General invite national groups to nominate candidates at least three months before the date of the election.

Article 15 presents the term of office:

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

Under article 10 of the Statute, candidates who obtain an absolute majority (i.e. more than 50 percent) of votes in both the General Assembly and the Council are elected.

If no candidate receives an absolute majority on the first ballot in either the General Assembly or the Council, a second ballot

will be held. Balloting continues until a candidate has obtained the required majority.

When a candidate has obtained the required majority in one body, the president of that body will notify the other president of the outcome, but the results are only disclosed to members of the second body after their own voting is concluded.

Key Recent Developments

On 27 May the Secretary-General informed the Council in a note that he had received a letter dated 29 April from the ICJ president containing the letter from Buergethal regarding his intention to resign from the Court effective 6 September 2010. Buergethal was first elected to the ICJ on 2 March 2000 when he was the only nominated candidate to fill the vacancy created by the resignation of the American judge Stephen Schwebel. He was re-elected on 6 February 2006 for a regular nine-year term of office.

In accordance with Article 14 of the Statute, the Council met on 2 June to fix the date of the election to fill the vacancy after Buergethal. It adopted resolution 1926 which set 9 September as the day for the Council and the General Assembly to hold the election.

UN Documents

Selected Security Council Resolution

- S/RES/1926 (2 June 2010) was the resolution fixing the date for the election.

Others

- S/2010/255 (27 May 2010) was the note from the Secretary-General informing the Council of the vacancy in the ICJ.
- A/64/808-S/2010/298 (8 June 2010) set out the procedure for ICJ elections in connection with the resignation of Judge Shi Jiuyong.



Notable Dates for September

Reports for Consideration in September	Document Requesting Report
11 August	<i>SG report on Liberia (UNMIL)</i> S/RES/1885
31 August	<i>SG report on Haiti (MINUSTAH)</i> S/RES/1892
by 1 September	<i>SG report on Nepal (UNMIN)</i> S/RES/1921
1 September	<i>SG report on Somalia</i> S/RES/1910
mid September	<i>SG report on Sierra Leone (UNIPSIL)</i> S/RES/1886
mid September	<i>Panel of Experts report on Sudan Sanctions</i> S/RES/1891
late September	<i>SG report on Afghanistan (UNAMA)</i> S/RES/1917

Mandates Expiry in September 2010	Relevant Document
15 September	<i>Nepal (UNMIN)</i> S/RES/1921
30 September	<i>Liberia (UNMIL)</i> S/RES/1885
30 September	<i>Sierra Leone (UNIPSIL)</i> S/RES/1886

September 2010 Other Important Dates

2 September	<i>Direct Israeli-Palestinian talks are expected to resume in Washington DC.</i>
9 September	<i>The Security Council and the General Assembly hold elections for the vacant ICJ seat created by the resignation of Judge Thomas Buergenthal.</i>
14 September	<i>The General Assembly's 65th session begins.</i>
15 September	<i>The Panel of Inquiry into the 31 May Gaza flotilla incident is expected to submit its interim report to the Secretary-General.</i>
18 September	<i>Parliamentary elections in Afghanistan are expected.</i>
19 September	<i>Presidential run-off elections have been scheduled for Guinea.</i>
20 to 24 September	<i>The IAEA Summit will be held in Vienna, Austria.</i>
23 September	<i>A high-level Security Council meeting on International Peace and Security is expected.</i>
23 September	<i>The General Assembly's annual General Debate will start.</i>

Also expected in September:

- A Security Council debate on counter-terrorism
- An informal meeting on Sudan chaired by the Secretary-General

The Council is expected to be briefed by the:

- Head of UNAMA, Staffan de Mistura on Afghanistan
- Head of UNIPSIL, Michael von der Schulenburg on Sierra Leone
- Head of UNMIL, Ellen Løj on Liberia
- Head of UNMIN, Karin Landgren on Nepal
- Chair of the 1737 Sanctions Committee on Iran
- UN Special Coordinator Robert Serry on the Middle East

Important Dates over the Horizon

- General elections in Bosnia and Herzegovina are expected in October.
- Presidential elections are scheduled in Côte d'Ivoire on 31 October.
- Legislative elections in Chad are expected for November.
- Presidential and legislative elections in Haiti are expected in November.
- General elections in Myanmar are expected in November.
- Referenda for southern Sudan and Abyei are to be held pursuant to the Comprehensive Peace Agreement (CPA) by 9 January 2011.
- Legislative elections in the DRC are expected in July 2011 and presidential elections are expected in October 2011.
- Legislative and presidential elections in Liberia are expected in October 2011.

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