

Monthly Forecast

- 2 In Hindsight: UN Guard Units
- 3 Status Update since our April *Forecast*
- 4 1540 Committee
- 5 South Sudan
- 7 Sudan and South Sudan
- 8 Sudan (Darfur)
- 9 Somalia
- 11 Burundi
- 12 UNOCA/LRA
- 13 Guinea-Bissau
- 15 Libya
- 16 Syria
- 17 Lebanon
- 19 Bosnia and Herzegovina
- 20 Kosovo
- 21 DPRK
- 22 Counter-Terrorism
- 24 Notable Dates

1 May 2014

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Overview

The Republic of Korea (RoK) will preside over the Security Council in May.

A high-level open debate on **non-proliferation**, chaired by Foreign Minister Yun Byung-se of the RoK and with a briefing by Deputy Secretary-General Jan Eliasson is planned to mark the 10th anniversary of the adoption of resolution 1540 on terrorism and weapons of mass destruction. Debates will be held on **Bosnia and Herzegovina**, with a briefing by High Representative Valentin Inzko, and on **Kosovo**, with a briefing by Special Representative of the Secretary-General Farid Zarif.

RoK is planning a **wrap-up session** to be held at the end of the month in a private meeting.

Briefings are expected on:

- the **human rights situation in South Sudan**, by the High Commissioner for Human Rights, Navi Pillay and the Secretary-General's Special Adviser on the Prevention of Genocide, Adama Dieng;
- the work of the **UNOCA** (Central Africa) and the implementation of the **regional strategy on the Lord's Resistance Army** by Abou Moussa, Special Representative of the Secretary-General and head of UNOCA;
- recent developments concerning **ICC cases in Libya**, by ICC Prosecutor Fatou Bensouda; and
- the work of the Council's **counter-terrorism committees**, by Ambassador Gary Quinlan (Australia), chair of the 1267/1989 Al-Qaida Sanctions Committee; Ambassador Raimonda Murmokaitė (Lithuania), chair of the 1373 Counter-Terrorism Committee; and Ambassador Oh Joon (RoK), chair of the 1540 Committee.

Briefings, followed by consultations, are expected on:

- developments in **Burundi**, by the Secretary-General's Special Representative and head of BNUB, Parfait Onanga-Anyanga (via video tele-conference, VTC);
- **Somalia**, by the head of UNSOM Nicolas Kay (via VTC);
- the work of the **2140 Yemen Sanctions Committee** by its chair Ambassador Raimonda

Murmokaitė (Lithuania);

- developments in **Guinea-Bissau**, by the head of UNIOGBIS José Ramos-Horta, and the chair of the PBC Guinea-Bissau configuration, Ambassador Antonio de Aguiar Patriota (Brazil), and
 - the **Middle East**, by the Assistant Secretary-General for Political Affairs, Oscar Fernández-Taranco.
- Briefings in consultations are likely on:
- the implementation of **resolution 1559 concerning Lebanon**, by the Special Envoy of the Secretary-General Terje Rød-Larsen;
 - the implementation of **resolution 2139 on humanitarian access in Syria**, by Assistant Secretary-General for Humanitarian Affairs Kang Kyung-wha;
 - the destruction of **Syria's chemical weapons**, by Special Coordinator Sigrid Kaag;
 - the **political efforts with respect to Syria**, by the UN-Arab League Joint Special Representative Lakhdar Brahimi;
 - **Sudan-South Sudan** issues, by Special Envoy of the Secretary-General Haile Menkerios (by VTC);
 - **South Sudan**, by the Special Representative of the Secretary-General, Hilde Johnson (by VTC);
 - the work of **UNISFA (Abyei)** by the Under-Secretary-General for Peacekeeping Hervé Ladsous;
 - the work of the **1718 DPRK Sanctions Committee**, by its chair, Ambassador Sylvie Lucas (Luxembourg); and
 - the work of the **1591 Sudan Sanctions Committee**, by its chair, Ambassador María Cristina Perceval (Argentina).

Formal sessions will be needed to adopt resolutions renewing the mandates of **UNISFA**, **UNIOGBIS** and **UNSOM**.

An "Arria-formula" meeting on the **protection of internally displaced persons** is being contemplated by Australia and Chile.

Throughout the month members will be following closely events in **Ukraine** and the **Central African Republic** and additional meetings may be scheduled. •

In Hindsight: UN Guard Units

The Secretary-General recommended in 2013 the creation of three guard units—in the Central African Republic (CAR), Libya and Somalia—to protect UN political and peacebuilding missions operating in deteriorating security environments. What was once perceived as an exceptional measure taken in 2004 in a particularly difficult context (Iraq) may be becoming a common practice as special political missions are deployed in increasingly volatile settings. These developments, which have not attracted much publicity, nevertheless have led to a number of questions being asked, including whether Department of Political Affairs-led missions are the appropriate tool to tackle such situations, the mandate and expectations for guard units and other institutional issues within the organisation.

Procedurally, these guard units have been proposed by the Secretariat with the Council mainly taking note of the recommendation. The rationale for this is that the deployment of these units amounts to a management decision by the Secretary-General, but some Council members have grown wary of the recent increase in these deployments and their potential impact on UN involvement in fragile settings in general given the lack of clarity about the way they operate. In discussions about this issue, some Council members have noted that the provision of security is a responsibility of the host country and have inquired whether the Department of Safety and Security (DSS) or other civilian resources were capable of providing the needed security for political missions in fragile contexts. The effectiveness of the command and control and reporting lines of such units in the absence of a military hierarchy has also been raised.

Two guard units were created through exchanges of letters in October and December 2013 in order to protect the UN Integrated Peacebuilding Office in the CAR—now subsumed under the UN Multidimensional Integrated Stabilization Mission in the CAR—and the UN Assistance Mission in Somalia, respectively. The Secretariat engaged in consultations to generate the forces. A Moroccan contingent, numbering 560 troops, started deploying in January to the CAR and after

the host government confirmed its consent, 410 Ugandan troops started to deploy in April to Somalia.

In the case of Libya, in November 2013 the Secretary-General developed plans for the establishment of a guard unit consisting of up to 235 military personnel mandated to guard and protect the increasingly vulnerable compound of the UN Support Mission in Libya (UNSMIL) and UN personnel and assets inside the compound (S/2013/704). Although the Council took note of the information and the arrangements proposed in the letter (S/2013/705), the unit was never deployed following concerns by Libya on the impact such deployment could have on the security situation and the withdrawal of the troop contributor that was expected to provide the forces. After rejecting the option for an armed private security company, as is the case with the UN Assistance Mission in Afghanistan (General Assembly resolution 67/254 of 12 April 2013 recommends such a measure only as a last resort), the Secretariat proposed in April 2014 to strengthen and restructure the security section of UNSMIL with additional positions and logistical resources (A/68/327/Add.12). This decision is pending the approval by the Fifth Committee.

The first UN guard unit was deployed in Iraq in 2004 after the Secretary-General reported to the Council that three 160-person armed guard units were required to protect the UN Assistance Mission for Iraq. In that first instance, the Secretary-General acknowledged that a specific Council mandate to obtain and deploy the guard units was required and indications from member states that had been approached to provide the troops were that “without a clear and unambiguous legal basis, many if not all of the potential contributors may decline to contribute units” (S/2004/710). Following an exchange of letters between the Secretary-General and the President of the Security Council, the Council welcomed the deployment of such a guard unit. A unit composed of a company from Fiji with the logistical support of Australia was deployed in November 2004. Currently, the UN guard

unit deployed in Iraq is composed of troops from Fiji and Nepal.

The recent establishment of two units and discussions about a third one has forced the Secretariat to clarify some of the norms under which they operate. Most of the discussions in the Council were based on the little information Council members had received about the arrangements under which these units work: legal, political and logistical. Until now, guard units have worn blue berets but earlier this year the Secretariat suggested a distinct uniform. This distinction is meaningful. The mandate, responsibilities and legal protection of peacekeepers differ significantly from those of guard units. Some Council members have been concerned that in the absence of differentiated uniforms, an unforeseen consequence of the deployment of such units in fragile theatres could be the expectation among the local population that the troops have a mandate for protection of civilians. Also, some governments—Libya being the most recent example—were wary of the visibility of UN military personnel in blue berets. In the Status of Mission agreements between the UN and host governments, the latter authorise the actions guard units can undertake, mostly limited to the protection of UN premises and personnel as well as their eventual evacuation. These reassurances have also been given to Council members that were concerned about the impact of these units being deployed without Council authorisation through a resolution. Questions still remain regarding the obligations for these troops to act if grave crimes are committed in their sight, as well as about the legal protections that cover them.

Even if the case can be made that the security situation on the ground has deteriorated significantly, the use of guard units seems mostly a consequence of the limitations in the establishment of peacekeeping operations. Guard units are being deployed to protect political missions that are not necessarily a suitable response for the needs on the ground but the only option available as an interim solution or when creating a peacekeeping operation seems politically—or at times financially—unrealistic.

Status Update since our April Forecast

Afghanistan

On 5 April, the Council issued a press statement welcoming the holding of presidential and provincial council elections in Afghanistan (SC/11347).

Central African Republic

On 8 April, High Commissioner for Human Rights Navi Pillay briefed Council members in consultations on several situations, including the CAR. On 10 April, the Council adopted resolution 2149 that established the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) with an initial deployment of up to 10,000 military and 1,800 police personnel (S/PV.7153). MINUSCA is to take over from the AU troops currently deployed in the country by 15 September. Its tasks include protecting civilians; facilitating the delivery of humanitarian assistance; protecting human rights; supporting the rule of law; and ensuring the disarmament, demobilisation, reintegration and repatriation of former combatants.

Ukraine

The Council met three times in April at a time of intensified political unrest in Ukraine. On 13 April, upon the request of Russia (S/2014/264), the Council held a public meeting and was briefed by Assistant Secretary-General for Political Affairs Oscar Fernández-Taranco on the latest developments in eastern Ukraine (S/PV.7154). On 16 April, Lithuania requested a meeting on the human rights situation there and the Council was briefed by Assistant Secretary-General for Human Rights Ivan Šimonović who shared findings from his two visits in March to Ukraine (S/PV.7157). On 29 April, following a request by the UK, the Council was briefed by Under-Secretary-General for Political Affairs Jeffrey Feltman on developments (S/PV.7165).

Counter-Terrorism

On 14 April, Council members issued a press statement condemning the multiple terrorist attacks committed by Boko Haram in Nigeria on 13 and 14 April, causing numerous deaths and injuries (SC/11352). On 24 April, Council members also condemned a 19 April terrorist attack in Tizi Ouzou, Algeria (SC/11364).

Prevention and Fight against Genocide

On 16 April, the Council heard a briefing on the prevention and fight against genocide to commemorate the 20th anniversary of the genocide in Rwanda (S/PV.7155). The briefers were Deputy Secretary-General Jan Eliasson and former Permanent Representative of New Zealand Colin Keating, who served as Council president in April 1994 when the genocide started. The Council adopted resolution 2150, calling on all states to prevent and fight against genocide, and other serious crimes under international law, reaffirms the principle of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and underscores the importance of taking into account lessons learned from the 1994 genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed.

Western Sahara

On 16 April, the Council held a closed meeting with the troop- and police-contributing countries to MINURSO. On 17 April, the head of MINURSO, Special Representative Wolfgang Weisbrod-Weber briefed Council members in consultations along with Personal Envoy Christopher Ross on MINURSO's activities and developments in the Secretary-General's latest report (S/2014/258). On 29 April, the Council adopted resolution 2152 and extended the mandate of MINURSO for a year. The resolution supports the Secretary-General's request for an additional 15 military observers, within existing resources. It also encourages the parties to continue their efforts to enhance the promotion and protection of human rights in Western Sahara and the Tindouf refugee camps in Algeria, including the freedoms of expression and association, and welcomes the initiatives taken by Morocco, including the planned visit of the Office of the High Commissioner for Human Rights in 2014.

Myanmar

On 17 April, at the request of the UK, the Special Adviser on Myanmar, Vijay Nambiar, briefed Council members in informal consultations under "any other business". (His previous such briefing was on 16 April 2013.) The briefing focused on the situation in Rakhine, in particular the recent rise in inter-communal

tensions there, the disruption of humanitarian aid and the controversy surrounding the census. Nambiar also spoke about the peace process and the prospects for constitutional reform. On 25 April, some Council members (Australia, the Republic of Korea and the P5) also participated in the first meeting of the Partnership Group on Myanmar, which featured a briefing by the Secretary-General. This forum was created as a result of a decision last September to reconfigure the Group of Friends on Myanmar. The minister of immigration and population affairs of Myanmar, U Khin Yi, attended the meeting. (By contrast, Myanmar did not attend the meetings of the Group of Friends.)

Mali

On 23 April, the Council was briefed (S/PV.7158) by the head of MINUSMA, Special Representative Albert Gerard Koenders, who presented the Secretary-General's most recent report (S/2014/229). The Minister for Foreign Affairs, African Integration and International Cooperation of Mali, Abdoulaye Diop, also participated. After meeting in consultations, Council members issued a press statement expressing concern over the lack of progress on the peace talks (SC/11361).

Yemen

On 24 April, Council members received a briefing in consultations by Special Adviser Jamal Benomar on the steps taken by Yemen to implement the recommendations of the 21 January final document of the National Dialogue Conference.

Côte d'Ivoire

On 24 April, Council members were briefed in consultations by Ambassador Cristián Barros (Chile), the chair of the 1572 Côte d'Ivoire Sanctions Committee, on the final report of the Group of Experts (S/2014/266). On 29 April, the Council adopted resolution 2153, lifting the diamonds embargo and partially lifting the arms embargo. It renewed for a year the financial and travel measures on targeted individuals as well as the sanctions on arms and lethal material, and it renewed for thirteen months the mandate of the Group of Experts assisting the 1572 Sanctions Committee.

Status Update since our April Forecast (con't)

Women, Peace and Security

On 25 April, the Security Council held an open debate on conflict-related sexual violence with participation by more than 60 member states (S/PV.7160). The Secretary-General and Special Representative on Sexual Violence in Conflict Zainab Bangura briefed on the Secretary-General's latest report on conflict-related sexual violence (S/2014/181). Rhoda Misaka, a civil society representative from South Sudan, participated on behalf of the NGO Working Group on Women, Peace and Security. In addition, a statement was delivered on behalf of the newly appointed AU Special Envoy for Women,

Peace and Security, Bineta Diop.

Security Sector Reform

On 28 April, the Security Council held an open debate on security sector reform (SSR) which included a briefing by the Secretary-General on his latest report on this matter (S/2013/480). The meeting was chaired by the Foreign Minister of Nigeria, Aminu Wali, and the Council adopted resolution 2151, the first-ever stand-alone resolution on SSR (S/PV.7161).

Israel/Palestine

On 29 April, Special Coordinator Robert

Serry briefed the Council during its quarterly open debate on the Middle East (S/PV.7164). His comments focused on recent developments related to the nine-month long US-brokered peace talks between Israel and Palestine that had collapsed and ended without a comprehensive agreement or any agreement to continue talks.

Iraq

On 30 April, Council members issued a press statement welcoming parliamentary elections in Iraq (SC/11376).

1540 Committee

Expected Council Action

In May, at the initiative of the Republic of Korea (ROK), the Council will hold an open debate with a briefing by Deputy Secretary-General Jan Eliasson to commemorate the 10th anniversary of resolution 1540. ROK Foreign Minister Yun Byung-se will chair the meeting. The ROK on 23 April circulated a concept note in preparation for the debate, inviting member states to share ideas and recommendations about how to ensure full and sustained implementation of the resolution. At press time negotiations were under way on a draft presidential statement proposed by the ROK.

Also in May, the chair of the 1540 Committee, Ambassador Oh Joon (ROK) will report on the work of the Committee at the semi-annual joint briefing with the chairs of the 1267/1989 Al-Qaida Committee and the 1373 Counter-Terrorism Committee.

Background and Recent Developments

The Council adopted resolution 1540 on 28 April 2004 to address concerns that non-state actors might acquire weapons of mass destruction (nuclear, chemical and biological weapons or WMDs) for terrorist purposes. (Individuals and non-state groups are not covered under existing treaties dealing with WMDs.) The resolution, which was drafted by the US, requires all states to prevent

non-state actors from obtaining WMDs, adopt laws and establish domestic controls to prevent proliferation of such weapons and their delivery systems, as well as controls over related materials.

In terms of recent developments, Oh said in his latest briefing to the Council on 27 November 2013, that there had been steady progress in the implementation of resolution 1540 and noted that the number of states that had yet to submit national implementation reports was down to 22. In reviewing the activities of the Committee, he reported that efforts to facilitate matchmaking between assistance requests from states and offers of financial and other support had continued (a key priority for the Committee) and that work had begun on the compilation of member states' best practices aimed at preventing the proliferation of WMDs. Oh also noted that resolution 2118 of 27 September 2013 on the use of chemical weapons in Syria requested member states to inform the Council of any violations of resolution 1540.

On 24 December 2013, Oh transmitted the Committee's annual review of the implementation of resolution 1540 to the Council with a number of suggestions for further steps to be considered by the Committee to strengthen implementation, such as making additional efforts to achieve the goal of

universal reporting, sharing best practices, strengthening the assistance mechanism, promoting synergies with other counter-terrorism and non-proliferation bodies and expanding interaction with civil society and the private sector.

On 28 February, the chair convened an open briefing for member states with the Secretary-General of the World Customs Organisation, Kunio Mikuriya.

Key Issues

The ROK concept note asserts that significant progress has been made over the past 10 years towards universal implementation of resolution 1540, but important challenges remain. It identifies the following key issues for the debate:

- assessing the status of implementation of the resolution;
- effectively addressing threats posed by WMDs, including newly emerging, potential threats;
- developing a long-term vision and strategy for effective implementation;
- enhancing the assistance matchmaking mechanism;
- strengthening trans-shipment and proliferation-financing controls;
- consolidating existing non-proliferation efforts and resources;
- promoting synergy between

UN DOCUMENTS ON THE 1540 COMMITTEE Security Council Resolutions S/RES/2118 (27 September 2013) was on the use of chemical weapons in Syria. S/RES/1977 (20 April 2011) renewed the mandate of the 1540 committee for ten years. Security Council Meeting Record S/PV.7071 (27 November 2013) was the latest semi-annual joint counter-terrorism briefing. Security Council Letter S/2013/769 (24 December 2013) was the letter on the 1540 Committee annual implementation review.

1540 Committee (con't)

non-proliferation and counter-terrorism; and

- raising awareness of the importance of full implementation of the resolution, in particular among high-level policy-makers around the world.

An immediate, practical issue for the Committee is the need to agree on a programme of work for the period 1 June 2014 through 31 May 2015.

Options

The main option for the Council is to adopt a presidential statement using the occasion of the 10th anniversary of resolution 1540 to:

- reaffirm its main objectives;
- commend the work of the 1540 Committee and encourage it to develop a strategy aimed at ensuring fuller implementation;
- urge states to take additional measures to ensure full implementation and submit implementation reports to the Committee if they have not yet done so;
- remind states of their obligations under resolution 2118;

- stress the need for assistance and capacity-building to support implementation; and
- reiterate the importance of close cooperation between the Committee and other Council subsidiary bodies as well as coordination with other relevant international bodies.

Council Dynamics

While the 1540 resolution was initially somewhat controversial, it now enjoys the general support of Council members as well as the wider UN membership. Negotiations of the presidential statement have therefore been fairly smooth. Also, it seems the ROK was mindful of avoiding any contentious issues and proposed a short text, focusing on a few key objectives.

At press time, there were still some outstanding issues, however. It seems the UK and some other members wanted to delete a paragraph that reminded member states of their obligations under resolution 2118 while Russia wanted to retain it. Also, some Council members were keen to encourage

the Committee to strengthen cooperation not only with the other counter-terrorism committees, but with all subsidiary organs (such as for example the Iran and DPRK panels of experts) whereas Russia was said to prefer previously agreed, more restrictive language. There were also some differing views on a US proposal to include specific references to the Hague Nuclear Security Summit of March 2014 and the Global Health Security Agenda, with other Council members proposing instead that these be referred to only as “other relevant initiatives”.

Beyond the Council, it is still unclear how profoundly the violation of the Budapest Memorandum of 1994 (S/1994/1399), and the assurances given by the P5 as guarantor states to refrain from the threat of or use of force against the territorial integrity and sovereignty of Ukraine in exchange for its nuclear disarmament, may have affected non-proliferation more generally. The impact of ignoring such assurances on future nuclear disarmament scenarios may be an issue of concern for some members.

South Sudan

Expected Council Action

In May, the Council is likely to receive a briefing in consultations in accordance with resolution 2132, which increased the force levels of the UN Mission in South Sudan (UNMISS) soon after conflict erupted in South Sudan on 15 December 2013. It is possible that the Council will adopt a resolution reprioritising and revising the UNMISS mandate, drawing on recommendations in the Secretary-General's 6 March report (S/2014/158). At press time, an additional briefing was also anticipated on 2 May by UN High Commissioner for Human Rights Navi Pillay and the Secretary-General's Special Adviser on the Prevention of Genocide Adama Dieng on their recent trip to South Sudan.

The mandate of UNMISS expires on 15 July.

Key Recent Developments

South Sudan remains mired in civil war, as the 23 January cessation of hostilities between the government and the Sudan People's Liberation Movement/Army (SPLM/A) in Opposition continues to be violated. On 15 April, opposition forces seized Bentiu, the capital of oil-producing Unity state, after two days of intense fighting that allegedly claimed the lives of 510 government forces. UNMISS rescued 10 international workers from an oil facility approximately 18 miles from Bentiu on 14 April, and five international oil workers have been injured in the recent clashes. On 18 April, government forces alleged that they had repelled an attack in Renk, in oil-rich Upper Nile state.

Following the take-over of Bentiu, the SPLM/A in Opposition killed more than 400 civilians. Many of those who lost their lives were non-Nuer civilians who had taken

refuge in the town's Kali-Ballee mosque and in a Catholic church. In addition, Nuer civilians hiding at Bentiu hospital were reportedly massacred for not cheering the opposition forces when they entered Bentiu. There were also reports of hate speech being broadcast on Radio Bentiu FM by some SPLM/A in Opposition commanders.

On 17 April, youth who were mainly from the Dinka-Bor group attacked a UN site in Bor protecting more than 5,000 people, mainly Nuer. At least 58 people were killed, and scores were wounded before UNMISS repelled the attack. Two UN peacekeepers were wounded during the incident.

The Council issued a press statement on 18 April expressing outrage at the attacks on civilians in Bentiu and on the UN base in Bor (SC/11359). It further underscored that “attacks on civilians and United Nations peacekeepers may constitute a war crime”.

UN DOCUMENTS ON SOUTH SUDAN [Security Council Resolution S/RES/2132](#) (24 December 2013) increased the troop and police ceilings of UNMISS through inter-mission cooperation. [Security Council Meeting Records S/PV.7141](#) (18 March 2014) concerned the report of the Secretary-General on UNMISS. [Security Council Press Statements SC/11359](#) (18 April 2014) and [SC/11363](#) (24 April 2014) were on the attacks in Bor and Bentiu. [Secretary-General's Report S/2014/158](#) (6 March 2014) was on UNMISS. **ADDITIONAL USEFUL RESOURCE** South Sudan: A Civil War by Any Other Name, Africa Report No. 21, International Crisis Group, 10 April 2014.

South Sudan (con't)

In his March UNMISS report, Secretary-General Ban Ki-moon requested that the surge capacity of the mission—which raised the ceiling of troops and police to 12,500 and 1,323, respectively—be kept in place for at least an additional year. On 3 April, the Secretary-General submitted a letter to the Council indicating that the cost of doing so during 2015 could be \$223 million. Before concurring with this proposal, it appears that one Council member has requested more information on the concept of force generation, the capacities of potential new forces, and their precise functions.

On 10 April, Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed the Council in consultations on UNMISS. Ladsous said that the Department of Peacekeeping Operations was in discussions with the Intergovernmental Authority on Development (IGAD) regarding options for collaboration between the IGAD Protection and Deterrence Force (PDF) and UNMISS.

On 23 April, the Council was briefed again in consultations on the situation in South Sudan by Ladsous and Assistant Secretary-General for Human Rights Ivan Šimonović. The briefing focused on recent developments in Bor and Bentiu. On the following day, the Council issued a press statement in which it “expressed horror and anger at the mass violence in Bentiu” and reiterated its strong condemnation of the attack in Bor against the UNMISS base (SC/11363). The statement also requested the Office of the High Commissioner for Human Rights to launch an investigation on the events in Bentiu, while requesting Šimonović to return to South Sudan “as soon as possible to assess recent developments and report back to the Security Council.”

On 23 April, President Salva Kiir of South Sudan dismissed Army Chief of Staff James Hoth Mai and Head of Military Intelligence Mac Paul Kuol, both Nuers, and replaced them with Dinka appointees.

The humanitarian situation in South Sudan also remains dire. More than a million people have been uprooted since the fighting began, including more than 815,000 internally displaced people and 270,000 refugees who left for neighbouring countries, such as Ethiopia, Kenya, Sudan and Uganda. More than 10,000 people have died in the conflict. Over 78,000 civilians remain protected in UN facilities

throughout the country. With the onset of the rainy season, there have been concerns that water-borne diseases such as cholera and typhoid could break out at UN camps, notably in Juba (Tompsoning camp) and Malakal. Special Representative of the Secretary-General and head of UNMISS Hilde Johnson announced during a press conference on 3 April that Tomponing, where latrines overflowed after heavy rainfall in March, would be closed in May.

On 9 April, *Médecins Sans Frontières* (MSF) released a statement accusing UNMISS leaders of showing an “indifference” to vulnerable displaced populations and asserting that “diarrheal diseases, respiratory infections and skin diseases account for more than 60 percent of the cases” in Tomponing. The statement added that Tomponing should be expanded to dry sections of the UN facility immediately and that despite the expected closure of the camp in May, UNMISS will have difficulty moving the roughly 20,000 people before the onset of the rainy season. In consultations on 10 April, Ladsous expressed disappointment with the MSF accusations against UNMISS, stating that the mission was doing its utmost to protect civilians.

Food insecurity has reached crisis proportions in South Sudan. In addition to the large-scale displacement, the conflict has prevented people from planting crops and constrained humanitarian access. In his March UNMISS report, Secretary-General Ban Ki-moon said 3.7 million people are already experiencing acute food insecurity. On 16 April, he warned that famine is a possibility for up to one million people in South Sudan in “a matter of months” unless steps are taken to avert it.

The UN, the EU and the US released a joint “Call for Action on South Sudan” on 12 April calling for an end to the fighting and the parties to adhere to international humanitarian law and urging donors and states to provide \$232 million to fund critical aid operations during the next three months. (On 3 April, OCHA reported that an additional \$232 million for the South Sudan Crisis Response Plan for January-June was “the bare minimum to prevent the situation from deteriorating sharply”.)

On 11 April, IGAD issued a communiqué announcing that its teams responsible for monitoring and verifying the 23 January cessation of hostilities had commenced work. According to the communiqué, a first team

was deployed to Bor on 1 April, followed by a similar deployment in Bentiu on 5 April, while deployment to other locations was also being planned.

On 28 April, the IGAD-led peace talks resumed in Addis Ababa, following an adjournment of several weeks and scant progress to date. However, one positive sign is that South Sudan released four key political figures on 25 April who had been on trial for treason, meeting a key demand of the SPLM/A in Opposition. South Sudan said that it had released these individuals, who were accused of taking part in an alleged coup against Kiir in December 2013, “to promote peace and reconciliation.”

Pillay and Dieng arrived in South Sudan on 28 April, where they met with Kiir, other government officials and opposition leader Riek Machar. At press time, they were expected to conclude their trip on 30 April.

Human Rights-Related Developments

On 28 March, the Human Rights Council adopted a presidential statement in which it expressed deep concern at the human rights situation resulting from the crisis and violence that broke out on 15 December 2013 in South Sudan. It called upon the parties to the conflict to put an end to all violations and abuses of human rights and international humanitarian law, including attacks against and killings of civilians and the mass displacement of populations. It also called upon the government of South Sudan to cooperate fully with the UN Mission in South Sudan (A/HRC/25/L.34).

Key Issues

Several key and interrelated issues are relevant to a potential new resolution on UNMISS, including:

- what tasks the mission will be mandated to achieve;
- what role the PDF will play in relation to UNMISS; and
- how additional forces will be generated to maintain a troop/police surge.

A key increasingly pressing issue for the Council is how to address the inter-ethnic component of the violence.

Another important issue is what role the Council can play in supporting the IGAD-led mediation process in Addis Ababa.

An additional key issue is how the Council can contribute to international efforts to prevent the humanitarian situation in South Sudan from deteriorating further.

South Sudan (con't)

Options

One option would be to streamline the mandate of UNMISS to focus specifically on:

- protecting civilians;
- facilitating humanitarian access;
- enhancing human rights monitoring and reporting;
- supporting inter-communal and national dialogue; and
- supporting IGAD's monitoring and verification activities.

The Council, in collaboration with IGAD, might either decide to incorporate the PDF into UNMISS or alternatively, if the PDF becomes a stand-alone force, develop mechanisms to ensure close coordination between UNMISS and the PDF and work toward mutually reinforcing goals.

Options for the Council (and IGAD) regarding the potential activities of the PDF, include:

- providing protection for the IGAD monitoring and verification teams;
- assisting UNMISS in providing security in and around UN facilities protecting civilians; and
- supporting UNMISS patrols.

Options related to the increased ethnically-based violence, in line with resolution 2150 calling on states “to recommit to prevent and fight against genocide, and other serious crimes under international law” and underscoring “the importance of taking into account lessons learned from the 1994 [Rwandan] Genocide”, include:

- imposing targeted sanctions against spoilers to the peace process, particular those who have committed egregious human rights violations;
- requesting a briefing from Dieng and Jennifer Welsh, the Special Advisor on the Responsibility to Protect, on the recent violence in South Sudan;
- calling for a fact-finding mission to investigate the atrocities committed in Bentiu and Bor;
- scheduling a Council visiting mission;
- making a special request to member states to provide additional troops to UNMISS to help it meet the anticipated increased troop ceiling; and
- appealing to member states to support the South Sudan Crisis Response Plan, which is underfunded.

Council Dynamics

There is widespread concern on the Council about the political, security and humanitarian crisis in South Sudan. The inter-ethnic dimension of the conflict is particularly alarming to Council members. There had been some discussion in recent months that UNMISS would continue to perform some statebuilding and peacebuilding activities in non-conflict areas of South Sudan. However, it seems that Council members believe that UNMISS should focus on a narrower set of core tasks (e.g., protecting civilians, facilitating the provision of humanitarian access and monitoring and reporting on human rights) given the severity of the security and humanitarian situation, the limited resources of the mission and the implications of supporting a state whose armed forces are committing significant human rights violations. It also appears that several Council members are considering the idea of imposing targeted sanctions on those in South Sudan who are committing serious human rights violations and/or obstructing the peace process.

The US is the penholder on South Sudan.

Sudan and South Sudan

Expected Council Action

In May, Council members expect to receive their monthly briefing in consultations on Sudan-South Sudan issues. The Council is also likely to adopt a resolution renewing the mandate of the UN Interim Security Force in Abyei (UNISFA), which expires on 31 May.

Key Recent Developments

President Salva Kiir of South Sudan and President Omar al-Bashir of Sudan met in Khartoum on 5 April. It appears they discussed strategies for implementing the 27 September 2012 agreements on oil-sharing, cross-border trade, border security, nationality issues and other matters. It was also reported that they discussed how to defend the oil fields, due to heavy fighting between South Sudan and opposition forces in key oil-producing areas of Unity and Upper Nile

states in South Sudan.

On 8 April, Stephen Mabek Lang, the deputy governor of Unity state, accused Sudan of “unusual movement” of troops along the border and claimed that its air force dropped 10 bombs on the town of Panyang. Sudan has denied the allegations.

On 6 April, Bashir officially launched a national dialogue at the National Political Parties Summit in Khartoum, which was attended by representatives of 83 political parties. AU Commission Chairperson Nkosazana Dlamini-Zuma issued a press release on 9 April welcoming the official commencement of the national dialogue. Also on 9 April, Bashir declared that political parties would be allowed to conduct public meetings and be accorded media access on equal footing. Meanwhile, the National Consensus Forces, an umbrella group of opposition parties, and

the Sudan Revolutionary Front, which consists of several rebel groups, have continued to denounce the conditions under which the national dialogue is taking place. They believe that it needs to be administered by an independent entity and result in a transitional government that will oversee a process leading to a new constitution and democratic elections.

On 10 April, Haile Menkerios, head of the UN Office to the AU and Special Envoy for Sudan and South Sudan, briefed Council members in consultations via videoconference from Addis Ababa. He updated them on recent developments with respect to the national dialogue process in Sudan and reported that Sudan and South Sudan continued to maintain a military presence in the disputed Abyei region.

The Sudan Armed Forces (SAF) claimed on 21 April that it had inflicted heavy

UN DOCUMENTS ON SUDAN AND SOUTH SUDAN Security Council Resolution S/RES/2046 (2 May 2012) provided a roadmap for Sudan, South Sudan and the SPLM-N to resolve outstanding issues and threatened Article 41 measures. Security Council Press Statement SC/11321 (17 March 2014) concerned the volatile security situation in Abyei and the AUHIP-mediated talks between Sudan and the SPLM-N. Secretary-General's Report S/2014/126 (25 February 2014) was the most recent quarterly report on UNISFA.

Sudan and South Sudan (con't)

casualties while fighting rebels in South Kordofan state. The Sudan People's Liberation Army/Movement-North (SPLA/M-N) rebel group, for its part, claimed that the recent military campaign in South Kordofan had displaced 70,000 people and that Sudan continued to carry out aerial bombardments on civilians.

Sudan and the SPLM-N reconvened their face-to-face negotiations in Addis Ababa on 22 April after the last round of talks was suspended in early March due to major differences between the parties. (The two sides disagree over the framework of the negotiations, with the SPLM-N believing that its grievances should be addressed within a national context and the government preferring to focus specifically on the conflict in South Kordofan and Blue Nile.) Thabo Mbeki, chair of the AU High-Level Implementation Panel (AUHIP), which is mediating the talks, reiterated the importance of achieving a cessation of hostilities to allow for the delivery of humanitarian assistance, especially in SPLM-N-controlled territory.

Key Issues

One key issue for the Council is what role it can play in supporting the talks between Sudan and the SPLM-N.

Another key issue is ensuring that the challenging security situation in Abyei does not escalate into large-scale violence, given the ongoing tensions between the Misseriya and Ngok-Dinka communities in the region and the presence of forces from both Sudan and South Sudan there.

Also an important issue is how the Council chooses to approach the national dialogue process in Sudan.

Options

The most likely option is for the Council to adopt a resolution renewing the mandate of UNISFA for an additional six months. In doing so, the Council may choose to reiterate its demand that Sudan and South Sudan withdraw from Abyei, as their military presence there contravenes resolutions 1990 and 2046.

The Council may also decide to issue a statement that welcomes the resumption of negotiations between Sudan and the SPLM-N.

Another option is for Council members to host an "Arria-formula" meeting with opposition and civil society figures from Sudan to get their perspectives on the national dialogue process.

Council Dynamics

While several Council members are encouraged that relations between Sudan and South Sudan have not suffered serious setbacks of late, they remain concerned about a number of ongoing challenges. The situation in Abyei, especially considering the presence of military forces from both Sudan and South Sudan in the region and the ongoing inter-communal tensions there, could be a flashpoint for a conflict between the two countries. Some members also appear keen to ensure that the fighting and related humanitarian crisis in South Kordofan and Blue Nile, which began nearly three years ago, remains a focus of the Council's attention. The recent allegations by South Sudan that Sudan was responsible for aerial bombardments in Panyang also appears to have been raised by a number of members at the 10 April consultations.

Council members view the national dialogue process as a positive development, although some members appear more optimistic than others regarding the government's intentions in initiating the dialogue.

The US is the penholder on Sudan-South Sudan issues.

Sudan (Darfur)

Expected Council Action

In May, Ambassador María Cristina Perceval (Argentina), chair of the 1591 Sudan Sanctions Committee, is expected to provide in consultations the quarterly briefing on the work of the Committee. At press time, the Council was negotiating a press statement condemning the recent upsurge in violence in Darfur, although it remained unclear if and when consensus might be reached.

The mandate of the Panel of Experts assisting the Committee expires on 13 March 2015, while the mandate of the AU/UN Hybrid Operation in Darfur (UNAMID) expires on 31 August.

Key Recent Developments

Violence continues to escalate in Darfur. Increased fighting between Sudan Armed Forces and rebel movements, continuing inter-communal violence over land and natural resources and indiscriminate aerial bombings by Sudan in rebel-held territory remain ongoing challenges. In addition, the government-affiliated Rapid Support Force (RSF), a militia numbering 5,000-6,000 troops, deployed in Darfur in February, exacerbating the security environment and adding a new element to the conflict.

The members of the RSF were reportedly recruited from among ethnic groups in Darfur by the Sudan government and trained in

Khartoum. They have also fought against the Sudan People's Liberation Movement-North rebel group in South Kordofan and Blue Nile states. According to the most recent Secretary-General's report (S/2014/279), "attacks attributed to the RSF [in Darfur have] included the targeting of civilians, the destruction and burning of villages, looting of property and theft of livestock."

On 3 April, the Council adopted resolution 2148, which endorsed the revised strategic priorities for UNAMID proposed in the Secretary-General's special report of 25 February (S/2014/138) outlining the results of the recent review of the mission's mandate. The revised priorities include:

UN DOCUMENTS ON SUDAN (DARFUR) Security Council Resolutions S/RES/2148 (3 April 2014) endorsed the revised priorities of UNAMID. S/RES/2138 (13 February 2014) renewed the mandate of the PoE for 13 months. S/RES/2113 (30 July 2013) extended UNAMID's mandate until 31 August 2014 and called for a review of UNAMID by 28 February 2014. **Secretary-General's Reports** S/2014/279 (15 April 2014) was the most recent quarterly report of UNAMID. S/2014/138 (25 February 2014) was a special report reviewing UNAMID. **Security Council Letter** S/2014/87 (7 February 2014) transmitted the final report of the POE. **Security Council Meeting Record** S/PV.7159 (24 April 2014) was the most recently quarterly briefing on UNAMID.

Sudan (Darfur) (con't)

- mediation between Sudan and rebel groups on the basis of the Doha Document for Peace in Darfur (DDPD);
- the protection of civilians, the facilitation of the delivery of humanitarian assistance and the safety and security of humanitarian personnel; and
- support for the mediation of inter-communal conflicts.

Implementation of the DDPD continues to stall. (The DDPD has been acceded to by only two Darfur rebel movements, the Liberation and Justice Movement and a Justice and Equality Movement (JEM) splinter group called the JEM-Sudan.) A major challenge is that the Darfur Regional Authority, which is responsible for administering the provisions of the DDPD, is hampered by a lack of funds and capacity, as well as the very difficult security environment in Darfur.

Following a 20-24 January visit to Darfur, Perceval circulated an internal report to other committee members on 10 February. It appears that the report described the substance of her meetings with Sudan and UN officials, diplomats serving in the region and representing Council member states, donor countries, regional organisations and leaders of the Zam Zam refugee camp. In addition, on 10 April, she circulated observations from the trip to Committee members apparently noting that many of the interlocutors she met with in Sudan believed that the arms embargo was not being observed.

On 24 April, the Council received a briefing, followed by consultations, on the most recent quarterly UNAMID report. Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed in the open

session. Ladsous underscored the deteriorating security situation in Darfur, citing reports by the UN Office for the Coordination of Humanitarian Affairs that 370,000 people have been displaced since January and that more than 2 million people are currently internally displaced in Darfur. Joint AU-UN Special Representative for Darfur and Chief Mediator Mohamed Ibn Chambas address Council members in the consultations, apparently discussing the activities of the RSF.

The UK, the penholder on Darfur, circulated a draft press statement to Council members on 24 April. While negotiations were still underway at press time, it appeared the statement might express concern about violence committed by the government-affiliated RSF and the Sudan Liberation Army-Minni Minawi rebels, while welcoming the announcement in January 2014 of a national dialogue in Sudan.

Key Issues

A key issue for the Council is how to address the rapid deterioration of the security and humanitarian situation in Darfur. A related issue is the apparent ineffectiveness of the arms embargo, given the heightened violence in recent years.

Also a key issue is the ongoing unwillingness of some of the key rebel groups in Darfur to accede to the DDPD. A related issue is the lack of implementation of the DDPD, which has yet to make a noticeable, positive impact.

Options

The Council may choose to listen to the briefing and take no action at the current time.

It could also consider scheduling a visiting mission to Darfur, as the last Council visit to Sudan dates back to May 2011.

Another option would be to adopt a resolution:

- strengthening language obliging states supplying arms and related equipment to Sudan to obtain credible end-user documentation ensuring that these materials do not enter Darfur;
- adding more rebel leaders to the sanctions list; and
- demanding that Sudan cooperate fully with the work of the PoE.

Council Dynamics

There is broad concern on the Council regarding the heightened violence in Darfur and the related humanitarian challenges. Several members are especially worried about the arrival of the RSF in Darfur and the crimes that it has committed. There are also a number of Council members who believe that the arms embargo in Darfur continues to be violated, especially in light of the proliferation of small arms and ammunition that fuels the conflict. While some members continue to support bilateral sanctions on Sudan, others believe that this approach has been detrimental to the prospects for peace in Darfur and should be reconsidered. Additionally, negotiations on the draft press statement have once again demonstrated differences of perspective on how to attribute accountability for the violence in Darfur, with some members more critical of Sudan than others.

Somalia

Expected Council Action

In May, the Council is scheduled to receive a briefing from the Special Representative of the Secretary-General and head of the UN Assistance Mission in Somalia (UNSOM), Nicholas Kay, by video teleconference on

recent developments and the quarterly report of the Secretary-General. Council members will also hold consultations. An UNSOM mandate review, likely to be in the form of a letter to the Council from the Secretary-General, will further inform the briefing and

consultations. The Council will likely adopt a resolution renewing the UNSOM mandate, which expires on 3 June.

Key Recent Developments

On 5 March, the Council adopted resolution

UN DOCUMENTS ON SOMALIA Security Council Resolutions S/RES/2142 (5 March 2014) renewed a partial lifting of the arms embargo in Somalia until 25 October 2014. S/RES/2102 (2 May 2013) created UNSOM as of 3 June 2013 and authorised the special political mission for a period of one year. Security Council Letters S/2014/243 (3 April 2014) transmitted the Secretary-General's recommendations for improved regulation of small arms by FGS. S/2014/239 (1 April 2014) informed the Council of the planned deployment of a UN guard unit with 410 troops. Security Council Meeting Records S/PV.7132 (11 March 2014) was a briefing on the report of the Secretary-General on UNSOM. S/PV.7127 (5 March 2014) concerned the adoption of resolution 2142. Security Council Press Statements SC/11348 (7 April 2014) condemned an attack on two UN staff in Galkayo. SC/11331 (19 March 2014) condemned an attack on AMISOM, the SNA and civilians in Bula Burde. Secretary-General's Report S/2014/140 (3 March 2014) was a quarterly report of the Secretary-General on UNSOM.

Somalia (con't)

2142, extending a partial lifting of the arms embargo on Somalia until 25 October (S/PV.7127). Six days later, Kay briefed the Council via video-conference from Mogadishu regarding the quarterly report of the Secretary-General on UNSOM and other recent developments (S/PV.7132). In response to a request in resolution 2142, the Secretary-General sent a letter to the President of the Council on 3 April outlining recommendations for the Federal Government of Somalia (FGS) to improve its regulation of small arms and light weapons (S/2014/243).

In developments on the ground, since early March, the AU Mission in Somalia (AMISOM) and the Somali National Army (SNA) have conducted extensive joint military offensives against the *Al-Shabaab* insurgency. According to AMISOM press statements, 10 strategic towns have been captured from the rebels thus far in the following areas: sector 1 (Banadir and Lower Shabelle) under Ugandan command; sector 3 (Bay, Bakool and Gedo) under Ethiopian command; and sector 4 (Hiraan and Galguduud) and sector 5 (Middle Shabelle) under Burundian command.

The security situation in Somalia continues to be volatile. In the most recent incident condemned by the Council in a press statement, two staff members of the UN Office on Drugs and Crime were killed on 7 April in Galkayo, Puntland (SC/11348). Concerned about the vulnerability of the mission, the Secretary-General sent a letter to the President of the Council on 1 April, providing information on the establishment of a UN guard unit to provide the security needed for UNSOM to carry out its work (S/2014/239). Uganda has agreed to contribute the required personnel by deploying 410 new troops to Somalia by the end of April. Following an upsurge in attacks in February and March, *Al-Shabaab* continues to pose a significant asymmetrical security threat in urban areas. Most recently, on 21 and 22 April, the group assassinated two members of parliament in Mogadishu.

Somalia-related incidents have also continued in Kenya. On 1 April, a Muslim cleric designated as a recruiter and facilitator for *Al-Shabaab* under the 751/1907 Somalia-Eritrea sanctions regime, Abubabaker Shariff Ahmed, was assassinated by unknown gunmen in Mombasa, Kenya. There has recently

been an intensification of security measures targeting Somali refugees and ethnic Somalis in Kenya, which is also a major AMISOM troop-contributing country. These include mass arrests and detention, new legal provisions requiring the relocation of refugees from urban areas to refugee camps within Kenya and pressure for refugees to repatriate to Somalia despite inadequate conditions for returns. On 17 April, the Office of the UN High Commissioner for Refugees issued a statement expressing concern at reports of harassment and other abuses during the security operations.

On 23 April, Council members held an informal interactive dialogue with Kay, AU Special Representative for Somalia Mahamat Saleh Annadif, and National Security Advisor Abdirahman Sheikh Issa. The meeting principally focused on the joint AMISOM and SNA military offensives against *Al-Shabaab*, including issues such as the stabilisation of captured territory, command and control within AMISOM, the integration of militias into the SNA and the need for equipment (e.g., helicopters).

Key Issues

The main issue will be determining whether and what substantive revisions should be made to UNSOM's mandate taking into account developments on the ground.

Underlying Problems

Even under a best-case scenario in which either *Al-Shabaab* is defeated militarily or the present conflict is resolved through a negotiated settlement within the next year, Somalia will continue to face immense peacebuilding and statebuilding challenges. Beyond the problematic question of integrating semi-autonomous Puntland and secessionist Somaliland, the regional state-formation process remains nascent elsewhere. Fundamental issues regarding the division of power and resources between the central government in Mogadishu and future federal states have yet to be resolved, while endemic corruption further complicates the statebuilding process. Stabilisation of areas captured from *Al-Shabaab*, particularly through the extension of state administration and the provision of public services, will also likely be difficult.

Options

Developments over the past year could prompt Council members to consider whether UNSOM's mandate (and its implementation to date) has been fully compatible with the emphasis on counter-insurgency in Somalia.

Nonetheless, the most probable option is for the Council to renew UNSOM's mandate for another year without significant revisions.

Council and Wider Dynamics

Within the context of a challenging initial deployment in Somalia, including multiple attacks on UN staff, Council members continue to show strong support for UNSOM. Criticism regarding UNSOM's limited progress thus far has been tempered by the realisation that the operational environment for the special political mission has been exceedingly difficult, offering limited opportunities to implement effectively the five mandate components: supporting peace and reconciliation, advising on peacebuilding and statebuilding, assisting donor coordination, FGS capacity-building, and human rights monitoring and reporting. Prioritisation of counter-insurgency against *Al-Shabaab* has overshadowed conflict resolution, statebuilding and peacebuilding; assisting donor coordination and facilitating FGS capacity-building has been complicated (and perhaps compromised) by state corruption; and while institutional progress has been made on human rights, media reports suggest that ground-level realities in Somalia may not have improved.

Despite these substantial implementation challenges, members recognise that there remains a critical need for a UN special political mission in Somalia. However, within the prevailing interim situation dominated by AMISOM and SNA counter-insurgency, they are also cognizant that it may be somewhat unrealistic to expect significant progress in implementing UNSOM's mandate in the short term.

The UK is the penholder on Somalia, the US is the penholder on piracy, Russia is the penholder on the legal aspects of counter-piracy measures and the Republic of Korea is the chair of the 751/1907 Somalia-Eritrea Sanctions Committee.

Burundi

Expected Council Action

In May, the Secretary-General's Special Representative and head of the UN Office in Burundi (BNUB), Parfait Onanga-Anyanga, will brief the Council by video teleconference.

In line with Burundi's wishes, on 13 February the Council adopted resolution 2137, extending the mandate of BNUB for the last time, until 31 December.

Key Recent Developments

In resolution 2137 the Council also asked the Secretary-General to prepare for BNUB's withdrawal and transfer of responsibilities to the UN country team by that date. Furthermore, in accordance with a Burundian request, the resolution calls on the Secretary-General to establish an electoral observer mission before, during and after the July 2015 elections. As BNUB is preparing for its withdrawal, the last few months have been a time of increasing political turmoil in Burundi.

On 8 March police tried to stop a sporting event alleging it was a front for illegal demonstrations. The situation deteriorated, and some of the participants sought refuge in the offices of the opposition Solidarity and Democracy Movement (MSD) party headquarters, taking two policemen hostage. Several people were injured, and many people were arrested.

On 17 March, Interior Minister Edouard Nduwimana announced that the activities of the MSD were being suspended for four months for incitement to violence and acts of revolt. On 23 March, 21 members of the MSD were given life sentences after being found guilty of armed revolt by a Bujumbura court, 26 were given shortened sentences of between two to 10 years, and 21 were acquitted of any wrongdoing. The whereabouts of the chairman of the MSD, Alexis Sinduhije, are unknown, and he is expected to face charges if apprehended.

Another worrying development is the continued political controversy around President Pierre Nkurunziza's initiative for constitutional amendments that alter power-sharing arrangements between the Hutu and Tutsi that are fundamental to the 28 August 2000 Arusha Accords. On 21 March,

members of the incumbent National Council for the Defence of Democracy-Forces for the Defense of Democracy (CNDD-FDD) party tabled the constitutional changes in Parliament but fell one vote short of the 85 required to pass the amendments despite holding 81 of the 106 seats in the parliament. CNDD-FDD officials have stated that they may submit the constitutional changes to a referendum after their failed attempt in the legislative branch.

In the background of the constitutional controversy, the three ministers of the Tutsi-led Union for National Progress (UPRONA) party resigned from the Hutu-dominated coalition government after their fellow party member, First Vice President Bernard Busokoza, was sacked from the government on 1 February.

In light of these developments, at the request of the US, Assistant Secretary-General for Political Affairs Tayé-Brook Zerihoun briefed Council members on the situation in Burundi on 26 March.

The situation on the ground continued to deteriorate. Of particular concern are reports of increased violent activities by the Imbonerakure, the youth wing of the CNDD-FDD, who are believed to number as many as 1,000. These incidents include beatings, acts of extortion and intimidation of political opponents and the prevention or disruption of political meetings. Media has reported that the CNDD-FDD has been providing the Imbonerakure with machetes, arms and uniforms. On 4 April, in Busiga Commune, Ngozi Province, three MSD members were attacked by the Imbonerakure, which, according to BNUB, brought the number of violent cases implicating the youth wing in 2014 to a total of 29, of which 25 have been politically motivated.

On 6 April, following a meeting in Kigali with First Vice President of Burundi Prosper Bazombanza, the Secretary-General Ban Ki-moon expressed strong concerns about reports concerning the activities of youth groups and urged the relevant national authorities to investigate these reports. The Secretary-General also encouraged political dialogue ahead of the July 2015 elections.

Council members were briefed on the

situation on 8 April by the head of the Department of Political Affairs, Under-Secretary-General Jeffrey Feltman, who informed the Council about the recent activities of the youth groups. Council members issued a press statement on 10 April, expressing concern over acts of intimidation, harassment and violence committed by youth groups in Burundi and calling for the government to hold the perpetrators accountable (SC/11350).

In a related issue, an internal UN cable from BNUB to UN headquarters was leaked to the media on 9 April. The cable reported that the Imbonerakure were armed with weapons and issued military uniforms in January and February. The cable also stated that the Imbonerakure acted in collusion with the local authorities and with total impunity and were in de facto control in the countryside.

Bazombanza addressed this cable publicly on 16 April, demanding that the UN either provide evidence for these allegations or apologise. In a communiqué released the following day, government spokesman Philippe Nzobonariba denied the accusations as baseless and expressed fear that the opposition may use them as an excuse to boycott the 2015 elections. He also lamented the lack of trust between BNUB and Burundi. The following day, Burundi demanded that the chief security adviser of BNUB, believed responsible for the report in the cable, leave the country. (Since 2006, Burundi has requested the removal of three heads of UN missions to Burundi.)

The Council was briefed again in consultations on Burundi by Feltman, at the request of the US, on 24 April for an update on the situation on the ground. One issue discussed was the leaked cable and information regarding its content.

Developments in the PBC

On 12 March, an informal meeting of the Burundi Configuration of the Peacebuilding Commission (PBC) took place. The chair of the configuration, Ambassador Paul Seger (Switzerland), spoke of the deteriorating political situation in Burundi and of the need for the PBC to play a constructive and complementary role to BNUB during its wind-down period. He also suggested that he would work to hold a follow-up meeting on the Geneva donor conference of October 2012 with

UN DOCUMENTS ON BURUNDI [Security Council Resolution S/RES/2137](#) (13 February 2013) extended the mandate of BNUB until 31 December 2014, when it will transition into a UN country team. [Security Council Meeting Records S/PV.7104](#) (28 January 2014) was the latest briefing by Onanga-Anyanga and Seger. [S/PV.7110](#) (13 February 2013) was the meeting at which resolution 2137 was adopted. [Security Council's Press Statement SC/11350](#) (10 April 2014) expressed concern over reported acts of intimidation, harassment and violence committed by youth groups in Burundi.

Burundi (con't)

the government of Burundi.

At the request of Burundian government representatives, Seger may visit the country in the second half of May.

Human Rights-Related Developments

On 7 March, High Commissioner for Human Rights Navi Pillay denounced the increase in restrictions imposed on the freedom of assembly and on the press ahead of the 2015 elections. She expressed concern at violent incidents involving members of the youth wing Imbonerakure against political opponents since the beginning of the year, the disruption by administrative authorities of meetings organised by an opposition party in February and the introduction of new laws creating disproportionate restrictions on peaceful assembly and freedom of expression. She also expressed concern about the authorities' preventing the Bujumbura Bar Association from holding a workshop on the new law on public gatherings on 18 February.

Key Issues

The key issue is ensuring that, despite the upcoming withdrawal of BNUB, the security and political situation in Burundi does not deteriorate further after recovering from a history of ethnic violence between Hutu and

Tutsi. A particular concern is ascertaining the facts and addressing the operations and armament of youth groups.

A further issue is addressing the role of the PBC in Burundi, especially in light of BNUB's scaling down and eventual termination.

Options

The Council could adopt a decision that would:

- condemn violence by youth groups and call on the government to hold accountable those who are responsible for the violence;
- express alarm over reports of increased political turmoil in the country and urge the government to ensure an open and inclusive political environment; and
- convey its intent to consider further measures, such as sanctions, if the situation continues to deteriorate.

Council Dynamics

Due to recent developments on the ground, many Council members are concerned that these are the first signs of what may be a

relapse into the horrendous ethnic and political violence that plagued the country in the past. These events come just after the adoption of resolution 2137 by the Council, which called for the termination of BNUB by the end of the year at the request of Burundi and before the expected elections in July 2015, despite the view of the Secretary-General and several Council members that BNUB should stay in place, as the situation is stable yet fragile. Furthermore, given that on 16 April, marking the 20th anniversary of the genocide in Rwanda, the Council adopted resolution 2150 on the prevention and fight against genocide, members may be particularly keen on reacting early to any signs of possible ethnic violence.

Some Council members, such as the UK and the US, are of the view that in order to prevent future violence, the Council should monitor the situation closely and apply pressure on Burundi to address the security and political concerns. At this point it seems that no enforcement measures are being contemplated, but this might change if the situation continues to deteriorate.

The penholder on Burundi is France.

UNOCA/LRA

Expected Council Action

In May, the Security Council expects a briefing by Abou Moussa, Special Representative of the Secretary-General and head of the UN Regional Office for Central Africa (UNOCA), on the Secretary-General's report on UNOCA and the implementation of the regional strategy on the Lord's Resistance Army (LRA). Either a presidential or a press statement is a possible outcome.

The mandate of UNOCA was extended until 31 August 2015 by an exchange of notes between the Secretary-General and the President of the Council on 10 and 13 February (S/2014/103 and S/2014/104).

Key Recent Developments

The Council last discussed UNOCA and the LRA on 20 November 2013 (S/PV.7065),

when Moussa briefed on the 14 November UNOCA/LRA report of the Secretary-General (S/2013/671). Francisco Madeira, AU Special Envoy for the LRA, also addressed the Council. On 25 November, the Council adopted a presidential statement (S/PRST/2013/18) expressing its strong support for the AU Regional Cooperation Initiative against the LRA (RCI-LRA) and the enhanced operation of the AU-Regional Task Force (AU-RTF). The statement also requested that the Secretary-General keep it informed through a single report on UNOCA and the LRA by 15 May 2014.

Media reports suggest that the LRA has recently participated in operations against Muslims in the Central African Republic (CAR) alongside the Anti-Balaka Christian militia groups. On 10 April the Council

adopted resolution 2149 and established the UN Multidimensional Integrated Stabilization Mission in the CAR (MINUSCA). MINUSCA is to coordinate its operations and share relevant information with the AU-RTF.

On 21 April, the AU-RTF captured Charles Okello, a junior LRA commander, and rescued three women and seven children in an operation in southeast CAR. This follows indications that Okot Odhiambo—Joseph Kony's deputy—likely died of his wounds after an attack late last year in the CAR. The ICC has issued arrest warrants against both Kony and Odhiambo for war crimes and crimes against humanity, including murder, rape and forced enlistment of children.

In March, the US deployed four CV-22 Osprey aircraft, two C-130 transport planes and two KC-135 refuelling aircraft, as well

UN DOCUMENTS ON UNOCA/LRA [Security Council Presidential Statement S/PRST/2013/18](#) (25 November 2013) condemned the actions of the LRA and requested a single Secretary-General's report on UNOCA and the LRA by 15 May 2014. [Security Council Meeting Records S/PV.7066](#) (25 November 2013) was the meeting at which S/PRST/2013/18 was adopted. [S/PV.7065](#) (20 November 2013) was the briefing on the activities of UNOCA and on areas affected by the LRA. [Security Council Letters S/2014/103](#) (10 February 2014) and [S/2014/104](#) (13 February 2014) were the exchange of letters between the Secretary-General and the President of the Council on the renewal of UNOCA. [Secretary-General's Report S/2013/671](#) (14 November 2013) was on the activities of UNOCA and on areas affected by the LRA.

UNOCA (LRA) (con't)

as 150 US Air Force special forces personnel, to join the 100 US special forces personnel already in Uganda, in order to assist anti-LRA efforts. (The Osprey is a multi-utility aircraft that has vertical takeoff and landing capability, similar to a helicopter, combined with the long range and speed performance of a propeller airplane.) Aircraft capability is intended to allow forces to cover more ground in the hunt for LRA leaders.

On 27 March, the EU pledged 2 million euros to the RCI-LRA to cover staff allowances, communication equipment and operational costs of the initiative for 17 months.

Against the backdrop of deteriorating relations between Sudan and Uganda, the prime minister of Uganda, the driving force of the AU-RTF and its main contributor, said in a press statement on 24 April that “sadly, Sudan has not stopped supporting Joseph Kony and the LRA”. Sudan has been suspected in the past of providing support to the LRA to further its interests in what today is South Sudan.

Key Issues

The Council will primarily be focused on an

update and analysis regarding implementation of the UN regional anti-LRA strategy, though other urgent needs persist in the region, including how the situations in the CAR and in South Sudan are affecting the regional strategy.

A new issue will be ensuring cooperation between MINUSCA and the AU-RTF.

Options

One option for the Council is issuing a presidential or press statement that would:

- support UNOCA and the RCI-LRA while calling on the states in the region to maintain their full commitment to the AU-RTF; and
- encourage member states to contribute more resources toward anti-LRA efforts and regional cooperation, especially in light of the turmoil in countries in the region.

Taking no action at this time is another option.

Council Dynamics

Council members are largely in agreement

on LRA-related issues and strongly support the UN regional anti-LRA strategy, particularly as they see the current period as a window of opportunity to maintain pressure and eradicate the LRA, whose combined forces now number an estimated 500 rebels at most.

There is also recognition that conflicts within the region may ultimately undermine the RCI-LRA efforts. South Sudan has been in a civil war since 15 December 2013, and the CAR has been in conflict and lawless at least since March 2013. Rebel groups operating in the Democratic Republic of the Congo (DRC), such as the March 23 movement, the *Forces démocratiques de libération du Rwanda* and the Allied Democratic Forces, have been the focus of operations in the country for the UN and the DRC military. These conflicts have afforded the LRA new areas in which to operate and regroup. Thus, while there has been progress in making the AU-RTF a more effective force, the LRA has intermittently benefitted from de facto safe havens within the region. Council members will be interested to hear how the situations in these countries are currently affecting the anti-LRA efforts.

Guinea-Bissau

Expected Council Action

The Council is expected to renew the mandate of the UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) which expires on 31 May. A briefing and consultations on Guinea-Bissau are planned. Special Representative of the Secretary-General José Ramos-Horta is expected to brief, as is the chair of the Peacebuilding Commission (PBC) and its Guinea-Bissau configuration, Ambassador Antonio de Aguiar Patriota (Brazil). The Council will be considering the Secretary-General's 90-day report on the restoration of constitutional order and the biannual report on UNIOGBIS.

Key Recent Developments

The presidential and parliamentary elections, ultimately held on 13 April (and with a presidential run-off set for 18 May), have been

key to developments for many months now. Meant to restore constitutional order following the 12 April 2012 coup, the electoral process experienced a number of challenges. Voter registration, conducted between 1 December 2013 and 10 February, succeeded in enrolling approximately 95 percent of an estimated 810,000 eligible voters. Yet shortly after, on 21 February, transitional president Manuel Serifo Nhamadjo postponed elections, for a second time, from 16 March to 13 April.

The largest political party, the African Party for the Independence of Guinea and Cape Verde (PAIGC), overcame internal divisions at its congress, held from 30 January to 11 February, and elected Domingos Simões Pereira as party chairman (who would become prime minister in the event of a PAIGC victory). Several weeks later,

the PAIGC chose José Mario Vaz, a former finance minister and Bissau city council president, as its presidential candidate, effectively ending the presidential aspirations of Carlos Gomes Júnior, the exiled former party leader and leading presidential candidate before the coup.

On 18 March, the Supreme Court released the list of 15 parties eligible to contest the legislative elections and 13 presidential candidates, which included five independents in addition to Vaz, whose nomination had been challenged by the prosecutor general. Divisions within the Social Renewal Party (PRS), the second largest party, led to three PRS members, in addition to its official candidate, running as independents. These included Nuno Gomes Nabiam, who had the backing of PRS founder and former president Kumba Yala, and General Antonio Indjai, the head

UN DOCUMENTS ON GUINEA-BISSAU Security Council Resolution S/RES/2103 (22 May 2013) revised and extended the UNIOGBIS mandate for one year. Security Council Presidential Statement S/PRST/2013/19 (9 December 2013) called for free and fair elections and warned of targeted sanctions. Security Council Press Statements SC/11345 (3 April 2014) repeated calls that elections should not be delayed or interfered with. SC/11299 (26 February 2014) urged Guinea-Bissau to hold elections without delay and threatened targeted sanctions.

Guinea-Bissau (con't)

of the military. Official campaigning began on 22 March.

Heads of state of the Economic Community of West African States (ECOWAS) met from 28-29 March and in a final communiqué directed ECOWAS to take all necessary measures to ensure the success of the elections and extended the ECOWAS Mission in Guinea-Bissau (ECOMIB) until the end of 2014. The new ECOWAS chair, President John Dramani Mahama of Ghana, visited Guinea-Bissau on 10 April, meeting and urging military officials not to interfere in the elections. There had been concerns that Indjai was trying to influence the outcome in favour of Nabiam, and that candidates had received threats.

On 3 April, the Council was briefed on election preparations during consultations under “Any Other Business” by UN political affairs head Jeffrey Feltman. Later that day, the Council issued a press statement condemning intimidation and violence and calling for free and fair elections (SC/11345). It also recalled its willingness to consider sanctions against spoilers. The PBC Guinea-Bissau configuration had issued a similar press statement two days earlier.

On 4 April, Kumba Yala died of a heart attack. Campaigning was suspended for three days.

With more than 400 international observers on hand as monitors, voters went to the polls on 13 April without incident. Turnout totalled nearly 90 percent. The PAIGC won 57 of the National Assembly’s 102 seats. The PRS took 41 seats. Since no presidential candidate received an outright majority, a run-off election was scheduled for 18 May between the top two finishers—Vaz, who garnered 40.98 percent of the vote, and Nabiam, whose 25.14 percent share was somewhat of a surprise due to the PRS’s divisions. The AU Peace and Security Council announced on 16 April that following the election of the president, Guinea-Bissau would be invited to resume participation at the AU.

The Council also met on Guinea-Bissau on 26 February. Ramos-Horta discussed, in addition to the electoral process, his proposed Governance Efficacy Amelioration Programme to reform the country’s public administration. If implemented, international

experts would be imbedded in different ministries to mentor officials and provide oversight of international funds. A Council press statement after the meeting recalled its 9 December 2013 presidential statement that warned spoilers that they would be subject to targeted sanctions (SC/11299).

Human Rights-Related Developments

During a visit to Guinea-Bissau from 24 February to 1 March, the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda, called for systematic structural changes to tackle impunity, ensure access to justice, and address education and agricultural reforms and gender inequality. Sepúlveda voiced particular concerns about the situation of women and children. She stressed that the rights and needs of women and girls are neglected: compared with men, women suffer from worse access to health services, higher incidence of HIV/AIDS, lower levels of school enrolment and literacy, reduced incomes, higher rates of unemployment and greater difficulties in overcoming poverty. In addition, sexual and gender-based violence and child labour are prevalent.

Key Issues

The key immediate issue for the Council is the successful completion of the electoral process. (There remain concerns that Indjai and the military could interfere as was the case in 2012 when the coup occurred days before the run-off election.)

Renewing UNIOGBIS’s mandate will be another key issue in May. The presidential run-off is to be held only 13 days before UNIOGBIS’s mandate expires. If the electoral process is completed successfully, mandated activities for supporting the restoration of constitutional order could change in favour of more statebuilding assistance, though the Council will not have much time to consider such revisions.

Security sector reform and ensuring that the military stays out of politics are ongoing issues. (These are connected to questions over amnesty for coup leaders, downsizing the military and pensions. They are also related to drug trafficking and other illicit activities that fuel corruption in the military and government.)

The formation of a national unity government is considered critical to break the cycle of coups and political violence.

The very fragile humanitarian situation, exacerbated by the suspension of most

assistance following the 2012 coup, remains a serious issue.

Options

Monitoring the situation prior to the run-off election very closely and being ready to react should there be reasons for concern is an immediate option.

Welcoming the successful conclusion of the electoral process in a statement is an option if events warrant this.

With regard to the renewal of the UNIOGBIS mandate, if the electoral process concludes successfully, options include:

- authorising a technical roll-over of UNIOGBIS to allow the Council more time to revise the mandate; or
- updating the mandate to reduce the mission’s activities to restore constitutional order and instead strengthening its statebuilding activities;
- expressing support for Ramos-Horta’s public administration plan; and
- lifting sanctions to encourage the military to respect the election results.

Conducting a visiting mission to Guinea-Bissau to show support for the elected leaders, encourage a national unity government, and signal the Council’s ongoing attention, is a further option.

Council and Wider Dynamics

The Council tends to follow ECOWAS’s lead on Guinea-Bissau. Recent Council statements threatening further sanctions have sought to support the regional organisation’s efforts and those of UNIOGBIS to hold elections.

Within the Council, African countries closely support Nigeria, the penholder on Guinea-Bissau, and an ECOWAS member which also provides most of the personnel for ECOMIB. Latin American and some European members support the positions of the Community of Portuguese-Speaking Countries (CPLP). However, divisions between the CPLP and ECOWAS that once permeated the Council have dissipated.

Following recent news reports about Ramos-Horta’s plans for stepping down, Council members will likely be interested in the timing and his possible successors.

Libya

Expected Council Action

In May, the Council will receive the semi-annual briefing by ICC Prosecutor Fatou Bensouda on recent developments concerning cases in Libya.

The mandates of the UN Support Mission in Libya (UNSMIL) and the Panel of Experts (PoE) assisting the 1970 Libya Sanctions Committee expire on 13 March and 13 April 2015, respectively.

Key Recent Developments

Relations between Libya and the ICC have been tense following the decision by the ICC to try Saif Al-Islam Qaddafi, son of deposed leader Col. Muammar Qaddafi, and former intelligence chief Abdullah Al-Senussi in The Hague, as per the ICC referral in resolution 1970. On 31 May 2013, ICC Pre-Trial Chamber I rejected Libya's challenge to the admissibility of the case against Qaddafi, citing lack of sufficient evidence to demonstrate that Libya was investigating the same case as that before the Court, and reminded Libya of its obligation to surrender him. The ICC Appeals Chamber came to the same conclusion in July 2013, following Libya's request that his surrender be suspended. A decision from the Pre-Trial Chamber on a request for a "finding of non-compliance" for the non-surrender of Qaddafi is now expected. Such a finding might result in the referral of the case back to the Security Council to ensure compliance by Libya. In an 11 October 2013 decision, Pre-Trial Chamber I concluded that the case against Al-Senussi was being investigated by Libya, thus making it inadmissible before the ICC.

A trial of 37 Qaddafi-era officials accused of serious crimes during the 2011 revolution resumed on 14 April but was adjourned until 27 April. Al-Senussi appeared in front of the court and Qaddafi, who is being held by a militia in Zintan, testified via video-link. (The UN Working Group on Arbitrary Detention characterised the latter detention as arbitrary.)

Libya has continued to experience an increase in violence since the Council last discussed it on 10 March. In April explosions occurred at military sites in Benghazi

and Tripoli, as well as the capital's airport. Two Tunisian diplomats and the Jordanian ambassador to Libya were abducted in three separate incidents and at press time their whereabouts remained unknown. Clashes between the government and militias seeking autonomy for the east persisted over the control of oil export terminals. A deal was reached in early April to re-open blockaded ports. (On 19 March the Council imposed measures on vessels designated by the 1970 Committee to be transporting crude oil illicitly exported from Libya after an incident involving a North Korean-flagged vessel.)

Serious challenges have continued on the political front. After several unsuccessful attempts, on 11 March the General National Congress (GNC) passed a vote of non-confidence, ousting Prime Minister Ali Zeidan. On 13 April the new Prime Minister, Abdallah al-Thinni, resigned following an attack against his family.

On 30 March the GNC approved a law for the election of a new interim Parliament, but the date has yet to be set. The Constitutional Drafting Assembly met for the first time on 21 April but was missing 12 of its 60 members who could not be elected due to the boycott of the elections by minority groups.

Human Rights-Related Developments

On 26 March, Flavia Pansieri, the Deputy High Commissioner for Human Rights, presented the High Commissioner's report on Libya to the Human Rights Council (HRC) (A/HRC/25/42). She noted that 17 February marked the third anniversary of the revolution that ended an era of large-scale human rights violations under the former regime. However, she said, thousands of persons had been deprived of their liberty since the 2011 conflict, without access to due process and amidst reports of torture and ill-treatment. Pansieri urged Libya, as it enters a constitutional drafting process, to formally enshrine human rights principles in the legal system and to ensure the rights of all segments of the society, including women and minorities.

On 28 March, the HRC adopted a resolution welcoming Libya's efforts to protect human rights, especially through the adoption of several new laws, and urging the government to intensify efforts to prevent acts of torture, to investigate all allegations of torture and other ill treatment in detention facilities and to take further steps to

protect freedom of expression and association by reviewing Penal Code articles. It also called on Libya to expedite the voluntary return in safety and dignity of all displaced persons. The resolution condemned the assassination of government officials and civil society leaders and urged the government to bring the perpetrators of these crimes to justice. In addition, it requested that the Office of the High Commissioner provide further technical assistance to support the government in building and strengthening national structures (A/HRC/25/L.35).

Key Issues

A key issue for the Council is the conflicting views of Libya and the ICC regarding the Qaddafi trial. (According to Article 87 of the Rome Statute, if a state fails to cooperate and prevents the ICC from exercising its functions and powers, the Court may refer the matter to the Council.)

An ongoing overarching issue is the fragile security and political situation. A pressing issue is ensuring respect for the rule of law and reforming the legal institutions to generate trust in the political and legal system.

Options

With respect to the ICC, although receiving a briefing and taking no action seems the most likely option, the Council could issue a statement:

- encouraging the Libya to implement the provisions of the December 2013 law of transitional justice and the mandate of the fact-finding and reconciliation commission;
- reaffirming its call for armed militias to disarm and accept the authority of the state, including transferring Qaddafi to the custody of the state; and
- reiterating its support for the ongoing ICC investigations into serious crimes committed by other former regime officials and by rebel forces during the revolution.

On the overall situation, the Council could threaten measures against armed militias and other spoilers that significantly undermine state authority and its monopoly on the legitimate use of force.

UN DOCUMENTS ON LIBYA Security Council Resolutions S/RES/2146 (19 March 2014) imposed measures on vessels transporting crude oil illicitly exported from Libya. S/RES/2144 (14 March 2014) extended the mandates of UNSMIL and the PoE. S/RES/1970 (26 February 2011) referred the situation in Libya to the ICC. **Secretary-General's Report S/2014/131** (26 February 2014) was on UNSMIL. **Security Council Meeting Records S/PV.7130** (10 March 2014) was the latest briefing on Libya. S/PV.7059 (14 November 2013) was the sixth briefing by the Prosecutor of the ICC on Libya. **Security Council Press Statement SC/11354** (15 April 2014) condemned the abduction of the Jordanian ambassador to Libya. **Security Council Letter S/2014/106** (15 February 2014) conveyed the final report of the PoE. **OTHER RELEVANT FACTS Special Representative of the Secretary-General and Head of UNSMIL Tarek Mitri (Lebanon) UNSMIL Size and Composition Strength as of 31 January 2014:** 151 international civilians, 81 local civilians, 11 police officers and three UN volunteers. **UNSMIL Duration** 16 September 2011 to present

Libya (con't)

Council Dynamics

The overall deterioration of the security situation and the fragility of the political situation are sources of concern for Council members.

Regarding the tension between Libya and the ICC over the trial of Qaddafi, it seems unlikely that the Council will take a strong

stance on this unless the ICC issues a finding of non-compliance. Even then, some Council members may not be keen to support the ICC. Bensouda expressed concern in the past about the alleged crimes committed by rebel forces during the revolution—including the expulsion of residents and destruction of

Tawergha and the ongoing alleged persecution of ethnic groups perceived to have been affiliated with Qaddafi—but in her last report, the Prosecutor noted the steps towards setting up national mechanisms to address these allegations.

The UK is the penholder on Libya.

Syria

Expected Council Action

Sigrid Kaag, Special Coordinator of the Organization for the Prohibition of Chemical Weapons (OPCW)-UN Joint Mission, will brief Council members in consultations on the implementation of resolution 2118 regarding the destruction of Syria's chemical weapons.

Separately, the Assistant Secretary-General for Humanitarian Affairs Kyung-wha Kang will brief Council members on the third monthly report about the implementation of resolution 2139 on humanitarian access.

It also seems that UN-Arab League Joint Special Representative Lakhdar Brahimi may brief Council members in May.

Key Recent Developments

On 21 April, Syria announced that presidential elections would be held on 3 June. President Bashar al-Assad, whose current term ends on 17 July, declared on 28 April that he would seek another seven years in office. On 13 March, the last time Brahimi briefed Council members, he stressed that elections would mean the end of the Geneva process. In the regime's view, elections would render moot the requirement to form a transitional governing body.

High Commissioner for Human Rights Navi Pillay briefed Council members on 8 April at France's request and reiterated calls for the Council to refer the situation in Syria to the International Criminal Court (ICC). Pillay said that a political solution cannot trump justice and that the Commission of Inquiry has produced massive evidence that war crimes and crimes against humanity have been committed and that responsibility for

those crimes reaches the highest level, including Assad. She added that the government was responsible for most violations and that her office could identify the perpetrators in the case of an ICC referral.

On 15 April, France convened an "Arria-formula" meeting for the authors of Report into the Credibility of Certain Evidence with regard to Torture and Execution of Persons Incarcerated by the Current Syrian Regime (codenamed the Caesar Report) to present their work to Council members.

Also at France's request, humanitarian chief Valerie Amos and Assistant Secretary-General for Political Affairs Oscar Fernandez-Taranco briefed Council members on 17 April on the situation in Homs, where the local government and local opposition had almost reached agreement on the evacuation of civilians and fighters from the besieged old city. However, the authorities abruptly stopped negotiations, and on 15 April the government renewed its assault on Homs. It seems the briefing and discussions in consultations focused on the coercive elements of localised ceasefires in besieged areas, in which the government uses bombardment and starvation tactics to bring communities to their knees.

Amos briefed Council members again on 30 April to present the Secretary-General's report on implementation of resolution 2139 (S/2014/295). The report said that the arbitrary denial of humanitarian access was a violation of international humanitarian law, and it called on the Security Council to take action. The report did not indicate significant progress in Syria's implementation of any of the key demands of resolution 2139, such as authorising cross-border aid operations,

allowing access in besieged or hard-to-reach areas, observing medical neutrality, ceasing aerial bombardments or easing administrative hurdles. While both the government and opposition groups have blocked humanitarian access, the detail in the report demonstrated that most of the responsibility for non-compliance with resolution 2139 lies with the government.

Regarding chemical weapons, Kaag briefed Council members twice in April, reporting significant, but not yet complete, removal of declared chemical weapons material. On 3 April she warned that further delay would make it increasingly unrealistic to meet the 30 June completion deadline. The US requested an additional briefing on 23 April for an update on removal activity ahead of the 27 April deadline. During those consultations there was also a focus on allegations that the regime had used chlorine-filled bombs against civilians on 11 April—both France and the US reported preliminary intelligence potentially corroborating these allegations. While chlorine is not a prohibited chemical under resolution 2118 and the chemical weapons convention, to which Syria is a party, its use as a weapon is prohibited. On 27 April, Kaag said the OPCW would assess the allegations, but not within the mandate of the OPCW-UN Joint Mission. Further, France, the UK and the US have raised concerns that Syria has not made a full declaration of its chemical weapons arsenal. On 16 April, Syria submitted an amendment to its original 24 October 2013 declaration to the OPCW after inspectors on the ground reported discrepancies.

On 27 April, Kaag also said Syria had

UN DOCUMENTS ON SYRIA [Security Council Resolutions S/RES/2139](#) (22 February 2014) demanded humanitarian access. [S/RES/2118](#) (27 September 2013) required the verification and destruction of Syria's chemical weapons stockpiles. [Secretary-General's Reports S/2014/300](#) (25 April 2014) was the seventh OPCW-UN Joint Mission monthly progress report. [S/2014/295](#) (23 April 2014) was the second report on implementation of resolution 2139 on humanitarian access. [Security Council Letters S/2014/285](#) (16 April 2014) was from the opposition Syrian National Coalition, which urged an investigation into the alleged use of chemical agents on 11 April. [S/2014/244](#) (2 April 2014) transmitted the "Caesar Report" regarding torture and executions in Syrian detention facilities.

Syria (con't)

missed the extended deadline for removal of its declared chemical weapons materiel. 92.5 percent of declared materiel had been removed or destroyed in-country. Eighteen consignments of chemicals were shipped out of Syria, representing 96.7 percent of toxic priority-one chemicals and 82.6 percent of less hazardous chemicals. The OPCW is currently reviewing destruction plans for 12 chemical weapons production facilities that were to be destroyed by 15 March.

Human Rights-Related Developments

On 28 March, the Human Rights Council extended the mandate of the Commission of Inquiry for a year (A/HRC/25/L.7). On 14 April, Pillay condemned the use of torture in detention facilities by both government forces and armed opposition groups. Torture constitutes a war crime in armed conflict and amounts to a crime against humanity when used in a systematic or widespread manner, which Pillay said is almost certainly the case in Syria.

Key Issues

Entering the fourth year of the conflict, the key issue is whether and when the parties, in particular the government, will meaningfully implement resolutions 2118 and 2139 on chemical weapons and humanitarian access, respectively. Both resolutions expressed the intent to take further steps in the case of non-compliance. In this regard, a related issue for the Council is what further steps it might take if substantive implementation continues to lag.

Another issue for the Council is moving beyond the failed Geneva peace talks to find other ways to resuscitate efforts for a political solution to the crisis.

Options

The announcement of presidential elections might revive some Council members' desire to stress in a statement that elections should

only be organised in the context of a negotiated political solution.

Regarding accountability, the Council could vote on a resolution referring the situation in Syria to the ICC.

On humanitarian access, Council members could begin to build momentum towards a Chapter VII resolution authorising cross-border aid operations; giving blanket approval for humanitarian access; demanding the cessation of all violence, in particular aerial bombardment; and imposing sanctions for non-compliance with resolution 2139.

Concerning the chemical weapons track, given the increasing likelihood that the final deadline for all removal and destruction activities may not be met, Council members could begin informal discussions about the role of the joint mission beyond 30 June. The Council could also formally request that the OPCW present its assessment of the alleged use of chlorine bombs to the Security Council.

Council Dynamics

France has initiated what appears to be a strategy to bring accountability to the fore of Council action. France—along with Argentina, Australia, Chile, Lithuania, Luxembourg, Nigeria, South Korea and the UK—has voiced support for an ICC referral. To date the Council has not yet been able to agree on anything beyond a general call for justice. It seems that France is drafting a resolution to refer the situation in Syria to the ICC, and the US might be ready to vote for such a referral if language can be agreed that addresses some of its concerns regarding jurisdiction.

Russia has said the idea of an ICC referral is poorly timed and counterproductive, in that it may hinder progress on the Geneva negotiations. However, following the announcement of presidential elections in Syria, other Council members find this argument disingenuous.

Council members seem to have tacitly accepted that the Geneva process has failed, and most have characterised the planned vote in the midst of a civil war as a sham election. Most would see value in the Council issuing a statement, in particular that free and fair elections can only be held in the context of a negotiated political solution. However, there is an expectation that any such draft text would be blocked by Russia.

There are extreme frustrations that resolution 2139 has not led to an appreciably improved humanitarian situation. Most Council members are not satisfied with incremental progress but will likely continue to defer to Amos's views on the matter, at least in the near term, before pressing ahead with any action for non-compliance. These members are sensitive to the concerns that the consensus achieved in adopting resolution 2139 should be maintained rather than risking another veto by acting too quickly. On the other hand, this concern is being balanced against a backdrop of abysmal implementation and increased human suffering. By waiting too long, the Security Council's credibility to follow through on its own decisions is at risk.

Several Council members continue to be circumspect in their predictions about whether the 30 June deadline for the removal and destruction of Syria's chemical weapons programme will be met. Some believe the process may drag out towards the end of the year, despite the significant pace of removal seen in April. These members are beginning to consider what role the OPCW-UN Joint Mission might play after the final deadline—though Russia will likely have a strong preference to move the issue out of the Council after 30 June so that the OPCW would deal with any remaining issues on a purely technical level.

France is the penholder on Syria. Australia, Jordan and Luxembourg are the penholders on the humanitarian track.

Lebanon

Expected Council Action

In May, Council members expect to receive the semi-annual briefing in consultations

from Special Envoy Terje Rød-Larsen on the latest report on the implementation of resolution 1559. Adopted in 2004, the resolution

urged the disarmament of all militias and the extension of government control over all Lebanese territory. Discussion is expected to

UN DOCUMENTS ON LEBANON Security Council Resolutions S/RES/2115 (29 August 2013) renewed the mandate of UNIFIL for a year. S/RES/1559 (2 September 2004) urged the disarmament of all Lebanese and non-Lebanese militias and the extension of the Lebanese government's control over all Lebanese territory. **Secretary-General's Reports** S/2014/296 (24 April 2014) was the 1559 report covering October 2013-April 2014. S/2014/130 (26 February 2014) was the UNIFIL/1701 report covering November 2013-February 2014.

Lebanon (con't)

focus on the enormous impact the Syrian crisis is having on the political, security and humanitarian situations in Lebanon.

Key Recent Developments

Rød-Larsen last briefed Council members on 24 October 2013. Key areas of discussion included the influx of Syrian refugees, Hezbollah's military activities in Syria and subsequent sectarian tensions and pronounced cross-border incidents. He said Lebanon was facing the most dangerous situation since its own civil war ended in 1990.

Regarding the political situation, on 15 February Prime Minister Tammam Salam announced his cabinet, ending a deadlock that began in April 2013 when the rivalry between the Shi'a Hezbollah-dominated March 8 coalition and the Sunni-led March 14 alliance prevented Salam from forming a government. However, the cabinet did not receive a vote of confidence until 20 March due to lengthy negotiations over how to reference Hezbollah's military role in the ministerial statement. (Hezbollah de facto operates as a military force outside of state authority.)

After the vote of confidence, President Michel Sleiman reconvened the Lebanese National Dialogue on 31 March—a forum for political leaders to address the issue of Hezbollah's arms. Hezbollah did not attend. The next session is scheduled for 5 May.

Political tension has been further exacerbated by the two blocs' support for opposing sides in the Syrian conflict, with Hezbollah fighting openly on behalf of the Syrian regime. The rivalry is also affecting the presidential elections to replace Sleiman, whose term ends on 25 May. When a new president is elected, the cabinet that was just formed in February will need to be replaced and the arduous task of forming a government will begin anew.

On 23 April, parliament held its first round of voting to elect a new president with no candidate receiving the required two-thirds majority in the 128-member parliament. A quorum could not be reached to hold a second round of voting on 30 April since Hezbollah refused to attend. The session was postponed to 7 May. (Lebanon's power sharing arrangement requires that the president be a Maronite Christian, the prime minister a Sunni and the parliamentary speaker a Shi'a.)

The March 14 bloc backed Samir Geagea who only received 48 votes in the first round of balloting. Geagea's votes were overshadowed by the 52 blank ballots cast by the

Hezbollah-led March 8 coalition. While the March 8 coalition has not backed any candidate yet, analysts point to Michel Aoun, the head of the Free Patriotic Movement—the largest bloc in the March 8 political coalition—as a possibility.

Regarding the security situation, almost daily cross-border shelling, shooting and rocket attacks occur between Lebanon and Syria—particularly affecting the border town of Aarsal in the Beka'a Valley. There have also been sustained sectarian clashes in Tripoli linked to the Syrian crisis. To increase security, Lebanese security forces have deployed in greater numbers in Tripoli and in the Beka'a Valley.

Israeli airstrikes in Lebanon and Syria have sparked fears that Lebanon could be drawn further into a broader regional conflict. On 24 February, Israel struck a convoy in Lebanon reportedly carrying weapons en route to Hezbollah. Hezbollah vowed to retaliate and subsequently claimed responsibility for a 14 March incident when an Israeli military vehicle, patrolling south of the Blue Line between Israel and Lebanon, was hit by a roadside improvised explosive device.

On 5 March, the International Support Group for Lebanon—formed in September 2013 to provide political support and bilateral financial support for Lebanon's humanitarian and security needs—met in Paris. The Group stressed the critical role of Lebanese Armed Forces (LAF) in mitigating growing security threats, especially along Lebanon's border with Syria. Regarding the humanitarian situation, the meeting also served as a donor conference to raise funds to help Lebanon cope with the influx of refugees from Syria. There are 1.040 million registered Syrian refugees in Lebanon but unofficial estimates put the figure closer to 1.5 million. Nearly 2,500 new refugees are registered daily and the numbers are placing an unprecedented strain on Lebanon's communities, infrastructure and services.

Regarding the Special Tribunal for Lebanon, on 24 April two journalists and two media outlets in Lebanon, reportedly with links to Hezbollah, were charged with contempt of court for publishing confidential information about prosecution witnesses. They have been summoned to appear before the court on 13 May.

Key Issues

The key issues are the fact that Hezbollah maintains a significant arsenal not controlled

by the government and the delineation of the border between Lebanon and Syria has not taken place and will not in the foreseeable future. Another key issue is that the conflict in Syria, and Hezbollah's unambiguous involvement there on behalf of the regime, has negatively impacted Lebanon.

Underlying Problems

Lebanon's official policy is one of disassociation from the Syrian crisis. However, Hezbollah's overt involvement in Syria on behalf of the regime, sectarian violence, and the burgeoning refugee situation throughout the country provide evidence of the pressures such a policy must withstand. The ongoing conflict in Syria will most likely indefinitely stall any effort to implement resolution 1559 fully—especially disarmament and border demarcation.

Furthermore, the flow of arms across the border between Syria and Lebanon has contributed to the expansion of arsenals outside the control of the Lebanese government.

Options

The Council is unlikely to take any action on Lebanon before the conclusion of presidential elections. However, if the process stalls then it is possible the Council may want to issue a statement encouraging the election in an expeditious manner in order to maintain political stability.

Since the security situation in Lebanon and along the border with Syria has continued to deteriorate, the Council could adopt a statement reiterating its condemnation of such incidents. In a similar vein, a statement addressing the Syrian refugee situation and subsequent humanitarian crisis in the country might also be an appropriate demonstration of support given the challenges Lebanon is facing.

Council Dynamics

There is agreement among all Council members that the Security Council should support Lebanon in its efforts to contain the spill-over from the conflict in Syria. The Council is united on the importance of preserving Lebanon's sovereignty, national unity, territorial integrity and political independence and remains supportive of the country's policy of disassociation from the Syrian crisis.

However, there are divisions, particularly among the P5 members, on how to characterise the impact of the Syrian conflict on Lebanon, Hezbollah's participation in the Syrian conflict, Syria's role in cross-border

Lebanon (con't)

attacks and Israeli airstrikes on alleged weapon transfers Hezbollah.

Such divisions may also be reflected in a

desire by Council members, particularly the P3, to manage the spillover effects from the Syrian crisis by using a mechanism outside

the Council as demonstrated by the International Support Group for Lebanon.

France is the penholder on Lebanon.

Bosnia and Herzegovina

Expected Action

In May, the Security Council will have its biannual debate on Bosnia and Herzegovina (BiH). The High Representative for BiH, Valentin Inzko, will brief the Council, presenting the latest report of the Office of the High Representative (OHR). No outcome is expected.

The authorisation of the EU-led multinational stabilisation force (EUFOR ALTHEA) expires on 13 November.

Key Recent Developments

In February, BiH experienced the greatest civil unrest since the end of its 1992-1995 civil war, with protests that swept across the country. The protests began 5 February in Tuzla as residents demonstrated with former workers of five factories that had been privatised and had since filed for bankruptcy. Demonstrations in support of the Tuzla protestors spread to other cities—Sarajevo, Mostar, Zenica and Bihac—where grievances expanded to include high unemployment and political corruption. Noticeably absent was any ethnic antagonism.

On 7 February, protestors set fire to the Sarajevo cantonal government headquarters as well as the presidency building and, according to media reports, razed a total of 18 government buildings across the federation. By the weekend and the following week, demonstrators gathered more peacefully.

As a result of the protests, four local cantonal governments, including Sarajevo, resigned. With the exception of the Tuzla canton, however, officials have continued to serve in their positions. The security minister, who is considered a candidate for the BiH tri-partite presidency, was dismissed for not ordering police to confront protestors more forcefully.

The Steering Board of the Peace Implementation Council, which includes the US, UK and France among other countries, issued a statement on 11 February condemning the

violence and destruction of property and calling on local leaders to engage with the protestors' legitimate demands. Russia refrained from joining the statement, perceiving the protests as a purely internal matter.

While Republika Srpska did not experience comparable protests, smaller demonstrations, mostly made up of war veterans, occurred in Banja Luka, including one on 28 February of reportedly 2,000 people.

Emerging from the protests was the creation of “plenums”, in which citizens have continued to gather in public areas of cities and towns in the federation to state grievances and needs and address demands to local governments. These have included continuing to call on the federation government to resign, and for officials to address corruption, revision of privatisation deals, unemployment and poor education and health care systems.

EU-mediated talks between the main six political parties on 17-18 February again failed to reach agreement on implementing the 2009 Sejdic-Finci ruling of the European Court of Human Rights. (This is required by the EU for BiH's application to join the EU to proceed.) EU Foreign Affairs Council (FAC) conclusions, released on 14 April, announced the EU's readiness to support initiatives to help BiH address its socioeconomic challenges. Though the conclusions placed less emphasis on Sejdic-Finci compared to prior ones, the FAC noted that BiH must still fulfil its requirements for accession to proceed. When the Council renewed EUFOR ALTHEA's authorisation in resolution 2123 on 12 November, it called on BiH to implement the Sejdic-Finci ruling, the first time it had done so.

Regarding secessionist rhetoric, Republika Srpska President Milorad Dodik seized on the Crimea referendum to break from Ukraine, reviving his claims that Republika Srpska could hold a referendum on secession.

In Serbia, the ruling Progressive Party,

which has repeatedly stated that Serbia will respect BiH's territorial integrity and the Dayton Accords, won the 16 March elections, giving it 157 seats in the 250-seat Parliament.

Human Rights-Related Developments

On 12 March, Farida Shaheed, the Special Rapporteur on cultural rights, briefed the Human Rights Council on her visit to BiH in May 2013 (A/HRC/25/49/Add.1). She highlighted the urgent need to reform the education system to end the segregation of pupils according to national and ethnic affiliation. She also said the country was facing numerous and difficult challenges in terms of memorialising the past. She said, however, that divisions between communities were greater at the political level than on the ground.

Key Issues

The recent protests in BiH should weigh heavily on the Council debate. These are connected to the political gridlock, self-serving political elite and the need for economic development, reflected by the official 44 percent unemployment rate.

Secessionist rhetoric from Republika Srpska, which is a direct challenge to BiH's territorial integrity and the Dayton Accords, is an ongoing issue of concern.

The 5 October 2014 general elections, which will occur one month before the Council's next scheduled meeting on BiH when it is due to reauthorise EUFOR, is another important issue.

Slow progress in achieving the criteria for closing OHR, as well as BiH's failure to implement the Sejdic-Finci ruling are issues usually recalled by Council members, having stalled the country's EU and NATO aspirations.

Underlying Problems

The Dayton Accords, which were necessary to achieve peace 19 years ago, created a power-sharing arrangement of multiple layers of government based on ethnic identity. This is the root of the political gridlock and has resulted in political parties playing

Bosnia and Herzegovina (con't)

on ethno-nationalistic fears to maintain the financial benefits of elected office, as opposed to addressing socioeconomic challenges and representing BiH as one country.

Options

Most likely the Council will hold the debate and take no action. Conversely, it could issue a statement urging political parties to set aside narrow interests and address broader public concerns.

Council Dynamics

BiH is an issue on which the Council follows the lead of the EU. Most members view with concern its political gridlock and economic stagnation and are critical of Dodik's divisive rhetoric. Within the EU, the UK—siding with the US—has been more cautious about drawing down international engagement in BiH, compared to France and Germany, which previously have been less convinced about the continuing need for EUFOR and

OHR. Ongoing problems in BiH appear to be one reason negotiations leading to resolution 2123 proved less contentious than the prior year. Russia feels that Republika Srpska is wrongly blamed for BiH's problems and wants OHR closed.

The penholder, which rotates monthly within the BiH Contact Group, will be Russia in May.

Kosovo

Expected Council Action

The Council will hold its quarterly debate on Kosovo in May. Farid Zarif, the Secretary-General's Special Representative and head of the UN Interim Administration Mission in Kosovo (UNMIK), is expected to brief the Council on the Secretary-General's report and latest developments. High-level participation from Kosovo and Serbia is likely, with delegates from a newly elected government representing the latter.

No Council action is expected.

Key Recent Developments

One year since the signing of the landmark "First Agreement on Principles Governing the Normalisation of Relations between Belgrade and Pristina" on 19 April 2013, major developments have included: the successful organisation of local elections in Kosovo with the participation of Kosovo Serbs in the north, the intensified dialogue between Belgrade and Pristina aimed at normalisation of relations and the start of EU accession talks for Serbia.

Local elections in Kosovo officially concluded on 23 February with repeat mayoral elections in North Mitrovica. In general, the elections were successful and uneventful save for minor incidents requiring repeat elections in a few municipalities in the north.

On 4 March, Kosovo announced that it would transform the Kosovo Security Forces into the "Armed Forces of Kosovo". A few days after the announcement, Foreign Affairs Minister Ivan Mrkić of Serbia addressed a letter to the Council (S/2014/165) stating that

the move was a clear violation of resolution 1244 and "would inflict a heavy blow to all efforts to find peaceful solutions and amount to a serious undermining of the authority and global role of the Security Council in safeguarding international peace and security". The proposal requires the approval of the Assembly of Kosovo, which at press time, had not yet scheduled a vote on the transformation.

Since the last Council debate on Kosovo on 10 February, two EU-facilitated meetings between Belgrade and Pristina were held on 12 February and 31 March. Although both sides said they were getting closer to a final agreement, the main point of contention seems to be the judicial system.

The relatively low frequency of the EU-facilitated dialogues in the past two months may be related to the 16 March general elections in Serbia. Aleksandar Vučić—the central figure in the EU accession talks and in promoting the normalisation of relations between Belgrade and Pristina—and his Serbian Progressive Party recorded an overwhelming victory, winning 157 of 250 seats in the parliament. With the position of prime minister for Vučić and a majority rule for the party secured, it is expected that cooperation between the EU and Serbia will soon increase.

Established under the auspices of resolution 1244, the mandate of the EU Rule of Law Mission (EULEX) is set to expire on 14 June. Procedurally, the extension of the EULEX mandate requires a negotiated agreement between the EU and Kosovo. On 22 April, Kosovo proposed a draft law granting

an extension of the EULEX mandate for two years. The draft bill also contained the legal basis for creating a special court to deal with accusations stemming from the Council of Europe report by Dick Marty accusing the Kosovo Liberation Army of organ trafficking and other serious violations. Although Prime Minister Hashim Thaçi of Kosovo described the special court as "completely unfair and an insult for the state of Kosovo", he nevertheless called on the parliament to vote on the issue, signalling that his party will support the bill.

On 23 April, the Kosovo Assembly passed the bill, with 89 votes in favour, 22 against and two abstentions. The bill extended the EULEX mandate for two years while transferring the functions of EULEX's Special Investigative Task Force to the special court. The court is to operate under Kosovo law, with work being done in Kosovo and the Netherlands. The judges and prosecutors will be foreign citizens, insuring impartiality and preventing interference with the judicial process.

Key Issues

Maintaining stability in Kosovo remains the main concern for the Council.

Options

The establishment of the special court and agreement on the extension of the EULEX mandate are decisions that enjoy wide support in the Council. Therefore, one of the options is for the Council to issue a presidential or press statement commending Kosovo for taking concrete action to investigate

UN DOCUMENTS ON KOSOVO Security Council Resolution S/RES/1244 (10 June 1999) authorised NATO to secure and enforce the withdrawal of Federal Republic of Yugoslavia forces from Kosovo and established UNMIK. Secretary-General's Report S/2014/305 (29 April 2014) was on UNMIK. Security Council Meeting Record S/PV.7108 (10 February 2014) was on Kosovo.

Kosovo (con't)

crimes and promote reconciliation.

The Council could also consider lengthening the reporting cycle on Kosovo in light of the positive developments on the ground. However, this option remains unlikely at the time because of strong opposition from Russia.

Alternatively, the Council might choose to take no action.

Council Dynamics

Kosovo remains an issue of relative low intensity in the Council because other international organisations—mainly the EU, NATO and the Organisation for Security and Cooperation in Europe—play an active role.

Council members' established positions on Kosovo remain unchanged, with a clear division between the permanent members that recognise Kosovo (France, the UK and

the US) and Russia, which strongly supports Serbia. This division will likely prevent any action by the Council that would significantly alter UNMIK's mandate.

The contact and drafting group on Kosovo consists of France, Germany, Italy, Russia, the UK and the US and also includes Australia, Lithuania and Luxembourg.

In May, Russia will take the lead on Kosovo within the contact and drafting group.

DPRK

Expected Council Action

In May, the chair of the 1718 Democratic People's Republic of Korea (DPRK) Sanctions Committee, Ambassador Sylvie Lucas (Luxembourg), is scheduled to brief Council members in consultations on the work of the Committee. Her last 90-day briefing was on 20 February.

Key Recent Developments

On 5 March, the Council adopted resolution 2141, which extended the mandate of the Panel of Experts (PoE) assisting the Sanctions Committee until 5 April 2015 and requested a mid-term report to the Committee by 5 August and a final report by 5 February 2015. In a 4 April letter, the Secretary-General informed the Council that he had appointed the eight members of the PoE, six of whom served under the previous mandate (S/2014/248).

Meanwhile, tensions on the Korean Peninsula increased. In February and March, and coinciding with the annual US and Republic of Korea (ROK) joint military exercises, the DPRK conducted a series of short-range rocket launches. Then on 26 March, it launched two medium-range Rodong ballistic missiles over the East Sea, the first medium-range launches since 4 July 2009.

During informal consultations on 27 March, Council members discussed the 26 March incident and were briefed by Under-Secretary-General for Political Affairs

Jeffrey Feltman. Following the consultations, Ambassador Lucas said in agreed "elements to the press" that Council members condemned the missile launches as a violation of resolutions 1718, 1874, 2087 and 2094 and would consult on an appropriate response.

In reply, the DPRK said in a 31 March letter that the condemnation was "absolutely intolerable" and reiterated its rejection of all Council resolutions adopted against it (S/2014/237). In the same letter, the DPRK also rejected the Human Rights Council (HRC) resolution of 28 March endorsing the report of the commission of inquiry on human rights in the DPRK, referring to the commission as a group of "political swindlers, marionettes of the US and the West" and stating that it "totally opposes and rejects" the resolution. (The HRC recommended that the General Assembly submit the commission's report to the Security Council for appropriate action, including consideration of a referral of the situation in the DPRK to "the appropriate international criminal justice mechanism", and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for crimes against humanity). The DPRK also sent letters to the Council on 7 March defending its short-range rocket launches (S/2014/159) and on 15 March denouncing the "hostile policy" of the US (S/2014/194).

On 22 April, the ROK defence ministry reported increased activity at the DPRK's

nuclear test site in Punggye-ri and warned that Pyongyang might be planning another surprise nuclear test. On 29 April, the DPRK conducted a live-fire drill near the Northern Limit Line, the disputed maritime border with the ROK. This followed a similar drill on 31 March when some rounds landed south of the border, resulting in a live-fire exchange with the ROK.

The DPRK on 9 March held elections for the Supreme People's Assembly. (Such elections are normally held every five years.) There was only one candidate on the ballot for each of the 687 districts, and they were all elected with 100 percent of the votes.

On 17 April, Australia, France and the US convened an "Arria-formula" meeting with the members of the commission of inquiry, Michael Kirby (chair, Australia), Sonja Biserko (Serbia) and Marzuki Darusman (Indonesia). Kirby briefed on the findings and recommendations of the commission's final report. (In a 14 April letter, the three organisers of the meeting transmitted the report to the Council President [S/2014/276]). Speaking to the press afterwards, Kirby said that seven Council members had expressly supported a Council referral of the situation in the DPRK to the ICC, but noted with regret the absence of China and Russia. He repeatedly emphasised that it was difficult to imagine a stronger case than the DPRK for a referral to the ICC.

The 1718 Sanctions Committee met on

UN DOCUMENTS ON THE DPRK Security Council Resolutions S/RES/2141 (5 March 2014) extended the PoE's mandate. S/RES/2094 (7 March 2013) tightened sanctions against the DPRK. Sanctions Committee Document S/2014/253 (8 April 2014) was the letter from the chair of the Sanctions Committee containing updates to the sanctions lists. Security Council Letters S/2014/276 (14 April 2014) was the letter transmitting the report of the commission of inquiry to the Council. S/2014/248 (4 April 2014) was the letter from the Secretary-General concerning the appointment of the PoE. S/2014/237 (31 March 2014) was the letter from the DPRK regarding the 26 March "self-defensive rocket launch exercises" and the HRC resolution. S/2014/194 (15 March 2014) was the letter from the DPRK denouncing the US. S/2014/159 (7 March 2014) was the letter from the DPRK defending its short-range rocket launches. Other A/HRC/25/L.17 (26 March 2014) was the draft HRC resolution on the DPRK. A/HRC/25/63 (7 February 2014) was the report of the commission of inquiry. A/HRC/25/CRP.1 (7 February 2014) was the report of the detailed findings of the commission of inquiry. **ADDITIONAL USEFUL RESOURCES** *United Nations Sanctions on Iran and North Korea: An Implementation Manual*, Enrico Carisch and Loraine Rickard-Martin, International Peace Institute, March 2014. *Sanctions Implementation and the UN Security Council: The Case for Greater Transparency*, SCR/International Peace Institute, March 2014.

DPRK (con't)

10 April and discussed the 26 March rocket launches. (At press time, members had just received the PoE's incident report on the case.) The Committee also continued to discuss how to respond to the Chong Chon Gang case. (Chong Chon Gang was the DPRK-flagged ship detained by Panama on 15 July 2013 on its way from Cuba with weapons and military equipment hidden in a cargo of sugar. The PoE concluded that the case constituted a sanctions violation.) While no agreement was reached, some progress has apparently been made in drafting the implementation assistance notice (IAN) proposed by the US as part of a possible response involving also additional designations. A proposal to organise another open briefing for member states met with no objections.

On 8 April, the chair of the Committee sent a letter to the Council President transmitting updates to the lists of banned nuclear and ballistic missile-related items as requested by resolution 2094 (S/2014/253). The letter also contained one update to the list of individuals and entities subject to targeted sanctions.

Human Rights-Related Developments

Following a 17 March HRC interactive dialogue with the commission of inquiry, the HRC adopted a resolution on 28 March (A/HRC/25/L.17) welcoming the commission's report (A/HRC/25/63 and A/HRC/25/CRP.1) and condemning in the strongest terms the systematic, widespread and gross human rights violations committed in the country. The resolution also extended for another year the mandate of the Special Rapporteur on the situation of human rights in the DPRK, Marzuki Darusman, and requested the Office of the High Commissioner for Human Rights to provide him with increased support, including the establishment of a field-based structure. Of the 47 HRC members, six voted against the resolution, including China and Russia, and 11 others abstained.

Darusman visited Tokyo on 8-10 April as an immediate follow-up to the work of the commission and its recommendation that the Special Rapporteur develop a strategy to urgently address the issue of international abductions, enforced disappearances and related matters.

During his visit, Japan informed Darusman that in addition to the 19 confirmed Japanese abduction victims, there were some 860 missing persons that the authorities could not rule out had also been abducted by the DPRK.

Key Issues

A key issue for the Council is the DPRK's continued flouting of all relevant resolutions.

A related issue is whether to take any action in response to the DPRK's most recent sanctions violations, whether at the Council level or in the Sanctions Committee.

A further issue for the Council is whether to formally consider the report of the commission of inquiry.

Options

Options for the Council include:

- referring the situation in the DPRK to the ICC;
- expanding the sanctions regime to target human rights violations, as also recommended by the commission of inquiry;
- requesting briefings on the human rights situation in the DPRK, either on an ad hoc basis, or by expanding the agenda item under which the DPRK is considered;
- adopting a presidential statement condemning recent sanctions violations committed by the DPRK;
- taking action in the Sanctions Committee in response to the Chong Chon Gong case as proposed by the US, including issuing an IAN and making additional designations; and
- convening another Committee open briefing for UN member states.

Council Dynamics

Following the 26 March missile launches, the US pushed for the adoption of a presidential statement to condemn the DPRK's actions, but this seems to have been put aside for now, with China having assured the US it will use its leverage to try to de-escalate the situation.

With regard to the Council's possibly addressing the human rights situation in the DPRK, there seems to be widespread support among Council members for the recommendations of the commission of inquiry, as demonstrated at the Arria-formula meeting. Of the 13 Council members that participated, Australia, Chile, France, Jordan, Lithuania, Luxembourg and the UK expressly supported an ICC referral. The US said it would consider it while Rwanda said other mechanisms for ensuring accountability should also be explored, such as an ad hoc tribunal. Some members also expressed support for imposing targeted sanctions against human rights violators. The ROK did not specifically mention the ICC but expressed support for all of the commission's recommendations. Argentina made no reference to the ICC, and Chad and Nigeria did not take the floor.

A few members also suggested that the Council could request regular briefings on the DPRK by the Office of the High Commissioner for Human Rights or expand the scope of the agenda item under which the DPRK is considered to deal with the situation in a comprehensive way that would include all relevant issues. (Such decisions would be procedural, meaning they would not be subject to the veto of permanent members.)

Despite the support expressed at the Arria-formula meeting, it remains to be seen how much appetite there is among Council members to push for any formal Council action in the face of expected strong opposition from China and perhaps Russia. There are also concerns as to how a confrontation with China on human rights might impact ongoing efforts to secure its support on the non-proliferation file. At this stage, Council members therefore seem keen to play down expectations of any near-term follow-up action relating to the commission's report.

The US is the penholder on the DPRK in the Council.

Counter-Terrorism

Expected Council Action

In May, the Council is scheduled to hold a semi-annual briefing by the chairs of its counter-terrorism-related committees, possibly followed by a debate. The briefers will be

Ambassador Gary Quinlan (Australia), chair of the 1267/1989 Al-Qaida Sanctions Committee, Ambassador Raimonda Murmokaitė (Lithuania), chair of the 1373 Counter-Terrorism Committee (CTC) and Ambassador

Oh Joon (Republic of Korea), chair of the 1540 Committee, concerning the non-proliferation of weapons of mass destruction. (For the 1540 Committee, please refer to the separate brief on non-proliferation.)

Counter-Terrorism (con't)

Key Recent Developments

1267/1989 Al-Qaida Sanctions Committee

According to its annual report, the Committee maintained a proactive approach to discharging its mandate in 2013 and enhanced its role in countering Al-Qaida-related terrorism, convening 15 informal consultations (S/2013/792). On 26 December 2013, the Analytical Support and Sanctions Monitoring Team assisting the 1267/1989 Committee circulated its 15th report to the Committee (S/2014/41). The report stresses that even though Al-Qaida has not been able to recover its former strength, it remains a threat, mostly through its often autonomous affiliates. The report focused on enhancing the implementation of sanctions (i.e., asset freeze, travel ban) through deterring ransom payments, using biometrics and changes to national inadmissible passenger criteria as well as improving measures to limit component availability for improvised explosive devices. Since the 27 November 2013 briefing, one individual has been added to the sanctions list: Malik Muhammad Ishaq, one of the leaders of the Pakistan-based group Lashkar i Jhangvi.

The Ombudsperson, Kimberly Prost, who is responsible for making recommendations on the requests for removing names from the sanctions list, submitted her seventh report to the Council on 31 January (S/2014/73). Since 1 August, two new cases had been submitted to the Ombudsperson, bringing the total number of petitions submitted since the establishment of the office to 51. During the reporting period, six individuals and three entities were delisted on her recommendation. One of them, Jaber Abdallah Jaber Alhmad al-Jalahmah of Kuwait, was delisted on 3 January following the Ombudsperson's recommendation and then listed again that same day. In a press release, the Committee stated that it had received new information concerning his recent support for Al-Qaida-related entities. The information had not been made available to the Ombudsperson at the time she delivered her report, so the Committee simultaneously approved the petition for removal from the list based on her report and decided to re-list him based on the new information. In one additional case, a separate Committee

decision resulted in the delisting of an individual during an active Ombudsperson case, making that case moot.

On 18 July 2013, the European Court of Justice (ECJ) ruled on the Kadi II case. The original Kadi case has been the most significant legal challenge to the 1267 sanctions regime so far and concerned an EU regulation implementing Council-mandated sanctions. The ruling in Kadi II, whose political significance goes beyond its original purpose (Kadi was delisted in 2012), states that, despite the improvements added, the procedure for delisting and ex officio re-examination at the UN level does not provide to the person listed "the guarantee of effective judicial protection". The courts of the EU must therefore verify the allegations made against the listed person to ensure that the listing decision is grounded in a "sufficiently solid factual basis".

1373 Counter-Terrorism Committee

On 28 March, the chair of the CTC circulated the 2014 work programme for the CTC and CTC Executive Directorate (CTED). Beyond the implementation of resolutions 1373 and 1624, the work programme focuses on the need for a comprehensive approach to prevent the spread of terrorism and violent extremism, conducting regular follow-up activities after CTED country visits, identifying the regions that are struggling with the scourge of terrorism and doing so within the broader human rights and rule of law framework.

On 17 December 2013, the Council decided in resolution 2129 that CTED would continue to operate as a special political mission under the policy guidance of the CTC for the period ending 31 December 2017. The resolution recalled CTED's crucial role in supporting the CTC in the fulfilment of its mandate, underscored its essential role within the UN to assess issues and trends relating to the implementation of resolutions 1373 and 1624 and included tasks that were not explicitly mentioned before, such as identifying emerging issues, trends and developments related to resolutions 1373 and 1624 and regularly reporting to the CTC on CTED's activities.

On 25 April, the CTC held a high-level

open briefing on preventing the misuse of travel documents by terrorists, traveller identification management and document security.

Key Issues

A key issue for the 1267/1989 Committee is to address patterns of non-compliance with the sanctions regime by member states, either due to lack of will or capacity.

The de-listing and listing of an individual on the same day by the 1267/1989 Committee might have a negative impact on the perception of the guarantees for a fair process in the Ombudsperson procedure. Whether to address the challenges raised by the Kadi II case regarding the rights of the defence and the right to effective judicial protection will be a further issue.

An issue for the CTC and CTED, as well as for other UN entities, is to improve coordination within the broader UN counter-terrorism architecture in light of the review of the Global Counter-Terrorism Strategy currently underway.

Council Dynamics

On the 1267/1989 Committee, the recent re-listing of an individual whose delisting was recommended by the Ombudsperson has evidenced that some Council members are reluctant to share relevant intelligence with the Ombudsperson. Although some Council members have shown their disappointment over the ECJ ruling in the Kadi II case, some Council members do not feel the need to significantly strengthen or widen the Ombudsperson procedure.

On the CTC, discussions have focused on increasing the visibility of its work without disregarding the follow-up to CTC activities and CTED visits, concentrating on what is realistic and sustainable by different member states. It seems particular differences have been raised in relation to specific topics to be discussed, such as how to implement the provision in resolution 2133 encouraging CTC to hold a special meeting on kidnap for ransom.

UN DOCUMENTS ON COUNTER-TERRORISM Security Council Resolutions S/RES/2129 (17 December 2013) renewed the mandate of CTED for four years. S/RES/2083 (17 December 2012) renewed the mandates of the Ombudsperson and the Monitoring Team assisting the 1267/1989 Committee for 30 months. Security Council Meeting Record S/PV.7071 (27 November 2013) was a briefing by the chairs of the three counter-terrorism-related committees. Security Council Letters S/2014/233 (28 March 2014) included the work programme of the CTC and CTED for 2014. S/2014/73 (31 January 2014) included the report of the Ombudsperson. S/2014/41 (22 January 2014) included the report of the Monitoring Team. S/2013/792 (31 December 2013) was a report on the activities of the 1267/1989 Sanctions Committee to the Council. S/2013/722 (10 December 2013) was a report on the work of the CTC and CTED from 2011 to 2013.

Notable Dates for May

REPORT DUE	REPORTS FOR CONSIDERATION IN MAY	REQUESTING DOCUMENT
25 April	SG report on the implementation of resolution 1559 (Lebanon)	S/PRST/2004/36 S/RES/1559
28 April	OPCW report on the implementation of resolution 2118 (Syrian chemical weapons)	S/RES/2118
30 April	SG report on UNMIK (Kosovo)	S/RES/1244
1 May	High Representative's report on Bosnia and Herzegovina	S/RES/2123
5 May	SG report on UNOCA/LRA (Central Africa)	S/PRST/2013/18
12 May	SG report on UNIOGBIS (Guinea-Bissau)	S/RES/2103
12 May	SG 2048 report on the restoration of constitutional order in Guinea-Bissau	S/RES/2103
13 May	SG report on UNISFA (Abyei)	S/RES/2126
13 May	SG report on UNSOM (Somalia)	S/RES/2102
22 May	SG report on the implementation of resolution 2139 (humanitarian access in Syria)	S/RES/2139

MANDATES EXPIRE		RELEVANT DOCUMENT
31 May	UNISFA (Abyei)	S/RES/2126
31 May	UNIOGBIS (Guinea-Bissau)	S/RES/2103
3 June	UNSOM (Somalia)	S/RES/2102

OTHER IMPORTANT DATES

5-9 May	Expert-level talks between Iran and the P5+1 will be held in New York.
7 May	At the initiative of the Republic of Korea, the Council will hold a high-level open debate to commemorate the tenth anniversary of resolution 1540 on non-proliferation.
30 May	Chile, together with Australia, may organise an Arria-formula meeting on the protection of internally displaced persons.

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Security Council Report Staff

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Executive Director

Joanna Weschler
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What's in Blue Editor & Senior Research Analyst

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Administrative Assistant

Lindiwe Knutson
Research Intern

Stevenson Swanson
Editorial Consultant

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Design Point Five, NY

Security Council Report
One Dag Hammarskjöld Plaza
885 2nd Ave at 48th St, 21st Floor
New York NY 10017

Telephone +1 212 759 6394
Fax +1 212 759 4038
Web securitycouncilreport.org
whatsinblue.org

