



SECURITY COUNCIL REPORT

MONTHLY FORECAST

MAY 2008



30 April 2008

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OVERVIEW FOR MAY

In May the UK will have the presidency of the Council. There are no mandates up for renewal during the month.

Four important thematic public Council meetings are expected:

- On 6 May, an open debate on **Counter-Terrorism**, following briefings by the Chairs of the three Council anti-terrorism committees (1267, CTC and 1540).
- On 12 May, an open meeting on **Security Sector Reform** is likely. There will be a series of statements including by Slovakia which sponsored this topic in 2006-2007 when it was on the Council. This will be followed by discussion in Informals on a possible Council statement.
- On 20 May, a UK national initiative, foreshadowed by Prime Minister Gordon

Brown in the Council on 16 April, will be the subject of an open debate. Possibly this will be at the ministerial level and chaired by British Foreign Secretary David Miliband. The agenda item for the debate is likely to be *Post-Conflict Peacebuilding*. But the issue is not so much the work of the Peacebuilding Commission (PBC). Rather the goal is to address the situations not covered by the PBC where the Council is engaged but does not have the **tools to properly oversee the effective integration of security, humanitarian, development, human rights and governance activities in the field.**

- On 27 May, the six monthly open debate on Protection of **Civilians in Armed Conflict** is expected. >>page 2

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Aide-Memoire

Important matters pending for the Council include:

- The Secretariat is still to respond to the Council's 21 November 2007 letter (S/2007/680), requesting monthly updates on the process of closing down of UNMOVIC as well as a **briefing on steps** the Secretariat is planning to **provide for the enhanced physical security of the UNMOVIC archives**, in particular those containing sensitive proliferation information.
- In its resolution 1327 (2000) on the implementation of the report of the Panel on United Nations Peace Operations (the **Brahimi report**, S/2000/809), the Council decided to review periodically the implementation of the provisions contained in the resolution's annex. No such reviews have occurred in the past three years.
- The Council requested the Secretary-General on 29 November 2006 (S/2006/

928) **to update the index** to Council notes and statements on working methods. This has not been published.

- The 2005 World Summit requested that the Security Council consider reforms for the **Military Staff Committee**. This has yet to be addressed.
- On the **DRC**, the Council Sanctions Committee has not acted on individual sanctions under resolution 1698 against armed groups that recruit children, despite MONUC reports about the problem continuing on a serious scale. Nor has the Council resumed discussion of the issue of natural resources in the DRC, which was raised in its open thematic debate on the subject of natural resources and conflict in June 2007 (S/PV.5705).
- On **West Africa**, the Council has yet to follow up its 16 March 2007 consultations on cross-border issues.

■ The Secretary-General has yet to put forward proposals for the delineation of the international borders of Lebanon, especially in the **Sheb'a Farms** area, in accordance with resolution 1701, and respond to the cartographic, legal and political implications of the alternative path suggested by the government of Lebanon in its seven-point plan.

- The Secretariat is yet to report to the Council on **Kenya** as requested in its 6 February presidential statement (S/PRST/2008/4).
- In a letter from its president (S/2007/722) on 7 December 2007 the Council asked the Secretary-General to provide an outline of the new mandate of the **advisor on the prevention of genocide** and of the implications of upgrading this position from an Assistant Secretary-General to Under Secretary-General. At press time, it appears that a response had not been released yet.

A public session on the **Middle East**, in accordance with normal practice, is expected—probably about the middle of the month. A briefing followed by consultations is likely, although the format will depend on developments.

Open meetings are also likely on:

- **Somalia** (it seemed at press time that the Council would need to carry over into May its discussions on action (two draft resolutions seem to be being considered) to respond to the Secretary-General's "strategic approach" presented on 14 March. (Please see our April *Forecast Report* for background.);
- **Lebanon** (similarly it seemed that a response to the Secretary General's report under resolution 1559 would need to be deferred till May and discussion in

consultations is expected—perhaps to be followed by a Council statement. (Please see our April *Forecast Report* for background.);

- **Sudan** (at press time discussions were underway informally about the need—in preparation for the Council visiting mission to the country at the end of May—to articulate a clearer strategy on Darfur.);
- **Sierra Leone** (a briefing is expected);
- **Burundi** (a briefing is expected); and
- **Bosnia and Herzegovina** (a briefing is expected).

Action is also possible on:

- **Nepal** (in the light of developments in the post election situation);
- **Ethiopia/Eritrea** (major decisions on the future of the force may need to be taken

- please see our April *Forecast Report* for background);

- **Uganda** (a briefing from UN Envoy Joaquim Chissano on the LRA issue is possible - please see our 11 April *Update Report* for background); and
- **Iraq** (action on outstanding issues under the now terminated "oil for food programme" is possible—most likely in the form of a letter to the Secretary-General.)

In addition consultations are possible on:

- **Lebanon** (progress with the Tribunal and UNIIIC);
- "Terms of Reference" for the **Council visiting mission** to Sudan and the neighbouring region in late May and early June will need to be decided; and
- **Myanmar** (in the aftermath of the referendum on the new constitution).

Status Update since our April Forecast

Recent developments on the situations covered in this Forecast are addressed in the relevant briefs. Interesting developments in the Council on other issues included:

- **The Democratic Republic of the Congo:** On 31 March the Council adopted resolution 1807 extending the sanctions regime on the Democratic Republic of the Congo (DRC) until 31 December. Additional provision was made for the imposition of sanctions on those who commit acts of violence against women in the context of armed conflict in the DRC. The resolution also clarified that the arms embargo applied only to illegal armed groups and also that the related notification system required only the states of origin for arms imports to notify the Security Council Sanctions Committee on the DRC. The restrictions applying to air traffic were retained.
- **DPRK (North Korea):** Ambassador Marcello Spatafora of Italy, Chairman of the Sanctions Committee on the Democratic People's Republic of Korea, briefed the Council on the Committee's activities on 2 April. (See S/2007/778 for an overview of the Committee's 2007 activities.)
- **Lebanon:** On 8 April the Council heard a briefing (S/PV.5863) by UNIIIC Commissioner Daniel Bellemare on progress in the investigation of the assassination of former Lebanese Prime Minister Rafik Hariri. (He had submitted the latest report to the Council on 28 March S/2008/210.) On 15 April the Council adopted a presidential statement

(S/PRST/2008/8) regarding implementation of resolution 1701.

- **Haiti:** On 8 April the Council heard a briefing (S/PV.5862) by the Special Representative of the Secretary-General in Haiti, Hédi Annabi, following the latest report on UN Stabilisation Mission in Haiti (MINUSTAH) (S/2008/202). The Council adopted a press statement (SC/9293) welcoming progress while deploring recent violence and attacks against MINUSTAH. It also expressed concern at the humanitarian situation and encouraged international donors to provide emergency relief.
- **Chad/Central African Republic:** On 9 April the Council held consultations on Chad and the Central African Republic (CAR). Discussions included a briefing by Assistant Secretary-General Edmond Mulet on progress with the deployment of the UN Mission in the CAR and Chad and the EU Force. In a press statement, members expressed concern with the situation in eastern Chad and north-eastern CAR, encouraged the governments of both countries to promote national dialogue and also encouraged implementation of the Sudan-Chad Dakar Agreement (SC/9295).
- **Georgia:** The Council held consultations on Georgia on 14 April and adopted resolution 1808 on 15 April extending the mandate of UN Observer Mission in Georgia (UNOMIG) until 15 October. The Council held further consultations on Georgia on 21 April and a private meeting on 23 April (S/PV.5874) in the aftermath of Russian President Vladimir

Putin's call for closer relations between Russia and Abkhazia and South Ossetia and at the request of Georgia (S/2008/257).

- **Western Sahara:** The Council received the latest report on Western Sahara on 14 April (S/2008/251). The Secretary-General noted that "the momentum can only be attained by trying to find a way out of the current political impasse through realism and a spirit of compromise from both parties." Prior to Council consultations on 21 April, the Personal Envoy Peter van Walsum circulated to all Council members his personal and non-official assessment of the situation regarding the ongoing talks between Morocco and the Polisario—apparently dissenting to some extent from the Secretary-General's report. He argued that the parties had effectively exhausted the current discussions and now needed clear guidance from the Council. At press time, the Council was discussing a draft resolution renewing the MINURSO mandate, submitted by the Group of Friends (France, Russia, Spain, the UK and the US).
- **Liberia:** On 14 April the Council was briefed in an open meeting by the Special Representative of the Secretary-General for Liberia, Ellen Margrethe Løj, on the situation in the country and the Secretary-General's plans on drawing down the numbers of United Nations Mission in Liberia troops. The briefing was followed by a Council meeting in private consultations on the matter. The Secretary-General visited Liberia on 21 April.

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Status Update since our April Forecast (continued)

- **Cyprus:** On 15 April Under Secretary-General for Political Affairs B. Lynn Pascoe briefed the Council during consultations on his recent trip to Cyprus. He seems to be optimistic about upcoming negotiations between the new Cyprus President Demetris Christofias and the Turkish Cypriot leader Mehmet Ali Talat, although, he said, they would not be easy. In a presidential statement (S/PRST/2008/9), the Council warmly welcomed the agreement reached on 21 March between the two leaders to resume negotiations as well as the opening of the Ledra street crossing, reaffirmed its commitment to the reunification of Cyprus based on a bicomunal, bizonal federation and political equality and called for more confidence-building measures.
- **Cooperation with Regional Organisations:** On 16 April a high-level debate of the Council on the dual themes of *UN Cooperation with Regional Organisations, in particular the African Union and Conflict Prevention* resulted in the adoption of resolution 1809. The resolution encouraged increased engagement between the AU and the UN and called on the UN Secretariat to develop a list of needed capacities and recommendations on ways that the AU could further develop its military, technical, logistic and administrative capabilities. It welcomed a proposal by the Secretary-General to establish an AU-UN panel comprising of distinguished persons to carry out a detailed consideration of financing of peacekeeping operations undertaken by regional organisations. The resolution also encouraged the role of regional bodies in the peaceful resolution of conflicts.
- **Kosovo:** On 21 April the Council held a closed meeting in which Council members, Joachim Rucker (the Special Representative of the Secretary-General and head of UN Interim Administration Mission in Kosovo (UNMIK)), Boris Tadic (President of Serbia) and Hasim Thaci of Kosovo discussed UNMIK (S/PV.5871, issued as a communiqué). At the stakeout after the meeting, Thaci thanked states that had recognised Kosovo's independence and said that Kosovo was building democratic, multi-ethnic institutions. Also at the stakeout, Tadic asserted that Serbia was defending its "territorial integrity and sovereignty" in response to Kosovo's declaration of independence.
- **Ethiopia-Eritrea:** The Council was briefed on 22 April in closed consultations by Jean-Marie Guéhenno, the head of the UN Department of Peacekeeping Operations, on the latest report of the Secretary-General on the situation in the country.
- **Timor-Leste:** On 23 April the Council held consultations on Timor-Leste. Members heard a briefing on the preliminary findings and recommendations of an expert mission on policing that visited Timor-Leste in late March. The mission's report is expected to be completed in May.
- **Middle East:** The Council held its monthly consultations on the Middle East on 23 April. In a public briefing, Assistant Secretary-General for Political Affairs Angela Kane noted that the direct bilateral negotiations between Israelis and Palestinians were ongoing. She however noted the continuation of violence and the heightened humanitarian distress in Gaza, while conditions in the West Bank including East Jerusalem have not improved. She urged Israel to ease restrictions on Gaza (S/PV.5873).
- **Counter-terrorism:** Ambassador Johan Verbeke of Belgium, the Chairman of the Security Council's 1267 Committee, which monitors sanctions imposed on the Taliban and Al-Qaida, briefed the Council in closed consultations on 24 April. (Please see our *Update Report* of 21 April on the 1267 Committee.)
- **Iraq:** On 28 April the Council heard a briefing by Under Secretary-General for Political Affairs B. Lynn Pascoe on progress regarding the fulfillment of UNAMI's mandate. (The latest Secretary-General's report on UNAMI was published on 22 April, S/2008/266). US Ambassador Zalmay Khalilzad also briefed the Council on behalf of the Multinational Force in Iraq (S/PV.5878).
- **Somalia:** At press time, the Council was expected to extend the mandate of the Somalia Monitoring Group on 29 April.
- **Côte d'Ivoire:** At press time, the Council was scheduled to review the Secretary-General's latest report (S/2008/250), highlighting preparations for the electoral process in Côte d'Ivoire, and to review the sanctions regime on 29 April.
- **Small Arms:** At press time, the Council was planning to hold an open debate on small arms on 30 April. A report by the Secretary-General on small arms was published on 17 April (S/2008/258).

Security Sector Reform

Expected Council Action

The Council is expected to take up the Secretary-General's 23 January report on security sector reform (SSR) in May. A public meeting is planned at which several speakers are expected, including possibly the Secretary-General and Slovakian Ambassador Peter Burian, whose delegation played an important role in highlighting this issue during its 2006-2007 term in the Council. (Please see our 14 February 2007 *Update Report* for detailed information.) At press time, it seemed likely that negotiations on a presidential statement would continue at informal consultations after the public meeting.

As the analysis below shows, the issues underlying SSR are also related to wider

questions concerned with better integration of activity by peacekeeping missions, more focus on root causes of conflict and the wider challenges of the peacebuilding context. In this regard, there is a lot of synergy with the problems and issues likely to be addressed at the wider high-level debate envisaged for 20 May and foreshadowed by British Prime Minister Gordon Brown in the Security Council on 16 April.

Background

On 20 February 2007, the Council held its first thematic debate specifically on SSR at the initiative of Slovakia. The discussion acknowledged the growing importance of SSR in the work of the Council. It also reflected that discussions on how best to develop principles, guidelines and lessons learned on SSR were still at an early stage.

In its country-specific work, the Council has progressively recognised that a key factor in achieving peace in post-conflict situations is the transformation of old security sector structures that reflected past power alignments. This has increasingly affected the mandates for UN peacekeeping operations—most notably in Timor-Leste, Haiti, the Democratic Republic of the Congo, Burundi, Sierra Leone, Liberia and Côte d'Ivoire. Progress with SSR has often become a key benchmark in assessing countries' overall progress towards stability—and especially the impact of the UN's involvement—and for the exit strategies of multidimensional peacekeeping operations.

The 2007 Council debate provided an opportunity for members and representatives from the wider UN membership, as

well as the presidents of the General Assembly and the Economic and Social Council (ECOSOC), the chairman of the Peacebuilding Commission (PBC), and the Secretary-General to participate.

The Council adopted a presidential statement confirming that SSR is a “critical” aspect of post-conflict efforts. The statement sought to balance various existing concerns by emphasising the “sovereign right and the primary responsibility of the country concerned to determine the national approach and priorities,” while emphasising the importance of regional and international input, and the PBC’s role. It further noted:

- the UN’s crucial role in a “comprehensive, coherent, and co-ordinated international support to nationally-owned security sector reform programmes”; and
- that SSR programmes should be context-driven and have a comprehensive, holistic focus, along with “a balanced realisation of all aspects of security sector reform, including institutional capacity, affordability, and sustainability of its programs.”

As a follow-up, South Africa and Slovakia organised a workshop on African perspectives on SSR in Cape Town on 7-8 November 2007, issued as S/2007/687.

The Secretary-General’s Report on Security Sector Reform

The Secretary-General responded to the requests from the Council and the General Assembly and tendered his recommendations on 23 January 2008. He noted that security sector is “a broad term often used to describe the structures, institutions and personnel responsible for the management, provision and oversight of security in a country.” He stressed that the lessons of the past sixty years have shown that security, development and human rights are interlinked conditions for sustainable peace. As such, the development of effective and accountable security institutions on the basis of non-discrimination, full respect for human rights and the rule of law is an essential element if a peace process is to be maintained.

He identified national actors involved in the security sector as including:

- security services (including armed forces, police and intelligence);
- the judiciary;
- institutions responsible for managing and overseeing the design and implementation of security, including ministries,

legislative bodies and civil society; and

- other non-state actors such as customary or informal authorities and private security actors.

The report proposes a definition of SSR as “a process of assessment, review and implementation as well as monitoring and evaluation led by national authorities that has as its goal the enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law.” In this regard, the process should go beyond the role of the military and the police and include a “much wider range” of national institutions and actors.

He proposed that international assistance to SSR programmes should involve a range of players with varying expertise and capacity, including UN peacekeeping operations and political offices, UN funds, programmes and agencies, bilateral and institutional donors, and regional and sub-regional organisations and agencies.

He identified various challenges and lessons learned in SSR, including:

- recognition that SSR is a highly political and country-specific endeavour depending upon political commitment, basic consensus and coordination among national actors;
- the need for the inclusion of SSR in national reform agendas, poverty reduction strategies and development programmes;
- the need for a “clear and realistic consideration” of financial, operational and logistical feasibility as well as attention to capacity-building and effective governance and civilian oversight, including civil society; and
- the current lack of a coherent SSR framework amongst national and international players, as well as in the UN, and the resulting absence of coherent and consistent approaches including in the focus for UN peacekeeping operations.

In view of those challenges, the report proposes guiding principles for UN involvement in SSR:

- the organisation’s goal would be to support states and societies in developing effective, inclusive and accountable security institutions;
- SSR should be undertaken under a Security Council mandate and/or a General Assembly resolution, and in accordance

with the UN Charter and human rights law;

- national ownership and commitment;
- flexibility and country specificity;
- gender sensitivity;
- a clearly defined strategy with priorities, timelines and partnerships;
- effective international support as defined by the integrity of motive, level of accountability and amount of resources provided;
- coordination among national and international partners; and
- monitoring and regular evaluation.

The report suggests that only rarely will the UN be the sole partner supporting SSR; rather, a multitude of actors is expected. Given this context, the organisation’s primary roles could be *normative* (i.e., the development of general principles and standards) and *operational*, encompassing the establishment of a secure environment, providing strategic planning, facilitating national dialogue, and providing technical advice, coordination, capacity-building, and monitoring and evaluation. He recommended that an effective UN approach would also require work on improving UN system-wide coherence and coordination, and assessment of and response to existing gaps and resource requirements.

Key Issues

The key question for the Council is whether it should continue with a proactive role in developing a common strategic approach to SSR. On one hand, there seems to be a genuine need for strategic thinking (or what the Secretary-General called “normative” work) on SSR given the large number of players, the need to ensure that “national ownership” means an inclusive, participatory and transparent process, and the huge potential for incoherence and lack of coordination and commitment at the operational level especially in peacekeeping operations with Council mandates. The lack of strategic clarity has led to a diversity of explicit or implicit SSR mandates, ad hoc and inadequately-funded implementation and confusion about leadership and division of labour among donors as well as within the UN system.

On the other hand, Council members are aware of the vast complexity and sensitivity of the subject. Any overarching strategic framework needs to bear in mind the acute political sensitivities as between the Council and the General Assembly, the different capabilities and interests of the General

Assembly and ECOSOC, and the roles of the PBC, national authorities, donors and regional organisations.

Nevertheless, country-specific involvement in SSR also raises for the Council a number of recurrent questions requiring a coherent strategy at the operational level:

- the need for improving mission integration;
- ensuring that sufficient attention to SSR is given in the early stages and that national security strategies are timely adopted;
- ensuring that peacekeeping operations are coherently incorporated into a national and regional peacebuilding strategy;
- adopting clear mandates;
- securing sufficient resources; and
- paying sufficient attention to rule of law, justice and human rights components.

Council and Wider Dynamics

There are some lingering differences within the Council on the desirable extent of the Council's role on normative aspects. This largely mirrors previous differences over the Council's thematic role that some perceive as infringing upon the competencies of the General Assembly. There are also differences—but probably of a more limited kind—about the need for a common SSR strategic approach for operational activities.

Some Council members are very supportive of a Security Council role in establishing a quite wide-ranging normative approach to SSR standards. They do not oppose making this a collaborative effort with the General Assembly. Those members, and key donors, seem to support the notion that SSR should be nationally owned, but they also strongly emphasise that it must not be at the expense of effectiveness, coherence, accountability and human rights standards as key aspects in any SSR approach.

Some—in particular from the Non-Aligned Movement—appear to prefer that wide-ranging normative discussions should occur in the General Assembly. They also seem concerned about generic approaches that could limit future flexibility to accommodate the prerogatives of national governments. For those reasons, they also support a broader role for regional discussion.

It was clear from recent discussions in the General Assembly's Special Committee on Peacekeeping Operations that a number of UN member states appear particularly concerned SSR will open doors to notions of human rights and human security (and

perhaps linkages with other concepts they oppose such as the responsibility to protect).

Options

Options for the Council include:

- adopting a statement confirming an ongoing proactive role in developing SSR norms, welcoming the Secretary-General's report and requesting a new report at a specific date;
- stepping back from a specific normative role but signalling in the text that the Council will focus on some strategic principles relevant for its development of mandates for future peacekeeping operations and oversight of existing ones;
- inviting the Council's Working Group on Peacekeeping Operations to come up with specific recommendations for the Council in that regard;
- initiating discussions with a role for the PBC in joint lessons-learned exercises; and
- adopting a statement welcoming the Secretary-General's report and requesting a follow up report by a specific date, but indicating that the Council would welcome working jointly with the General Assembly on an overarching normative framework for SSR taking into account all of the elements in the Secretary-General's recommendations.

UN Documents

Selected Security Council Presidential Statements

- S/PRST/2007/3 (21 February 2007) was the outcome of the thematic SSR debate.

Selected Secretary-General's Reports

- S/2008/39—A/62/659 (23 January 2008) was the recent SSR report.
- S/2006/980 (14 December 2006) was the report "Uniting our strengths: Enhancing United Nations support for the rule of law."

Other

- S/2007/773 (28 December 2007) was a letter from Slovakia forwarding an SSR concept paper by the Organisation for Security and Cooperation in Europe.
- S/2007/687 (29 November 2007) was a letter from Slovakia and South Africa containing the statement of the co-chairs of the Cape Town SSR workshop.
- S/2007/107 (23 February 2007) contained the results of an Arria-style



meeting chaired by the UK in preparation for the SSR debate.

- S/PV.5632 (20 February 2007) was the record of the Council thematic debate on SSR.
- S/2007/72 (8 February 2007) was the concept paper for the Council's thematic debate on SSR.

Useful Additional Sources

- African Union, "Post-Conflict Reconstruction and Development Policy Framework", July 2006.
- OECD, *Handbook on Security System Reform: Supporting Security and Justice* (2007)

Protection of Civilians

Expected Council Action

In May the Council is expected to hold an open debate on protection of civilians in armed conflict. (In recent years, there has been an understanding in the Council that there would be two major public meetings on protection of civilians each year.) Under Secretary-General John Holmes will update the Council on developments since the Secretary-General's last report on the topic in October. Issues expected to be raised include humanitarian access, impact of hostilities on civilians, sexual violence, forced displacement and accountability for crimes against civilians.

At press time, it was unclear whether Council members would adopt any formal outcome. Agreement on a forum for ongoing discussion of protection issues is a possibility. However, the idea of setting up formally a new working group on protection appears unlikely.

This report provides only a brief snapshot of the protection issue and the Council's approach. Our forthcoming *Cross-cutting Report* on protection of civilians in armed conflict will analyse the issues, the Council's performance in country-specific contexts and the underlying dynamics in much greater detail. This report is expected in mid-year.

Background

While historians disagree about the absolute numbers, there is little disagreement that, in the twentieth century, the number of civilian casualties in conflict not only grew to huge numbers, but also dwarfed that of military casualties. It ranges around 100 to over 200 million people. The estimate of casualties since the formation of the UN ranges from 45-86 million.

Despite this background, the Council historically addressed protection issues only occasionally. Some of the largest humanitarian crises impacting on civilians—such as Cambodia under the Khmer Rouge—were not addressed. Two major exceptions were Southern Rhodesia in 1966 and South Africa in 1977, which led to Council action in the form of arms embargoes and other sanctions. And a humanitarian impulse was certainly a major force in the Secretary-General's recommendations in 1960 for a UN operation in the Congo.

With the end of the Cold War, protection issues came into clear view, and Bosnia and Somalia were two early cases. Council action on Bosnia was permeated by a strong concern with the humanitarian dimension. But major divisions within the Council and the political concerns of key players meant that action to protect civilians was hesitant, sometimes ineffective, under-resourced and inconclusive. In Somalia, the impulse for UN involvement was from the beginning a humanitarian one, but the failure there contributed to the Council's ineffective response to the genocide in Rwanda, and the regional war in the former Zaire.

In the 1990s, the Council began to focus on the linkages between civilian casualties and accountability. Initially, this involved the establishment of the international tribunals for Rwanda and the former Yugoslavia to try individuals responsible for violations of international humanitarian law.

By the late 1990s, the conflicts in Sierra Leone and Liberia, Timor-Leste, and Kosovo stimulated enhanced international interest in protection issues. Another important development was the finalisation of the Rome Statute of the International Criminal Court and the gradually emerging notion of the responsibility to protect, eventually enshrined in the 2005 World Summit Outcome.

In hindsight, it is clear that over the past two decades some progress has been made.

Even the Cambodia situation is now being addressed belatedly with accountability trials for Khmer Rouge leaders.

Another important development has been the increasing support for peacekeeping missions with strong and explicit mandates for protection, including authorisation to use force to protect civilians. UN missions have also in addition been tasked with maintaining law and order, monitoring human rights, providing support and training to governments on human rights and justice and accountability, and securing humanitarian assistance and safe refugee returns.

Some specific indicators since the late 1990s reflect this trend:

- of the fourteen UN peacekeeping missions established since 1999, only one (Ethiopia-Eritrea) does not have a protection-related element in its mandate (this excludes political offices such as in Afghanistan, Nepal and Iraq, which are not physically structured to carry out protection mandates);
- of those fourteen, even where the UN does not have the lead in terms of military capabilities, such as in Kosovo, Timor-Leste, and Chad/Central African Republic (CAR), the Council authorised multinational deployments with protection mandates;
- of the fourteen sanctions regimes established since 1997, nine were created as a means of containing violent conflict;
- all fourteen of those sanctions regimes have consisted of “smart sanctions,” i.e. measures customised to avoid the humanitarian consequences of blunt comprehensive sanctions such as those created in the early 1990s regarding Iraq and the former Yugoslavia; and
- of the six sanctions regimes created since 2004, three (Côte d'Ivoire, Darfur and the Democratic Republic of Congo, or DRC) contain provisions for targeted measures linked with violations of human rights or international humanitarian law.

Despite this progress, civilians still face huge problems in conflict situations:

- in some cases, robust operations (such as those in Darfur, Chad/CAR and the DRC) have met considerable challenges regarding resources, equivocal Council political support, and extremely volatile operational environments;
- some peacekeeping operations—particularly in Lebanon and southern Sudan—find it extremely difficult for political reasons to exercise the

- protection elements in their mandates;
- peacekeeping carried out by regional organisations has little expertise, capacity or resources for protection (for instance, the AU missions in Darfur and Somalia); and
- sanctions regimes, especially in Somalia, Darfur and the DRC, have been flagrantly violated, and targeted measures are often not implemented.

Political dynamics have also meant that other cases where civilians have been subjected to serious impact from hostilities—such as with the conflicts in Lebanon in 2006 and elsewhere in the Middle East—are not addressed or are instead left to regional neighbours and other international players.

Council Thematic Discussions on Protection of Civilians

The Council's failures in the mid-1990s to protect civilians in Rwanda and Bosnia, and the renewed challenges in the late 1990s, prompted the Council to start holding periodic thematic debates and seek regular Secretariat reporting on protection of civilians. In a landmark report in 1999, the Secretary-General recommended that the Council:

- underscore the need for compliance, ratification and implementation of instruments of international humanitarian law;
- consider measures for conflict prevention, including greater use of its Chapter VI powers, peacekeeping deployments and a working group;
- make greater use of targeted sanctions and arms embargoes;
- take steps to strengthen the UN's rapid deployment capacity;
- establish temporary security zones and safe corridors as a last resort and subject to the availability of credible forces;
- use enforcement measures to protect civilians; and
- ensure that regional deployments are in accordance with international standards, and effectively monitor those operations.

Initial discussions culminated in resolution 1265 of 17 September 1999, which consolidated key norms of international humanitarian law, humanitarian access, and justice and accountability. The resolution also established a working group to look into the Secretary-General's recommendations.

Resolution 1296 followed on 19 April 2000 and largely set the tone for the Council's

future thematic involvement on protection of civilians. It emphasised that substantive Council action on protection of civilians would largely proceed on a case-by-case basis. It stated the Council's intention to ensure that peacekeeping was suitably mandated and resourced for protection purposes, and highlighted the importance of justice and accountability. This approach was largely reflected in resolution 1674 of 28 April 2006. In addition, after much controversy and several months of negotiations, that resolution reaffirmed the responsibility to protect as formulated in the World Summit Outcome document. (For more details, see our December 2005 and 2006 *Forecast Reports*, as well as our 13 January 2006, 8 March 2006, 20 April 2006 and 18 June 2007 *Update Reports*.)

Earlier Council discussions also produced an *Aide Memoire*, adopted by the Council in a presidential statement on 15 March 2002 and revised in 2003, which sets out the Council's primary objectives on protection-related issues for case-by-case consideration and precedents.

Most recently, issues raised for Council consideration in the reports of the Secretary-General include:

- complying with international humanitarian law;
- taking action against sexual violence;
- ensuring humanitarian access;
- addressing certain conventional weapons which have significant impact on civilians such as cluster munitions, in addition to the ongoing concerns over the impact of small arms and landmines; and
- the impact on civilian housing, land and property arising from conflict.

Of those issues, the last two have not really been discussed by the Council at all. Cluster munitions, small arms, land mines and other conventional weapons have largely been the object of a series of negotiations aimed at establishing international regimes and conventions. Particularly regarding cluster munitions, negotiations are ongoing for the adoption of an international convention in 2008; a final negotiating conference is currently scheduled for 19-30 May in Dublin. On housing, land and property issues, it seems that informal discussions are more likely in the context of the Peacebuilding Commission.

The Secretary-General further strongly recommended in late 2007, as a matter of

priority, establishing a Council working group to facilitate consideration and analysis of protection issues. (For more details, see our 16 November 2007 *Update Report*.)

Council and Wider Dynamics

Discussions made significant progress at the thematic level in the first five years after the 1999 report. However, progress seems to have stalled in the past few years. In particular, further development of the normative dimension of protection of civilians has been fraught with huge disagreement.

Council members struggle because there are divisions as to whether the Council should take the lead to ensure compliance with international humanitarian law and to address gaps, particularly in terms of universal commitment to and implementation of existing instruments.

This contrasts with the ongoing progress during the same period within the Council and among the wider UN membership on advancing discussion of another thematic and normative issue, children and armed conflict.

China, Russia and some Council/Non-Aligned Movement members seem to have strong concerns that progressive development of norms by the Council at the thematic level on protection of civilians could impinge upon the prerogatives of governments and in particular their ability to contain rebel movements. They prefer case-by-case responses that emphasise quiet diplomacy and support for political processes, in particular with regional leadership. Concern about widening Council discussions on protection issues also seems to be in the minds of other Council members as well, particularly those whose forces (or whose allies' forces) may be involved in complex conflict situations.

Members seem to be acquiescing around an approach to protection issues under which more substantive action will in the future proceed on a largely country-specific basis. Myanmar and Kenya are two very recent examples in which the Council has shown its willingness to respond to situations where there is significant violence against civilians. In practice, members seem ready to follow some of the recommendations of the Secretary-General on protection and this is beginning to emerge in Council country-specific practice.

Nevertheless, even at the country-specific level, implementation has often been



fraught with difficulties. Political controversy has marred Council action vis-à-vis protection issues in Lebanon and Israel-Palestine, for example.

Some members with a keen interest in protection and human rights—in particular, European and Latin American Council members—appear to have redirected their efforts towards particular issues, especially humanitarian access, justice and accountability, and sexual violence. (The Secretariat seems to be making progress with establishing a mechanism for monitoring humanitarian access, which is expected to provide information to the Council on the causes and consequences of lack of access and enable Council action. A broad study on the implementation of protection mandates by peacekeeping operations is also in the works.)

There has also been some interest in less formal, more flexible approaches to protection of civilians than the high profile open debates of the past. There appears to be support in principle for an informal group, but some also appear concerned about the multiplication of subsidiary bodies. And still others—including Russia and China—appear hesitant.

Options

One option is to formalise the current mood in the Council described above and decide to focus primarily on country-specific action. This may include a statement largely renewing past commitments and requesting a new Secretary-General's report.

Under this option, another possibility (as part of a compromise) may be to agree to receive humanitarian updates on emerging threats to civilians in informal consultations, perhaps every month or two.

A second option is to preserve the status quo but ask experts to begin an inevitably long discussion at the working level on the Secretary-General's existing recommendations—including the expert group. One possibility in this regard would be an informal expert group on protection of civilians with flexible working methods. The expert group would receive regular humanitarian

updates and would be expected to advise on, *inter alia*:

- the establishment, assessment and renewal of peacekeeping missions;
- language on protection of civilians in draft resolutions and statements; and
- protection issues in the context of terms of reference for visiting Council missions.

A third option is to maintain the status quo and task experts with working with the Secretariat on an update to the 2003 aide memoire, perhaps including a focus on:

- ensuring that language regarding threats to civilians is consistently included in relevant Council resolutions and statements as a key issue;
- including a section on preventive measures, such as support for peacemaking efforts;
- including suggestions for model language for protection mandates for peacekeeping operations, in particular regarding security for humanitarian assistance and relations with aid organisations;
- including a section on regional peacekeeping, especially regarding UN support and Council oversight;
- similarly, suggesting model language for sanctions regimes with targeted measures against violators of international humanitarian law; and
- including a wider range of measures under justice and accountability, such as commissions of inquiry.

UN Documents

Selected Security Council Resolutions

- S/RES/1674 (28 April 2006) reaffirmed, *inter alia*, the responsibility to protect as formulated in the World Summit Outcome (A/RES/60/1).
- S/RES/1265 (17 September 1999) and 1296 (19 April 2000) expressed the Council's willingness to take measures to protect civilians.
- Resolution 418 (4 November 1977) imposed an arms embargo in connection with South Africa.
- Resolution 232 (16 December 1966) imposed a sanctions regime in connection with Southern Rhodesia.
- Resolution 143 (17 July 1960) established the UN operation in the Congo.

Selected Security Council Presidential Statements

- S/PRST/2002/6 (15 March 2002) and its update S/PRST/2003/27 (15 December 2003) contained the aide memoire.

Selected Reports of the Secretary-General on Protection of Civilians

- S/2007/643 (31 October 2007) is the most recent report.
- S/1999/957 (8 September 1999) was the first landmark report.

Latest Council Meeting Record

- S/PV.5781 (20 November 2007)

Sudan/Darfur

Expected Council Action

A strong Council focus on Darfur is expected in May, in particular in the lead up to the scheduled Council visit to the region at the end of the month.

Discussions in the Council are expected to continue on proposed action to apply pressure to the parties to make progress with reaching a ceasefire, resuming the political process, and cooperating with the deployment of the UN-AU Mission (UNAMID) and perhaps the International Criminal Court (ICC).

At press time elements of a draft presidential statement, which would set out Council expectations and provide a framework for assessing progress, were expected to emerge. In May, members will also work on the terms of reference for the Council visit to the region, which could potentially include this new framework if and when agreement is reached.

The midterm briefing of the Panel of Experts to the Sudan sanctions committee is expected in May, delayed from March.

(On the north-south issue, at press time members were also poised to renew the mandate of the UN Mission in the Sudan (UNMIS) by 29 April.)

Key Recent Developments

In April the conflict in Darfur reached its fifth anniversary amidst unrelenting violence, banditry and worsening humanitarian conditions. Clashes between rebels and government forces persist, particularly in West Darfur. Humanitarian access has also been constrained by the presence of Chadian rebels. In a Council briefing on 22 April, Under Secretary-General for Humanitarian Affairs John Holmes estimated that among Darfur's six million people, 4.27 million have now been seriously affected

by the conflict; 2.45 million are internally displaced, while 260,000 fled to neighbouring countries.

Attacks against aid workers and associated personnel are rising. Since January, 106 vehicles have been attacked. The World Food Programme (WFP) announced in April that deliveries had been severely affected and food rations would be halved. About 2.1 million civilians are currently assisted by WFP.

The situation between north and south Sudan also seems to have reached a key stage. After considerable delays and disagreement, the national census started on 22 April. (This is of critical importance for the implementation of the Comprehensive Peace Agreement, or CPA—which provides a national political and economic framework for the entire Sudan—and, in particular, for the national elections set for 2009.) At press time, the south remained concerned and suspicious of the accuracy of forthcoming results.

There were reports that leading Darfur rebel commanders and some in displaced communities oppose the census. The argument seems to be that continuing insecurity prevented its meaningful completion, especially as some communities would be inaccessible, and refugees in Chad would not be included. (The current insecurity also poses significant challenges to the 2009 elections.)

The UN-AU mediation team held talks with rebel groups and government officials in April. This latest round was aimed at gauging prospects for negotiations on security arrangements, including a ceasefire or a cessation of hostilities. The team seems intent on continuing an all-inclusive approach with the main rebel groups, apparently bearing in mind the lessons from shortcomings faced by the former Abuja process regarding the risks of not having all main groups on board.

The parties reportedly agreed in principle to discussions on security arrangements, but suspicion, rebel fragmentation and fundamental issues of substance remain unresolved.

The team has reiterated that a meaningful solution to the conflict in Darfur would require parallel progress with normalising Chad-Sudan relations. However, progress on this front remained elusive as Khartoum

and N'Djamena continued to trade accusations—including letters to the Council—of violations of the Dakar Agreement signed in March.

The Dakar Agreement Contact Group (comprising the Republic of Congo, Eritrea, Gabon, Libya and Senegal) met in Libreville in mid-April to discuss the Agreement's implementation. Members agreed to reconvene in late April to negotiate the size and modalities for a Chad-Sudan border monitoring contingent.

In April the UK unveiled a proposal for peace talks in London between Khartoum and Darfur rebel groups. This seems to underline a broader high-level UK interest in progress in the political and peacekeeping tracks. Prospects for such talks remain unclear. At press time, it appeared that a government delegation was expected to go to London to discuss further details in late April.

US envoy Richard Williamson met rebel groups and government officials to discuss a future ceasefire and UNAMID's deployment. Williamson also reportedly sent a letter to the Secretary-General in late March outlining US concerns with UNAMID's progress, and urging the Secretariat to consider more flexible standards in order to accelerate the deployment of 3,600 peacekeepers by 1 June. (Some are concerned about the risks associated with any relaxing of operational standards.)

The 14 April report of the Secretary-General on UNAMID underscored the continuing challenges surrounding the mission's deployment. The Secretary-General reiterated that it was imperative that contingents arrive in Darfur "adequately trained and fully self-sustaining in order to add value without overtaxing the mission's capabilities."

The report also noted that the mission lacked three medium utility helicopter units, four light tactical helicopters, one aerial reconnaissance unit, one medium transport unit, one heavy transport unit and one multi-role logistics unit. These contributions were deemed essential for protection, deterrence, surveillance, logistics and force sustainability.

On 22 April the Joint Special Representative and head of UNAMID, Rodolphe Adada, briefed the Council alongside Under Secretary-General Holmes. Adada said that the mission's deployment had not increased substantially since taking over from the AU

mission (AMIS) on 1 January. He noted that, in light of existing logistical challenges, the mission would need to re-evaluate deployment goals and work on a list of vital measures to implementation.

Units from Egypt, Bangladesh and Nigeria contributed as part of the earlier heavy support package for AMIS were expected in April and May, as well as two Ethiopian and Egyptian battalions as main UNAMID contingents. Units from Thailand and Nepal are expected to follow. Support from the "Friends of UNAMID" has continued, particularly with equipment, training and technical assistance to help troop contributors meet peacekeeping standards.

Options

Options for the Council in May include:

- increasing pressure on the parties by adopting a statement setting out Council expectations and establishing a framework for assessing progress with a ceasefire, peace talks and UNAMID's deployment. (Some members prefer firm benchmarks and deadlines, others are looking at less prescriptive terminology);
- adopting a statement with clear expectations but more flexible timelines for UNAMID's deployment and progress in the political track, which could be revised in consultation with the Secretariat and the mediation team if and when the need arises;
- adopting more specific language than in the past about possible measures if the parties do not cooperate;
- including in the text a reminder to the parties of their obligations towards the ICC under resolution 1593, or, alternatively, including such obligations in the benchmarks above; and
- using the framework as the basis for the terms of reference of the Council's upcoming visiting mission to the region.

Other options include:

- adopting a broader regional approach by including demands that Chad and Sudan implement the Dakar Agreement, and inviting the Contact Group and the AU for an exchange of views;
- seeking regular exchanges with the mediation team, perhaps in an informal setting of meetings of experts; and
- adopting a more proactive approach regarding UNAMID's shortage of troop and asset contributions by mandating Council experts to meet regularly to



discuss the issues with the Secretariat and potential contributors.

Another option, particularly if agreement is not found on setting benchmarks and deadlines, is continuing with the current wait-and-see approach leaving deployment issues to the Secretariat and the Friends of UNAMID.

Key Issues

Since the November 2006 agreement marking Khartoum's acceptance of the hybrid operation, the key issue for the Council has been its implementation and how to promote progress with political reconciliation. Several interconnected factors have meant that progress has been painfully elusive:

- Khartoum's continued ambiguity towards UNAMID;
- the parties' apparent preference for military solutions, and the resulting escalation of fighting;
- deteriorating Chad-Sudan relations;
- rebel fragmentation and opposition to starting peace talks; and
- the mission's troop and asset shortages.

Improving security has emerged as the single most important aspect for enabling some progress with political reconciliation at this stage and, hopefully, a longer-term solution for the conflict. The consequential issues are:

- securing UNAMID's full deployment;
- reaching a ceasefire; and
- a sustainable Chad-Sudan Dakar Agreement.

The Council is preparing to enhance its involvement in these three aspects which will focus around an extended visit to Sudan at the end of May. In the lead up, an important issue is whether the Council will be able to find unity around a new strategy which sets out its expectations and establishes a framework for assessing progress in the security and political tracks.

Specifically, one issue is whether the Council will be able to find compromise around a balanced strategy that:

- ensures that UNAMID is deployed orderly, as well as well-resourced and in accordance with peacekeeping standards;

- leaves sufficient room for the work of the mediation team; and
- is broad enough to recognise and meaningfully address the regionalisation of the Darfur problem.

An important underlying issue is whether and how the Council will address the potential for defiance from the parties.

Finally, the issue of justice and accountability remains alive. However, the issue is rarely discussed in the Council, even in the light of Sudan's non-compliance with resolution 1593 and its lack of cooperation with the ICC.

Council and Wider Dynamics

US/UK activism on Darfur has resumed, driven by concern about the uncertain prospects for improvement in the political and security tracks.

In April the UK began consulting about a draft presidential statement to press the parties on their obligations on the political, security and justice and accountability tracks. It seems that there was interest even in annexing a chart detailing a timeline and benchmarks for the parties on the political process, UNAMID's deployment and improving security, and justice and accountability. At press time, nothing formal had been circulated.

Some members are concerned about the term "benchmarks" and are uncomfortable with strict deadlines or numerically quantifying the exact number of UNAMID peacekeepers. This includes a concern about the need for quality and fear that being too prescriptive may not be feasible, given existing difficulties with logistics, as well as generation of troops and assets. There is also concern that benchmarks for the political process may not leave sufficient room for adaptation and compromise for the mediation team.

Russia and China, in particular, appear concerned that the term "benchmarks" may be a precursor to automatic sanctions, which they apparently believe would be unhelpful.

The US and Sudan appear to have started talks to normalise bilateral relations. However, prospects remain unclear. The move seems to have attracted some domestic criticism within the US and calls for more pressure over China.

UN Documents

Selected Security Council Resolutions

- S/RES/1769 (31 July 2007) established UNAMID.
- S/RES/1672 (25 April 2006), 1591 (29 March 2005) and 1556 (30 July 2004) imposed sanctions.
- S/RES/1593 (31 March 2005) referred Darfur to the ICC.
- S/RES/1590 (24 March 2005) established UNMIS.

Latest Secretary-General's Reports

- S/2008/267 (22 April 2008) was the latest UNMIS report.
- S/2008/249 (14 April 2008) was the latest UNAMID report.

Other

- S/PV.5872 (22 April 2008) was the most recent Secretariat briefing on UNAMID and the humanitarian situation in Darfur.
- S/2008/255 (14 April 2008), 222 (1 April 2008), 217 (28 March 2008), 216 (31 March 2008), 212 and Corr. 1 (28 March 2008), 207 (28 March 2008), and 193 (24 March 2008) were letters from Sudan and Chad with mutual complaints of violations of the Dakar Agreement.
- A/HRC/7/22 (3 March 2008) was the most recent Sudan human rights report to the Human Rights Council.
- S/2007/584 (2 October 2007) was the latest Panel of Experts' report.

Other Relevant Facts

UNAMID: Joint AU-UN Special Representative for Darfur

Rodolphe Adada (Republic of Congo)

UN and AU Special Envoys

UN: Jan Eliasson (Sweden)
AU: Salim A. Salim (Tanzania)

UNAMID: Size, Composition and Cost

- Maximum authorised strength: up to 19,555 military, 3,772 police and 19 formed police units
- Strength as of 31 March 2008: 7,372 troops, 137 observers, 1,704 police, and one formed police unit
- Main troop contributors: Nigeria, Rwanda, South Africa and Senegal
- Cost: 1 July 2007 - 30 June 2008: \$1.28 billion

UNAMID: Duration

31 July 2007 to present; mandate expires 31 July 2008

UNMIS: Special Representative of the Secretary-General

Ashraf Qazi (Pakistan)

UNMIS: Size, Composition and Cost

- Maximum authorised strength: up to 10,000 military and 715 police personnel
- Strength as of 31 March 2008: 8,714 troops, 574 military observers, and 664 police
- Main troop contributors: India, Pakistan and Bangladesh
- Cost: 1 July 2007 - 30 June 2008: \$887.33 million

UNMIS: Duration

24 March 2005 to present; mandate expires 30 April 2008

Burundi

Expected Council Action

The Council expects to consider the Secretary-General's semi-annual report on the UN Integrated Office in Burundi (BINUB). The mandate of BINUB does not expire until 31 December. However, because of the recent heavy fighting, the Council will be following the situation closely and a further statement is possible.

Recent Developments

Serious difficulties remain with respect to the Forces Nationales de Libération (Palipehutu-FNL) which withdrew last July from the Joint Verification and Monitoring Mechanism (JVMM), established to monitor the comprehensive ceasefire agreement that it signed in September 2006 with the government. Clashes continued between Burundian government forces and FNL fighters, culminating in particularly troubling events during the weeks of 14 and 21 April, including an armed confrontation in the hills around Bujumbura in mid-April, when four soldiers and ten rebels were killed.

This wave of violence prompted an update on 24 April by the UN Department of Peacekeeping Operations (DPKO) on the situation in the country. In a statement, the Council expressed concern at the confrontations between the FNL and the Burundian national forces, and condemned the use of violence. It urged the FNL to return immediately and without preconditions to the JVMM and called on both parties to resume their dialogue to overcome obstacles to the

implementation of the ceasefire agreement and the conclusion of the peace process in Burundi. The Council further expressed “its intention to consider possible additional measures, as appropriate, in support of peace and stability in Burundi.”

The political situation also continues to be very tense, as the stalemate persists between the government and opposition in parliament, and there is a rift within the ruling party, Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD). On 4 April Burundi’s Supreme Court sentenced the former chairman of the CNDD-FDD ruling party, Hussein Radjabu, to 13 years in prison for subversion. (Radjabu’s differences with President Pierre Nkurunziza came to the fore at a special congress of the FDD in February 2007 where delegates ousted him as chairman. He was arrested in April 2007 and charged with plotting an armed insurrection and insulting President Nkurunziza.)

The standoff between the opposition and the ruling party in parliament continues, bringing work to a standstill. Opposition leaders have been targets of violent attacks. On 9 March simultaneous grenade attacks were launched on the homes of four parliamentarians who defected from the CNDD-FDD in Bujumbura, with no reported injuries. Three legislators, including Alice Nzomukunda, the former Vice-President of the National Assembly and sister of the jailed former ruling party leader Radjabu, were among a group of 46 opposition parliamentarians who wrote to the UN Secretary-General and BINUB in February requesting protection after receiving death threats and alleging a “death list” of 350 opposition members. (Although no formal response was given by the Secretary-General, he has issued a number of statements conveying concern about developments in the country. He apparently also expressed concern about the situation in Burundi during his monthly luncheon with Council members on 15 April and asked the Council to consider what could be done help resolve the situation.)

On 19 December 2007, the Council extended BINUB’s mandate until 31 December 2008. The resolution urged the FNL to return to the JVMM immediately and without preconditions and release all children associated with it. It also encouraged the

Burundian government and FNL rebels to abide by the peace agreement and refrain from actions that would undermine its implementation. The Council urged the South African facilitation, the regional peace initiative, the AU, BINUB and other international partners to enhance efforts and find a closure to the peace process. The Council issued a similar call in a statement issued after a briefing on 28 November 2007 by the Facilitator of the Burundi Peace Process, Charles Nqakalu.

Related Developments in the Peacebuilding Commission (PBC)

On 27 November 2007, the PBC finalised its Monitoring and Tracking Mechanism (PBC/2/BDI/4) for the Strategic Framework for peacebuilding in Burundi, adopted in June 2007), signaling an entry into the phase of implementation of the peacebuilding priorities of the country. The first review of the Framework is scheduled for 25 June.

On 6 December 2007, the Chairman of the country-specific configuration of the PBC on Burundi, Norwegian Ambassador Johan Løvald, briefed the Security Council in private on the work of the PBC with regard to Burundi. He also visited Washington DC on 27 and 28 February to discuss the priorities of Burundi with the Bretton Woods institutions and the US government.

The PBC issued its second conclusions and recommendations on Burundi on 20 March. This highlighted peace process developments. The report noted that the UN, together with such groups as the Regional Peace Initiative and the AU, were working in tandem to assist in putting the Agreement into effect. It indicated that a new political directorate had been established in Bujumbura comprising representatives from the government, the FNL, the AU, Tanzania, Uganda, South Africa and the EU, among others, with the objective of promoting dialogue on obstacles to implementing the Agreement. The PBC recommended that the government continue to explore all ways to resolve differences with leaders of the FNL.

A PBC field trip to Burundi scheduled for the week of 21 April, to follow up on the country’s peacebuilding priorities, was delayed at press time because of clashes between Burundian government forces and FNL elements in Bujumbura.



Key Issues

A key issue for the Council is whether Burundi—which looked like a possible success story ready to be passed to the PBC for intense post conflict peacebuilding—may have to be characterised as relapsing into conflict. A related issue is whether in fact the peacekeeping operation was actually withdrawn prematurely. The deadlock in implementing the ceasefire agreement between the Government and the FNL created by the suspension of the work of the JVMM is an immediate practical concern. Also the political stalemate in parliament, internal struggles within the ruling party and the perceived heavy-handedness of the government in dealing with opponents continue to pose problems in achieving benchmarks of BINUB’s mandate (including elements on peace consolidation, security sector reform and civilian disarmament, human rights and justice and socioeconomic development).

Another key issue in light of the above is how to enhance the complementary efforts by the Council and the PBC in more effective ways for dealing with the situation in the country.

Options

Possible options for the Council include:

- a resolution demanding that the FNL re-engage in the JVMM and with the government in political and other confidence-building incentives, and deciding on targeted sanctions measures that could be brought into force if the FNL leaders refuse to comply;
- a statement addressing the mounting evidence of heavy handedness by the government, and applying leverage to steer it towards a more sustainable approach to the stalemate;
- reopening the need for justice and accountability; and
- requesting a joint meeting with the PBC and other international stakeholders to highlight the need to keep the peace process on track.

Council Dynamics

Council members are concerned about the deteriorating security and political

situation in Burundi and appear to be ready to consider “additional measures.” While this has been taken to mean the possibility of sanctions against the recalcitrant FNL to curb the down-hill trend, members are yet to formally consider this option and await the Secretary-General’s report and developments in the country to inform subsequent action.

A tacit division of labour has developed between the Council and the PBC over the past 18 months under which the Council takes up its peace and security role (as illustrated by the latest Council statement) and the PBC pursues the wider peace-building agenda. It seems that recent events may lead the Council to take up Burundi more intensively, but many members will be more comfortable if it is done in harmony with the PBC.

France, South Africa and Belgium play a lead role on this issue.

Underlying Problems

The major security problem stems from the fact that the FNL seems unpersuaded that the peace agreement is sustainable. It is unclear how much the government’s inability to manage cordial and productive relationships with the other opposition factions feeds into the underlying FNL sense of insecurity.

Fundamental peacebuilding needs also confront Burundi, including security sector reform and judicial reform, dire economic constraints, lack of basic social services and infrastructure difficulties. Human rights concerns and lack of accountability continue to loom large.

There are concerns that the sentencing of Radjaba could further deepen the political rifts. (He is believed to have the support of a third of MPs.) There is also potential for alienating the minority Muslim community, of which Radjaba is a leading member.

UN Documents

Selected Resolutions

- S/RES/1791 (19 December 2007) extended the mandate of BINUB until 31 December 2008.
- S/RES/1719 (25 October 2006) established BINUB.
- S/RES/1606 (20 June 2005) requested the Secretary-General to

start negotiations on transitional justice mechanisms in Burundi.

Selected Security Council Presidential Statement

- S/PRST/2008/10 (24 April 2008) was the latest statement of the Council on the situation in Burundi.
- S/PRST/2007/16 (30 May 2007) was a statement in which the Council welcomed the establishment of BINUB and called on parties to resolve outstanding issues in a spirit of cooperation.

Selected Secretary-General’s Report

- S/2007/686 (28 November 2007) was the report on children and armed conflict in Burundi.
- S/2007/682 (23 November 2007) was the latest report on BINUB.
- S/2007/287 (17 May 2007) was the first BINUB report.

Other Selected Documents

- PBC/2/BDI/7 (20 March 2008) was the PBC’s conclusions and recommendations on the situation in Burundi.
- SC/9181 (28 November 2007) was the latest Council press statement on the situation in Burundi.
- PBC/2/BDI/4 (27 November 2007) was the Monitoring and Tracking Mechanism of the Strategic Framework for Peacebuilding in Burundi.
- SC/9056 (21 June 2007) was a Council press statement on the 17 June talks in Dar es Salaam between the president of Burundi and the leader of the rebel FNL.
- PBC/1/BDI/2 (21 May 2007) was the report of the PBC mission to Burundi.

Other Relevant Facts

Executive Representative of the Secretary-General and Head of BINUB

Youssef Mahmoud (Tunisia)

Size and Composition of Mission (1 January 2007)

- Proposed strength: 448 personnel (including 141 international civilians, 235 local civilians, four military observers, 11 police, 51 UN volunteers)
- Strength as of October 2007: 399 personnel (including 116 international civilians, 217 local civilians, eight military observers, 12 police, 46 UN volunteers)

Duration

January 2007 to present; mandate expires 31 December

Recommended Budget

\$33.1 million

Bosnia and Herzegovina

Expected Council Action

In mid-May, the Council is expected to be briefed by the High Representative for the Implementation of the Peace Agreement in Bosnia and Herzegovina, Miroslav Lajcak of Slovakia. His latest report is expected in early May.

These regular reports are in accordance with annex 10 of the 1995 Dayton Peace Agreement and the conclusions of the London Peace Implementation Conference of 1995.

For several years, the Council has tended to limit its involvement in this issue to the annual re-authorisation of the EU force in Bosnia and Herzegovina every November. But recent signs of increasing nationalism among political parties may lead the Council to pay closer attention to the underlying problems obstructing progress in Bosnia and Herzegovina—although no formal action is expected at this stage.

Key Recent Developments

At the time of writing, Bosnia and Herzegovina appeared to be close to signing a Stabilisation and Association Agreement (SAA) with the EU. The SAA was initiated on 4 December 2007. The main outstanding condition for signing the SAA is the completion of police restructuring.

On 26 February, the EU enlargement commissioner, Olli Rehn, announced that Bosnia and Herzegovina might be able to sign the SAA at the end of April. This date was earlier than expected, and some observers see this as a strategic move to provide incentives for stability in Bosnia and Herzegovina given the uncertainties in the region following Kosovo’s declaration of independence.

On 3 April, NATO invited Bosnia and Herzegovina to “intensified dialogue,” a key step towards membership. Next, Bosnia and Herzegovina would need to present the Membership Action Plan (MAP) as a final

step before being invited to full membership by NATO. The High Representative, Miroslav Lajcak, has indicated that NATO's decision was a reward for "concrete progress on the defence reform agenda."

At its 26-27 February meeting, the Steering Board of the Peace Implementation Council (PIC)—a Council which is made up of 55 countries and agencies and was established at the Peace Implementation Conference held in London and following the Dayton Peace Agreement in November 1995—decided to extend the mandate of the Office of the High Representative until the following political benchmarks are met:

- resolution of state and defence property by the authorities (This relates to the ownership and use of state property and the transfer of property for defence purposes.);
- implementation of the Brcko Final Award (The Dayton Conference postponed a decision on which entity, Federation of Bosnia and Herzegovina or Republika Srpska, should control Brcko. The Brcko Arbitration in 1997 created the "Brcko District of Bosnia and Herzegovina" under the sovereignty of Bosnia and Herzegovina.);
- establishment of the administrative and legal structures for fiscal sustainability of the state; and
- entrenchment of the rule of law by passing legislation on war crimes, asylum and judicial reform.

The PIC will meet again in June and will then assess progress made on these benchmarks.

On 10 April, Bosnia and Herzegovina's parliament adopted two police reform bills. Fundamental differences remain but a compromise solution was adopted setting up seven coordinating bodies. The compromise does not fully integrate the two police forces in Bosnia and Herzegovina and in Republika Srpska (RS), but given that police reform has long been a contentious issue among the parties in Bosnia and Herzegovina, it is an important development.

Shortly after Kosovo declared independence, the Bosnian Serb parliament adopted a resolution calling for a referendum on Srpska seceding from Bosnia and Herzegovina if Kosovo's independence is

recognised by a majority of EU and UN states. There were also demonstrations protesting Kosovo's independence. Police used tear gas to stop protestors from entering the US consulate in Banja Luka.

Key Issues

A key issue is whether the Council will be inclined to become more active and seek to encourage progress on policy objectives for Bosnia and Herzegovina.

A related issue is whether to try and prod Bosnia and Herzegovina's Muslim, Croat and Serbian political leaders towards consensus on constitutional reform. The increase in nationalist sentiments among the political parties may suggest that this is becoming relatively more important.

A further issue is whether the police reform is real. The EU has asked for a police force that is effective, not subject to political influence and centrally funded. However, in order to pass the two police reform bills and meet a key EU condition, a compromise was reached in April to establish seven bodies instead of merging the two existing forces and integrating some areas like training and forensics. This is an indication that fundamental differences are far from resolved. Haris Silajdzic, leader of the Party for Bosnia and Herzegovina, and current head of Bosnia's rotating three-member presidency, sees police reform as the first step towards a police force controlled by the central government, while Milorad Dodik, the Bosnian Serb prime minister, has said that the Serbs will never give up their police force.

Another issue is the regional uncertainty following Kosovo's declaration of independence and its possible future impact on Bosnia and Herzegovina's political development.

A connected issue is how far RS is willing to take the threat of secession, and whether it sees this in part as leverage in the reform negotiating, and how the High Representative should respond if there are continued calls for secession from RS.

Options

A possible option is a presidential statement covering the following:

- welcoming progress made, especially if Bosnia and Herzegovina has signed the SAA;



- urging Bosnia and Herzegovina to take steps to complete outstanding reforms;
- reaffirming the final authority of the High Representative;
- expressing concern over official calls for secession and reminding authorities that under the Dayton Agreement no entity has the right to secede from Bosnia and Herzegovina; and
- encouraging swift completion of the key conditions set by the PIC for closure of the Office of the High Representative.

Other options include:

- holding a Council open debate;
- reviewing the structures set up by the Dayton Agreement to assess if they are still effective in supporting Bosnia and Herzegovina's political development;
- suggesting that the High Representative draw up an action plan outlining how Bosnia and Herzegovina can meet the benchmarks demanded by the PIC for the closure of the Office of the High Representative, and asking him to share this with the Council before June; and
- requesting the Contact Group to find ways of playing a more significant role in helping the key political actors find consensus on reform issues.

Council and Wider Dynamics

Some Council members have a degree of "Balkans fatigue" as a result of the intense focus on Kosovo over the past year. Others feel that, compared to many other issues on the Council's agenda, the situation in Bosnia and Herzegovina is relatively stable and therefore does not need to be given much attention.

On the issue of closing down the Office of the High Representative there are differences over how quickly this should happen. Russia has been advocating a closure of the office but agreed as part of the PIC to keep it open till key political benchmarks could be met while stressing that this should be done in the shortest time possible.

The Council's divide over Kosovo's declaration of independence could colour any

discussions surrounding territorial integrity and the right of Republika Sprska to secede from Bosnia and Herzegovina.

UN Documents

Selected Security Council Resolutions

- S/RES/1785 (21 November 2007) reauthorized EUFOR till 21 November 2008.
- S/RES/1575 (22 November 2004) established the European Union Force in Bosnia and Herzegovina (EUFOR).
- S/RES/1088 (12 December 1996) contained the authorisation of the establishment of a multinational Stabilisation Force (SFOR).
- S/RES/1035 (21 December 1995) established the International Police Task Force (IPTF).
- S/RES/1031 (15 December 1995) was on the implementation of the Peace Agreement for Bosnia and Herzegovina and transfer of authority from the UN Protection Force (UNPROFOR) to the multinational implementation force (IFOR).
- S/RES/743 (21 February 1992) established UNPROFOR.
- S/RES/713 (25 September 1991) marked the start of the UN's involvement in the former Yugoslavia.

Selected Letters

- S/2008/242 (11 April 2008) was the letter from the Secretary-General transmitting the latest report on the activities of the EUFOR in Bosnia and Herzegovina from 1 December 2007 to 29 February 2008.
- S/2007/651 (5 November 2007) was the letter from the Secretary-General conveying the most recent report of High Representative on the implementation of the Peace Agreement including an annex of the PIC's Declaration of 31 October 2007.

Other

- S/1995/999 and annexes (29 November 1995) was the General Framework Agreement for Peace in Bosnia and Herzegovina and Annexes, signed in Dayton.

Useful Additional Sources

- Declaration of the PIC Steering Board of 27 February 2008.

Nepal

Expected Council Action

A briefing by the Secretary-General's Special Representative in Nepal and head of the UN Mission in Nepal (UNMIN), Ian Martin, is expected in early May. A key issue will be the UNMIN's future activities. (Resolution 1796 extended UNMIN until 23 July 2008.)

Recent Key Developments

The Council was briefed by Angela Kane, Assistant Secretary-General for Political Affairs, on 21 April on the 10 April constituent assembly elections. The Council president made a statement to the press on behalf of the Council that congratulated the people of Nepal on the largely peaceful elections, urged all Nepalese parties to respect the will of the people and the rule of law, looked forward to the formation of the constituent assembly and government and noted UNMIN's important supportive role in the elections.

The turnout at the elections was sixty per cent. Re-polling was needed in 98 stations out of the twenty thousand across the country where voting had been cancelled or suspended as a result of violations of the election law or the code of conduct for political parties participating in the elections. The elections were a key component of the November 2006 Comprehensive Peace Agreement (CPA) and will produce a 601-member constituent assembly to draft a new constitution. The constituent assembly will also govern Nepal over the next two years while the constitution is drafted.

The Maoists may be emerging as the single largest party following the elections. At the time of writing, initial results suggest the Maoists had won 120 of the directly-elected 240 seats and about 100 of the 335 seats elected by proportional representation. A further 26 seats will be allocated by the new government.

Secretary-General Ban Ki-moon congratulated the people of Nepal for their "enthusiastic participation" in the constituent assembly elections. The head of UNMIN, Ian Martin, praised the Nepalese for demonstrating their commitment to democracy by turning out in such large numbers. International election observer groups acknowledged that the polling had been technically sound and that voters had turned out in significant numbers. Although unable to declare the elections as "free

and fair" until the counting was concluded, most of the international observers said the initial signs were that the elections were successful and credible.

Nonetheless, four people were killed on polling day, and the lead-up to the election was filled with violence and intimidation. The increase in incidents of obstruction and violence by the Maoists and other militant groups raised concerns about voter intimidation. On 9 April, the eve of the election, six members of the Communist Party of Nepal-Maoist (CPN-M) were killed by security personnel protecting the Nepali Congress party. Earlier in the week a United Marxist Leninist party candidate was killed and a protestor shot to death for defying a curfew. UNMIN urged all parties to exercise restraint while the Secretary-General voiced concern about the pre-election violence.

With the Maoists playing an important role in the newly elected assembly, an early decision on abolition of the 240-year old monarchy is likely. (An agreement was signed between the government and the Maoists in September to get the Maoists back into the peace process under which it was agreed that an end to the monarchy would be an early task for the constituent assembly.) On 18 April, Maoist leader Prachanda offered to meet with the King. He noted that if the King were to resign, he would have the opportunity to remain in Nepal as a private citizen, pursuing "business affairs or other activities." The royal palace denied that the King was planning to resign or go into exile, indicating that this would be "premature" and that it was necessary to allow "legal procedure (to) take its course."

The Maoists are also likely to press for an executive president and redrawing the provinces along ethnic lines.

Demonstrations by Tibetan protestors in front of the Chinese embassy have continued. (Protestors refrained from demonstrating during the week of the constituent assembly elections.) The Nepalese police detained several hundred protestors.

Key Issues

The key issue for the Council is weighing the risks to Nepal's stability if UNMIN is asked to close down completely in July.

A related issue is that the election may not of itself provide an answer to how an executive government is actually formed after the election. As events in Kenya have shown

recently even agreement to share power can be difficult to implement.

Another related issue is whether the Maoists will remain cohesive. Their more militant wing, the Young Communist League, may have a separate agenda. If there is a divide within the CPN-M, this could destabilise the security situation.

A further issue is whether an immediate move to remove the monarchy could lead to action by its supporters, some of whom may argue that this should properly be included as an element in the new constitution and be addressed in the context of an overall package of new constitutional measures.

Also an issue will be implementation of the pre-election promises made to the Madhesi groups from Nepal's Terai region such as giving them autonomous regions under a federal structure. If progress on this is slow, more strikes and protests seem likely.

A potential issue is the possibility that by the end of UNMIN's mandate in July a new executive government will not yet be in place or not be in a position to make a decision on UNMIN's future role in Nepal. A rollover of UNMIN at the request of the Seven-Party Alliance (made up of the political parties that signed the Comprehensive Peace Agreement and asked for UNMIN to be set up) might be the only option and would give a new government time to come to a decision on UNMIN.

Another future issue is how the Maoists' promises of land reform and wiping out corruption made during the elections will be addressed in the short term—given the potential instability if they do not deliver.

Options

One option in May is for the Council to simply receive the briefing by the Secretariat and use this review to start discussions on UNMIN's future at the expert level.

A second option might be for members to agree that UNMIN should be immediately downsized as suggested in the last Secretary-General's report, but to request the Secretary-General to provide a roadmap in early June of how he plans to do this leading to the end of its mandate in mid-July.

If the new government indicates that it is open to UNMIN remaining in Nepal, a possible option is a smaller UNMIN continuing with its arms monitoring role but with enhanced peacebuilding tasks.

A further possible option is to schedule an open debate in June in active consultation with the Nepalese government so its views can be clearly conveyed to the Council well ahead of Council discussions on the mandate renewal in July.

Council Dynamics

In January 2007, when UNMIN was set up, most Council members, and notably China, made it clear that it should be a focused mission of limited duration. Extending UNMIN beyond July is unlikely unless there is clear support for this from Kathmandu. Those who see value in UNMIN continuing past July want to see a new focused mandate which gives UNMIN a clear and appropriate role in the post-election environment. Most members feel that now that the elections are over a lot of UNMIN capacity that was focused on that process can be downsized.

Members like China, Indonesia and Vietnam will take a clear lead from the Nepalese themselves.

Members are uncertain as to how the Maoists will play the post election situation including continuing with integrating the People's Liberation Army and the Nepalese army.

The Maoists are still listed as a terrorist organisation in the US. This could affect its perception of developments in Nepal.

India is expected to be wary of a Maoist-led government, given its problems with Maoist insurgents, but has said that it will accept the decision of the people. Prachanda, leader of the CPN-M, has stated that he is ready to develop relations with both China and India, a possible first indication of a new equilibrium in Nepal's relationships with its neighbours.

The UK is the lead in the Council on Nepal.

UN Documents

Security Council Resolution

- S/RES/1796 (23 January 2008) extended UNMIN until 23 July 2008.
- S/RES/1740 (23 January 2007) established UNMIN for 12 months.

Secretary General's Reports

- S/2008/5 (3 January 2008) was the last report of the Secretary-General on the request of Nepal for UN assistance in support of its peace process.



Presidential Statement

- S/PRST/2006/49 (1 December 2006) expressed support for the Secretary-General's intention to send a technical assessment team to Nepal and noted that the Council would await formal proposals.

Other Relevant Facts

Special Representative of the Secretary-General and Head of Mission

Ian Martin (UK)

Size and Composition

871 staff (208 international staff, 126 UN volunteers, 387 national staff, 144 arms monitors and six police advisers as of end of January 2008)

Duration

23 January 2007 to 23 July 2008

Cost

\$88.8 million

Useful Additional Sources

- UNMIN Election Report, No. 1, 22 March 2008, <http://www.unmin.org/np/>
- UNMIN Election Report, No. 2, 30 March 2008, <http://www.unmin.org/np/>
- UNMIN Election Report, No. 3, 6 April 2008, <http://www.unmin.org/np/>

Sierra Leone

Expected Council Action

The Council is expected to consider the Secretary-General's report on the now very small UN Integrated Office in Sierra Leone (UNIOSIL). The report is due by 30 April, and UNIOSIL's mandate expires on 31 September. (The post of the Executive Representative of the Secretary-General has been vacant since January.) A statement by the Council is a possible outcome.

Key Developments

On 31 January, the Secretary-General submitted a completion strategy for UNIOSIL to the Council. Subsequently, the Council on 28 February requested that the Secretary-General include in his April report further information on the drawdown of UNIOSIL.

after local elections scheduled for 5 July but in time for the completion of the mission in September. The Council also requested proposals on the mandate, structure and strength of the integrated political office that would succeed UNIOSIL.

On 22 February, the Special Court for Sierra Leone dismissed the appeals of three former leaders of the Armed Forces Revolutionary Council, which formed the military junta that ousted former Sierra Leonean President Ahmed Tejan Kabbah in 1997. The three leaders—Alex Tamba Brima, Brima Bazzy Kamara, and Santigie Borbor Kanu—were each convicted last June of war crimes, crimes against humanity and other serious violations of international humanitarian law. Kamara received a 45-year sentence while Brima and Kanu each received sentences of 50 years.

Related Developments in the Peacebuilding Commission (PBC)

In January the PBC country-specific configuration on Sierra Leone drew up an action plan covering the January-June period for implementing the Cooperation Framework for Sierra Leone. (The Framework is to guide PBC work with the government of Sierra Leone over the next three years.) Since January the Chair of the configuration, Ambassador Frank Majoor of the Netherlands, has visited a number of key capitals of stakeholders to elaborate on the Framework to governments and relevant international actors including Washington (the World Bank, IMF and the US government), Brussels (the EU and the Belgian government), London, Berlin, The Hague and Free-town. A high-level meeting of stakeholders from capitals and the headquarters of international institutions will be held on 19 May in New York to review progress on the Framework. In April the PBC decided to embark on a field mission to Sierra Leone in June to further follow up the country's peacebuilding needs.

Key Issues

Key issues for the Council remain keeping on track with a successful drawdown and completion of UNIOSIL's mandate, while continuing to support consolidation of peace in the country.

Options

Options before the Council include:

- a statement confirming the drawdown of

UNIOSIL based on the Secretary-General's expected recommendations, but stressing the need to maintain vigilance with regard to effective peace consolidation in the country;

- a more general statement supporting UNIOSIL's activities in the country pending the termination of its mandate but leaving drawdown decisions to the Secretary-General and also reminding all stakeholders in Sierra Leone of the importance of ensuring that the local elections in July take place in a peaceful, free and fair manner;
- urging prompt appointment of an Executive Representative of the Secretary-General, to lead UNIOSIL during the period of the local elections; and
- including in the statement positive references to the contribution of the PBC in peace consolidation.

Council Dynamics

While Council members remain open to drawing down UNIOSIL with the view to terminating its mandate, some (especially the African members) wish to avoid premature signals of disengagement, both in light of the violence that surrounded last year's presidential elections in Sierra Leone and painful recent experiences in other places, in particular Timor-Leste. Council members are awaiting the Secretary-General's report to facilitate their deliberations on this matter.

The UK is the lead country on this issue.

UN Documents

Selected Security Council Resolutions

- S/RES/1793 (21 December 2007) extended the mandate of UNIOSIL until 30 September 2008 and requested a completion strategy for the mission by 31 January, as well as specific proposals on the successor office in April.

Selected Presidential Statement

- S/PRST/2007/23 (28 June 2007) addressed the work of the Special Court for Sierra Leone.

Selected Secretary-General's Report

- S/2007/704 (4 December 2007) was the latest report of the Secretary-General on UNIOSIL.

Other

- S/2008/137 (28 February 2008) was a letter from the Council president

requesting for further information from the Secretary-General on the drawdown of UNIOSIL between 5 July 2008 local elections and its completion in September 2008.

- S/2008/63 (31 January 2008) was the letter from the Secretary-General conveying the completion strategy for UNIOSIL.
- S/2007/777 (28 December 2007) was a letter conveying the annual report of the Sanctions Committee on Sierra Leone.

Peacebuilding Commission

- PBC/2/SLE/1 (3 December 2007) was the Sierra Leone Peacebuilding Cooperation Framework.
- PBC/OC/1/2 (21 June 2006) was a letter from the Council president to the Secretary-General referring Sierra Leone to the PBC.

Other Relevant Facts

UNIOSIL Executive Representative of the Secretary-General

Vacant

Size and Composition of Mission

Total budgeted staff of 298, comprising 82 international staff, 192 local staff and 24 UN volunteers

Duration

1 January 2006 to present; current mandate expires 30 September 2008

Counter-Terrorism: Briefings to the Council

Expected Council Action

Twice a year the Council is briefed by the chairs of its three counter-terrorism committees. The next briefing is expected on 6 May when the chairs of the Al-Qaida and Taliban Sanctions Committee (the 1267 Committee), the Counter-Terrorism Committee (CTC, established under resolution 1373) and the committee on weapons of mass destruction and terrorism (or the 1540 Committee) will address the Council. The joint briefings started in April 2005 and usually include a debate extended to all UN member states. No formal outcome is expected.

Recent Developments

The *1267 Committee (Al-Qaida and Taliban)* is likely to report on problems that some member states have in complying

with the sanctions, improvements to its list of individuals and entities subject to sanctions, the criminal use of the Internet and a follow-up on reports from its support group, the Analytical Support and Sanctions Monitoring Team (Monitoring Team). The group's 8th report is currently in translation and its mandate expires at the end of June.

The Council on 15 October 1999 in resolution 1267 imposed an air embargo and an assets freeze on the Taliban, which was then the de facto Afghan government, for refusing to extradite Usama bin Laden in connection with the 1998 bombings of US embassies in Kenya and Tanzania. The sanctions are monitored by the 1267 Committee and were expanded in subsequent years and now cover Al-Qaida, Bin Laden and/or the Taliban, their associates or facilitators anywhere in the world. They now include an assets freeze, an arms embargo and a travel ban. Targeted individuals and entities are identified by the Committee and placed on the consolidated list on the Committee's website.

A group of UN member states critical of the procedures which the Committee uses for listing and delisting targeted individuals intends to present a proposal for an independent judicial review panel to the Committee before the Council takes up the 1267 issues in a June resolution. (Please see our *Update Report* of 21 April for a more detailed discussion of the 1267 Committee.) (On 24 April, the British High Court ruled in favor of five men who challenged UK orders to implement the assets freeze. The Court said the evidence relied on suspicion, not proof, and that the suspects had had no opportunity to challenge the listing. The government is appealing.)

The **Counter-Terrorism Committee**, established on 28 September 2001, in the wake of the 11 September attacks on the United States, has revamped its organisational plans for its support team of experts, known as the Counter-Terrorism Committee Executive Directorate (CTED). On 20 March, the Council adopted a resolution that welcomed the new CTED recommendations and extended its mandate until 31 December 2010.

The CTC monitors implementation of measures that all countries need to take to combat terrorism, deny suspected terrorists safe haven and financial resources and bring perpetrators to justice. The

CTED which supports the Committee now spends less time on determining whether member states have enacted the necessary legislation and machinery and more time on evaluating the effectiveness of states' actions.

At the May briefing the Chairman, Ambassador Neven Jurica of Croatia, is expected to report on the more than 170 assessments prepared by the CTED on how member states have implemented the resolution. Called Preliminary Implementation Assessments, these documents are aimed at reducing the need for continual requests to member states to update reports. The new assessments will seek to match every country's performance with a set of criteria, make note of human rights abuses, gaps that other UN bodies have identified, and anti-terrorism conventions that the country has ratified. The CTED has prepared a table on its findings of how countries have implemented the resolution, which the Committee is reviewing before submitting an official report to the Council. But this table is not expected to be published at this time so as to avoid any sense that member states are being publicly "named and shamed."

The mandate of the **1540 Committee** on weapons of mass destruction and terrorism was extended by the Council in resolution 1810 on 25 April for three years, to 25 April 2011. The Committee was also given another two months, until 31 July, to submit its next report on its work, now nearly complete.

The Council adopted resolution 1540 in April 2004 in an effort to close a loophole benefiting would-be proliferators, terrorists and other non-state actors not covered under the treaties on the proliferation of nuclear arms (Nuclear Nonproliferation Treaty), chemical weapons (Chemical Weapons Convention) and biological arms (Biological and Toxin Weapons Convention). Resolution 1540 requires all countries to establish strong export controls and demands they protect sensitive materials that can be used to develop, manufacture, acquire, transport or traffic in unconventional weapons and their delivering systems. (The measure was spurred, in part, after it was disclosed that the Pakistani nuclear scientist A.Q. Khan had been involved in disseminating nuclear technology to Libya, Iran and North Korea.) The 1540 Committee was established to monitor implementation.



By the end of 2007, more than 140 states had submitted their first reports to the Committee. But many states have not reported at all, either because of lack of capacity or because of what diplomats call "reporting fatigue." Committee members, however, say that reporting is not an end in itself and their primary role is investigating implementation. Their sources include not only country reports but also documents from the International Atomic Energy Agency and other official sources. The investigations include dual use technology and raw materials such as natural uranium. It is possible that the Chairman, Ambassador Jorge Urbina of Costa Rica, in his briefing may report on a matrix that experts are developing based on information nations have reported to the Committee and other UN bodies or conventions.

Terrorism Issues in the Wider UN System

Council members and others listening to the briefings on 6 May will also have in mind the General Assembly Global Counter-Terrorism Strategy which was adopted in September 2006. This subject will be on the General Assembly agenda again in September this year. In response to the strategy, a Counter-Terrorism Implementation Task Force, comprising some 24 UN bodies and agencies, was established within the Secretariat but as yet the General Assembly has not dedicated any Secretariat resources or staff to the task force. Nor has it established concrete tasks to flesh out the strategy. A representative of each of the Security Council monitoring mechanisms supporting the three Council counter-terrorism committees participates in the meetings of the Task Force. There are some, in both the Council and the General Assembly, who consider that there is significant scope for rationalisation of capacity, resources and tasks between these bodies.

Council Dynamics

On the surface, it is apparent to most observers that there is an overlap of duties and responsibilities among the three counter-terrorism committees, despite their individual mandates. Particularly vocal on this issue is South Africa's ambassador,

Dumisani Kumalo, who told the Council in November that “continuing with separate mandates will only perpetuate duplication, waste resources and result in confusion among member states.” But there appears to be little political support for restructuring, especially among the permanent members that were instrumental in drafting the resolutions that created the committees and their respective expert groups.

In general there is wide support in the Council for the tasks of all three committees. On the 1267 Committee, as indicated above, there is growing support outside the Council for an independent judicial panel to review delisting applications. But so far the permanent members are opposed to any new body that would encroach on the Council’s prerogatives. As for the Counter-Terrorism Committee, Council members are divided about how effective public disclosure will be as a tool to enhance compliance. As a result, there are some differences about whether to make public its survey of compliance and implementation among member states.

UN Documents

Selected Security Council Resolutions

- S/RES/1810 (25 April 2008) extended the mandate of the 1540 Committee until 25 April 2011.
- S/RES/1805 (20 March 2008) extended the mandate of the Counter-Terrorism Executive Directorate to 31 December 2010.
- S/RES/1540 (28 April 2004) established the 1540 Committee and its mandate of keeping weapons of mass destruction away from non-state actors.
- S/RES/1535 (26 March 2004) established the CTED.
- S/RES/1373 (28 September 2001) established the CTC and its mandate.
- S/RES/1267 (15 October 1999) established the Al-Qaida and Taliban Committee and its sanctions mandate (modified and enhanced by subsequent resolutions).

Security Council Debate Records

- S/PV.5855 (19 March 2008) is the transcript of the debate on the CTED and its revamped organisational plan as described in S/2008/80 (7 February 2008).

- S/PV.5806 (17 December 2007) is a transcript of the last open debate in which the chairs of all the Security Council committees spoke to the Council.
- S/PV.5779 (14 November 2007) is the transcript of the meeting of the Security Council debate at which the chairs of the three counter-terrorism committees briefed the Council.

Other Relevant Facts

Committee Chairs are:

- Ambassador Neven Jurica (Croatia): CTC (1373)
- Ambassador Jorge Urbina (Costa Rica): 1540 Committee (WMD)
- Ambassador Johan Verbeke (Belgium): 1267 Committee (Al-Qaida and Taliban)

Useful Additional Sources

- <http://www.bailii.org/ew/cases/EWHC/Admin/2008/869.html> (24 April 2008) is the website for UK High Court of Justice decision on challenges to the assets freeze in resolution 1267
- <http://www.un.org/sc/committees/1267/index.shtml> is the website of the 1267 Committee (Al-Qaida and the Taliban)
- <http://www.un.org/sc/ctc> is the website of the Counter-Terrorism Committee (1373)
- <http://www.un.org/sc/1540/index.shtml> is the website of the 1540 Committee on weapons of mass destruction.
- <http://www.stanleyfoundation.org/resources.cfm?id=255> is the record of the Stanley Foundation’s conference of August 2007 on U.N. Counter-terrorism strategies, including fact sheets.
- <http://www.newyork.liechtenstein.li/> is the website of the Mission of Liechtenstein that provides Ambassador Christian Wenaweser’s Council speech on counter-terrorism on 14 November 2007.

Iraq (Oil-for-Food)

Expected Council Action

The Iraq oil-for-food programme came to an end on 31 December 2007. However, many issues concerning letters of credit remain outstanding and the Council continues to receive progress reports from the Secretary-General on the processing of those issues. The next progress report is expected in May. It will contain a summary of activities of a joint Iraqi-UN Working

Group established in November 2007 to speed up the processing. The Council is expected to respond by way of a letter to the Secretary-General.

Key Facts

Established by the Council in 1995, the oil-for-food programme allowed Iraq a limited exemption to the sanctions regime and to sell oil via a UN managed programme in exchange for humanitarian goods. Purchasers of Iraqi oil had to settle transactions with BNP Paribas, and the funds were held in a UN Iraq escrow account. The majority of the revenue in the account was made available for the purchase of regulated items (e.g.: food, medicines and equipment for agriculture, housing, oil production, food processing, electricity, water and sanitation, etc.).

Following the fall of Saddam Hussein’s regime in March 2003, the Council adopted resolution 1483, which envisaged the termination of the oil-for-food programme within six months, after which surplus funds would be transferred from the Iraq escrow account to the Development Fund for Iraq (DFI). This fund was established by the same resolution to meet Iraq’s humanitarian needs and economic reconstruction. The oil-for-food programme was officially terminated on 21 November 2003 and no new contracts could be made. However, many existing contracts remained (3,168 contracts for a value of more than \$8.5 billion). Funds to cover obligations under these contracts were retained in the Iraq escrow account.

Each contract between the Iraqi government and a foreign company had a corresponding letter of credit, issued by BNP Paribas, guaranteeing that payment to the companies would be made on time and for the correct amount. In order for the payment to occur, the companies had to present the bank with the necessary shipping documents confirming the delivery of goods, and the Iraqi government had to provide authentication proving that the goods were received.

The Council agreed to extend some letters of credit for delayed deliveries but with a deadline of 31 December 2007. However, not all of these outstanding letters (with corresponding funds in the escrow account) could be processed by that date. Some letters have no evidence of delivery by the suppliers. Those letters are likely to be cancelled and the corresponding amount transferred to the DFI. And there are claims of delivery for a majority of the

outstanding letters, but payment has not been released because of a lack of Iraqi authentication documents.

Key Recent Developments

A joint Iraqi-UN working group (composed of representatives of the Iraqi government, the Central Bank of Iraq and the UN Secretariat) met in Amman on 20 and 21 November to resolve issues relating to the unpaid letters of credit. They concluded that a claims' settlement mechanism should be established for all letters missing an authentication document ninety days after the 31 December termination of the oil-for-food programme.

The Council in November requested the Secretary-General to develop proposals for arbitration or mediation mechanisms for commercial disputes between the Iraqi government and companies for all outstanding letters after the 31 December 2007 deadline. He did so in a report he presented to the Council on 12 December, and proposed the creation of a Council subsidiary organ, the oil-for-food Claims Settlement Committee, to be established by 1 July 2008. The Council in a 29 February letter took note of this proposal but was reluctant to act, preferring instead to request a further report. It seems that the hesitation within the Council was based on a concern about establishing a potentially complex and costly mechanism.

As of 7 December 2007, there were 215 outstanding letters of credit that had already expired or were expiring on 31 December 2007. In 179 of those letters, there were claims of delivery of goods from suppliers, but no authentication documents from the Iraqi government necessary to release the corresponding funds from the UN Iraq account (approximately \$206 million).

In a letter to the Council on 23 January, the Secretary-General noted that the number of outstanding letters of credit with claims of delivery was reduced only from 179 to 162. He also identified 14 cases of commercial disputes that may not be resolved by 1 April 2008. Confirmation of the past arrival of goods continued to be slow or not forthcoming (this has been a major concern for the Council). However, the Iraqi government said that it would urgently transmit all authentication documents for outstanding claims of delivery.

The latest Secretary-General's report dated 11 March revealed continuing slowness in the authentication process (148 authentication

documents were still outstanding at the end of February). He recommended that the working group review the situation early in May.

It seems that the letters of credit that had no claims of delivery have all been cancelled and the associated funds (approximately \$161 million) were transferred to the Development Fund for Iraq on 27 December 2007. The Secretary-General's report in May will also discuss letters that have expired without claims of delivery.

At press time the Council was considering a response to the 12 March report in the form of a draft letter which would:

- decide to give the Iraqi government 45 days to transmit the authentication documents allowing payment to the suppliers or to provide documents contesting the claims of delivery, in the absence of which the Council would authorise the Secretariat to proceed with the payment of suppliers;
- request that all disputes be handled according to mechanisms established in each contract or, if there are none, according to other existing commercial arbitration mechanisms; and
- endorse cancellation of letters of credit with no claims of delivery, and transfer of associated funds to the DFI.

Council Dynamics

There is a consensus within the P5 on the necessity to process all remaining letters of credit as soon as possible. French, Chinese and Russian companies in particular still have unpaid contracts under the oil-for-food programme. But both the UK and the US also believe that it is not in the Council's interest micromanage the oil-for-food programme's outstanding issues.

Historically the elected members of the Council have tended to pay only limited attention to these issues. However, this time around Costa Rica is expressing concern at the process which has tended to leave the drafting exclusively to the P5. At press time, Costa Rica was blocking the adoption of the latest Council letter arguing that there had not been enough time to consider this issue (the draft letter was circulated by the UK on 28 March) and that it would be best to wait for the results of the next Iraq-UN Working Group in Amman on 28 April. It seems that Costa Rica's interest is also driven by wider concerns at the Council's handling of the oil-for-food programme in the past (it had



requested in 2005 that the General Assembly follow-up on the recommendations of the Inquiry Committee into the oil-for-food programme and never received any reply).

UN Documents

Selected Resolutions

- S/RES/1483 (22 May 2003) requested that the Secretary-General terminate within six months the ongoing operations of the oil-for-food programme, transferring responsibility for the administration of any remaining activity to the Coalition Provisional Authority, and decided that until 31 December 2007, unless the Council decides otherwise, sales proceeds of Iraqi oil products shall continue to enjoy privileges and immunities equivalent to those enjoyed by the UN.

Latest Reports by the Secretary-General on the Termination of the Oil-for-Food Programme

- S/2008/175 (11 March 2008)
- S/2007/725 (7 December 2007) also enclosed a proposal for the establishment of a Claims Settlement Committee.
- S/2007/476 (25 July 2007)

Selected Letters

- S/2008/140 (29 February 2008) was a letter from the Council requesting a further progress report by 15 March.
- S/2008/41 (23 January 2008) was a letter from the Secretary-General enclosing a summary of the latest Working Group meeting outlining progress made with respect to the termination of operations relating to letters of credit.
- S/2007/661 (8 November 2007) was a letter by the Council requesting the Secretary-General to develop proposals to address unresolved issues, including the possible need for the establishment of mechanisms to deal with outstanding issues, and to report again to the Council on such issues within three weeks, bearing in mind the non-negotiable termination date of 31 December 2007 for the programme.

Notable Dates for May

Reports Due for Consideration in May	Document Requesting Report
21 April	<i>SG semi-annual report (S/2008/264) on the implementation of resolution 1559 (Lebanon)</i> S/RES/1559
late April	<i>SG monthly report on the AU-UN Hybrid Operation in Darfur (UNAMID)</i> S/RES/1769
late April	<i>SG report on UN Integrated Office in Sierra Leone (UNIOSIL) (every four months)</i> S/RES/1793, S/2008/137
early May	<i>Report from High Representative for the Implementation of the Peace Agreement in Bosnia and Herzegovina</i> S/RES/1785
May	<i>SG semi-annual report on UN Integrated Office in Burundi (BINUB)</i> S/RES/1791
May	<i>SG report on the termination of operations related to letters of credit issued in the oil-for-food programme</i> S/2008/175

May 2008 Other Important Dates

early May	<i>Ian Martin, the Secretary-General's Special Representative in Nepal and head of UNMIN, is expected to brief the Council.</i>
early May	<i>The Council is expecting the semi-annual briefing of the chairs of the three counter-terrorism (resolutions 1267, 1373 and 1540) committees.</i>
mid-May	<i>A Secretariat briefing and Council consultations on security sector reform are expected.</i>
mid-May	<i>The Sudan sanctions committee expects the midterm briefing of the Panel of Experts.</i>
mid-May	<i>The Council is expecting a briefing by the High Representative for the Implementation of the Peace Agreement in Bosnia and Herzegovina, Miroslav Lajcak of Slovakia.</i>

Also expected in May:

- An open debate on protection of civilians is expected.
- An open debate on post-conflict peacebuilding is expected.
- The Middle East Quartet principals will gather in London on 2 May in a meeting chaired by Secretary-General Ban Ki-moon to assess the peace process launched in Annapolis in November 2007.
- A meeting of the Sudan Donor Consortium is scheduled for 5-7 May in Oslo. In the margins, UN-AU Joint Special Representative Rodolphe Adada is expected to chair a closed-door meeting on Darfur.
- The Sudan national census is expected to be completed by 6 May.
- A referendum on a new constitution in Myanmar has been scheduled for 10 May.
- Parliamentary elections are planned for 11 May in Serbia.
- The report of the expert mission on policing with findings and recommendations regarding Timor-Leste is expected to be completed in early or mid-May, when it will possibly be formally circulated to members in a letter from the Secretary-General.
- The Iraq Compact Annual Review Conference is scheduled to be held in Stockholm, Sweden on 29 May.
- The Council is expected to depart on a visiting mission to Africa in late May. A final schedule is still pending.

Important Dates over the Horizon

- Local government elections are scheduled for June in Sierra Leone.
- By 21 June the Greek Cypriot leader Demetris Christofias and Turkish Cypriot leader Mehmet Ali Talat have agreed to meet again and decide on the resumption of full-fledged negotiations under the auspices of the Secretary-General.
- An international conference to review progress on implementation of the Afghan Compact is scheduled for June in Paris.
- A meeting of states to consider the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in small arms and Light Weapons in all its Aspects is planned for 14-18 July 2008 in New York.
- Presidential elections in Côte d'Ivoire are now expected on 30 November 2008.

SECURITY COUNCIL REPORT STAFF

Colin Keating, Executive Director
Joanna Weschler, Director of Research
Robert Afriyie, Research Analyst
Anne-Gaëlle Claude, Research Analyst
Fernanda Rafaela Fernandes, Research Analyst
Shamala Kandiah, Research Analyst
Amanda Roberts, Programme Coordinator
Paul Romita, Programme Consultant
Brian Lockstone, Communications Consultant
Robbin VanNewkirk, Administrative Assistant

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