

Monthly Forecast

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Security Council Subsidiary Bodies: An Overview

27 November 2013
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Overview

France will preside over the Security Council in December.

A high-level meeting is planned on [drug trafficking in Sahel and West Africa](#), with briefings by Yury Fedotov, head of the UN Office on Drugs and Crime and Said Djinnit, head of the UN Office for West Africa (UNOWA).

Debates are scheduled on:

- the [International Criminal Tribunals for the former Yugoslavia \(ICTY\)](#) and [Rwanda \(ICTR\)](#), with briefings by their respective presidents and prosecutors (Theodor Meron and Serge Brammertz for ICTY; and Vagn Joensen and Hassan Bubacar Jallow for ICTR); and
- [Afghanistan](#), with a briefing by Ján Kubiš, Special Representative and head of the UN Assistance Mission in Afghanistan.

Briefings are expected on:

- the work of the [1737 Iran Sanctions Committee](#) by its chair, Ambassador Gary Quinlan (Australia);
- the 2013 work of Council subsidiary bodies from outgoing chairs Ambassadors [Agshin Mehdiyev](#) (Azerbaijan), chair of the 1533 DRC Sanctions Committee; [Gert Rosenthal](#) (Guatemala), chair of the 1572 Côte d'Ivoire Sanctions Committee and the Informal Working Group on International Tribunals; [Mohammed Loulichki](#) (Morocco), chair of the 1373 Counter Terrorism Committee, the 2048 Guinea-Bissau Sanctions Committee and the 1566 Working Group on counter terrorism measures; [Masood Khan](#) (Pakistan), chair of the 1521 Liberia Sanctions Committee and the Working Group on Peacekeeping; and [Kodjo Menan](#) (Togo), chair of the 1518 Iraq Sanctions Committee and of the 1636 Lebanon Sanctions Committee; and
- the work of the [ICC in Sudan](#), by Prosecutor Fatou Bensouda.

Briefings, followed by consultations, are likely on:

- the [UN Support Mission in Libya](#) by its head Tarek Mitri;

- the [1970 Libya Sanctions Committee](#), by its chair Ambassador Eugène-Richard Gasana (Rwanda);
- the [Sahel strategy](#), by Special Envoy Romano Prodi;
- the work of [UNOWA](#) by Djinnit;
- the [UN Assistance Mission in Somalia](#), by Special Representative Nicholas Kay; and
- the [Middle East](#), by Special Coordinator for the Middle East Peace Process Robert Serry.

Briefings in consultations are likely on:

- [issues of concern](#), by the Department of Political Affairs (under the "horizon scanning" format);
- the [humanitarian situation in Syria](#) by OCHA head Valerie Amos;
- the situation between [Sudan and South Sudan](#) by Assistant Secretary-General for Peacekeeping Operations Edmond Mulet;
- the [UN Interim Security Force in Abyei](#), by Mulet;
- the work of the [1521 Liberia Sanctions Committee](#) by Khan;
- the [UN Disengagement Observer Force \(UNDOF\)](#), by Under-Secretary-General for Peacekeeping Operations Hervé Ladsous;
- [chemical weapons-related issues in Syria](#), by the OPCW-UN Special Coordinator Sigrid Kaag; and
- the situation in the [DRC](#) by Special Representative Martin Kobler and Special Envoy for the Great Lakes Region Mary Robinson.

Formal sessions will be needed to adopt resolutions to renew the mandates of:

- the [Liberia sanctions and its Panel of Experts](#);
- [ICTY judges](#);
- [UNDOF](#); and
- the [Counter-Terrorism Executive Directorate](#).

Also likely is the adoption of a resolution authorising and supporting the AU International Support Mission to the [Central African Republic](#).

On 6 December, the General Assembly will hold an election to fill the Security Council seat vacated by Saudi Arabia. •

In Hindsight: Appointment of Chairs of Subsidiary Bodies

Who will chair each of almost two dozen subsidiary bodies of the Security Council (see the insert in this *Forecast on Security Council Subsidiary Bodies: An Overview*) is a question on many minds this time of the year. The newly elected non-permanent members to the Council are particularly anxious to know the answer. Council sanctions committees, ad hoc committees and working groups are almost always chaired by non-permanent members, and the chairmanship of some of these bodies will demand from the missions in question considerable amounts of time and resources. For an incoming Council member, knowing which subsidiary bodies it will chair could help determine what staff expertise will be needed within its Council team in addition to allowing for better preparation on the part of the future chair. Knowing the answer before 31 December could also facilitate a more efficient transition from one chair to another.

Yet full information has almost never been available before the end of the year, and in 2000 and 2010, it has only emerged a few weeks into January (SC/6786 and S/2010/2). (That often makes the transition more difficult because permanent representatives who have served on the Council at times complete their assignment to the UN at the end of the year and are no longer in New York in January.) With all this in mind, some members have argued for making this process more transparent and efficient.

Since 1999, the President of the Security Council has issued a note after all the posts have been filled, stating that “after consultations among the members of the Council, it was agreed to elect the Chairs and Vice-Chairs of subsidiary bodies for the period ending 31 December”. For sanctions committees, the note has cited the procedure established in 1998 (S/1998/1016) whereby “the bureau of each sanctions committee shall be appointed by that committee, following consultations between Council members, either at its first meeting if that meeting takes place in January, or in writing at the instance of the Presidency of the Council under a no-objection procedure”.

In practice, it appears that this procedure has not been followed and instead the P5 have made the decisions regarding the

appointment of the chairs, following informal, usually bilateral consultations with elected members. Recently, a different P5 assumes the task of coordinating the consultations, with Russia doing so this year. Individual preferences of the incoming members have been taken into account in some cases, though sometimes with an unintended result (eagerness to take on a particular subsidiary body may result in a different chair being assigned). In 2010, a new Council member decided to forego chairing a subsidiary body as a result of unhappiness with the way it was approached by the P5.

For a few years now, some Council members have been suggesting establishing a more inclusive, transparent and efficient method for the annual appointment of the chairs. In mid-2012, Portugal, as chair of the Informal Working Group on Documentation and Other Procedural Questions, started a drafting process for a note from the President to address the appointment procedure. Initial drafts called for an inclusive and transparent process to unfold during the last six weeks of the year that would involve all 15 Council members and the newly elected five, with the November and December Presidents of the Council playing a coordinating role. At that early stage, there were also suggestions that all Council members should chair subsidiary bodies as, in practice, the task has generally fallen upon the non-permanent members only. (There have been exceptions, however, with permanent members serving as initial chairs upon establishment of a new subsidiary body: the UK chaired the 1267 Al-Qaida Sanctions Committee in 1999 and the 1373 Counter-Terrorism Committee between 2001-2003; France chaired the Working Group on Children and Armed Conflict between 2005-2008; and the US served as co-chair with Slovakia in 2006 of the Ad Hoc Committee on Mandate Review to conduct the review of Security Council mandates called for by the 2005 World Summit Outcome document. Furthermore, several subsidiary bodies currently have permanent members serving as vice-chairs, including Russia on the 1267 Al-Qaida Committee since 2007 and the 1988 Taliban Sanctions Committee since 2011; the UK on the 1540 Weapons of Mass Destruction Committee

since 2005, and both France and Russia on the 1373 Counter-Terrorism Committee since 2008 and the 1566 Working Group since 2013.)

Following several months of discussions, on 17 December 2012 the Council issued a concise note by its President (S/2012/937) which said that “in an effort to enhance the efficiency and transparency of the Council’s work, as well as interaction and dialogue among Council members”, members of the Council “support an informal process with the participation of all Council members as regards appointing the Chairpersons of the subsidiary organs from among Council members in a balanced, transparent, efficient and inclusive way, which facilitates an exchange of information related to the work of the subsidiary organs involved”. It furthermore said that Council members “should also consult informally with newly elected members soon after their election on the appointment of the Chairpersons of the subsidiary organs for the following year”.

The five outgoing chairs will brief the Council in early December: Ambassador Agshin Mehdiyev (Azerbaijan) as chair of the 1533 Democratic Republic of Congo Sanctions Committee; Ambassador Gert Rosenthal (Guatemala) as chair of the 1572 Côte d’Ivoire Sanctions Committee and of the Informal Working Group on International Tribunals; Ambassador Mohammed Loulichki (Morocco) as chair of the 1373 Counter-Terrorism Committee and 2048 Guinea-Bissau Sanctions Committees and of the 1566 Working Group; Ambassador Masood Khan (Pakistan) as chair of the 1521 Liberia Sanctions Committee and of the Working Group on Peacekeeping Operations; and Ambassador Kodjo Menan (Togo) as chair of the 1518 Iraq Sanctions Committee and 1636 Lebanon Sanctions Committee. Incoming Council members thus stand to be the first to benefit from an improved process, and their experience will provide opportunities for testing its advantages and potential downsides. Yet, any current improvements are unlikely to redress the current divide that exists between the chairs of the subsidiary bodies and the penholders of the associated agenda item(s), who ultimately lead any drafting exercise leading to a Council decision or statement.

Status Update since our November Forecast

Kenya

On 31 October, Council members held an interactive dialogue with an AU high-level contact group regarding the AU request for the Council to defer for a year the ICC proceedings against President Uhuru Kenyatta and Deputy President William Samoei Ruto of Kenya. The issue was discussed again by Council members under “any other business” during consultations on 11 November, and consultations on the matter were held on 12 November. A draft resolution (S/2013/660) on a deferral was put to a vote on 15 November by Morocco, Rwanda and Togo but was not adopted, with only seven Council members voting in favour and the remaining eight members abstaining (S/PV.7060).

Mali

On 2 November, the Council issued a press statement on the two French journalists killed in Kidal (SC/11169). Council members recalled how journalists are considered civilians in accordance with international humanitarian law and shall be respected and protected as such. They also called on the Government of Mali to swiftly investigate the incident and bring the perpetrators to justice.

DRC

On 6 November, Council members were briefed via video-teleconference by the Special Representative of the Secretary-General and head of MONUSCO Martin Kobler, and Special Envoy of the Secretary-General to the Great Lakes Region Mary Robinson in consultations. On 14 November, the Council adopted a presidential statement (S/PRST/2013/17) calling for the swift conclusion and implementation of a final and comprehensive agreement that provides for the disarmament and demobilisation of the March 23 (M23) rebel group and accountability for human rights abusers (S/PV.7058).

DPRK

On 11 November, the chair of the 1718 Democratic People’s Republic of Korea Sanctions Committee, Ambassador Sylvie Lucas (Luxembourg), briefed Council members in consultations on the work of the Committee. The Committee did not meet in November. (Its last meeting was on 25 October.)

Bosnia and Herzegovina

On 12 November, the Council adopted resolution 2123 reauthorising the EU led multinational stabilisation mission in Bosnia and Herzegovina for a year. Valentin Inzko, the High Representative for Bosnia and Herzegovina, briefed (S/PV.7057) the Council prior to its debate of his office’s latest report (S/2013/646). Inzko said the negative trends of political gridlock continued, which he warned could negatively impact the October 2014 national elections. He also welcomed the Council decision to reauthorise the EU led multinational force, in light of continued separatist rhetoric by political leaders of Republika Srpska.

South Sudan (UNMISS)

Council members were briefed on UNMISS on 18 November by Special Representative of the Secretary-General and head of UNMISS Hilde Johnson (S/PV.7062). In presenting the most recent UNMISS report of the Secretary-General (S/2013/651), Johnson said that while great challenges remain, recent events “give reason for cautious optimism” regarding South Sudan’s future. The briefing was followed by consultations.

Israel/Palestine

On 19 November, the Council was briefed by Jeffrey Feltman, Under-Secretary-General for Political Affairs, followed by consultations. Feltman reported that ongoing direct talk between the parties were tackling substantive issues but were strained and had suffered a setback with the Israeli announcement of new settlement building. Feltman said it was the UN’s view that settlement expansion cannot be reconciled with the vision of a two-state solution and without progress soon, the two-state solution may be irreparably damaged (S/PV.7063).

Lebanon

On 19 November, the Council issued a press statement condemning the terrorist attack targeting the Iranian Embassy in Beirut which killed 23 and wounded at least 140 (SC/11180). The statement also stressed respect for Lebanon’s policy of disassociation and for all Lebanese parties to refrain from any involvement in the Syrian crisis. On 26 November, Special Coordinator Derek Plumbly briefed Council members on

the Secretary General’s latest report on the implementation of resolution 1701 and on the activities of UNIFIL (S/2013/650). He reported that while UNIFIL’s area of operations remained relatively calm, there had been heightened tension in Lebanon related to the Syrian crisis and that the Lebanese Armed Forces had played a crucial role in maintaining stability. Following consultations, Council members issued a press statement welcoming the International Support Group for Lebanon and its support of Lebanon’s humanitarian and security needs and again stressed the need for all parties to respect the disassociation policy (SC/11191).

Kosovo

On 19 November the Council held its quarterly debate on Kosovo with a briefing by Farid Zarif, the Special Representative and Head of UNMIK (S/PV.7064). Zarif briefed the Council on the latest report of the Secretary-General (S/2013/631) and on recent developments regarding local elections in Kosovo.

UNOCA/LRA

On 20 November, the Council was briefed (S/PV.7065) by the Special Representative of the Secretary-General and head of UNOCA, Abou Moussa, on the Secretary-General’s report on UNOCA and the implementation of the regional strategy on the Lord’s Resistance Army (S/2013/671). On 25 November, The Council adopted a presidential statement (S/PRST/2013/18) condemning the actions of the LRA and requesting that the Secretary-General keep it informed through a single report on UNOCA and the LRA by 15 May 2014.

Iraq

On 25 November, Special Representative Nickolay Mladenov briefed the Council on the UNAMI report (S/2013/661) and on the Iraq/Kuwait missing persons and property report (S/2013/654). He said Iraq was facing serious challenges in maintaining political stability in a deteriorating security situation, adding that there had been almost daily attacks by terrorist and armed groups against civilians and Iraqi security forces. He noted the adverse impact of the Syrian crisis on Iraq. He also reported improving relations between Iraq and Kuwait, reiterating

Status Update since our November *Forecast* (con't)

UNAMI's determination to facilitate the repatriation or return of Kuwaiti missing persons and property (S/PV.7068). Following the briefing and consultations, the Council issued a press statement condemning the recent spate of terrorist attacks in Iraq and expressing support to the government in addressing the country's security needs (SC/11186).

Guinea-Bissau

Special Representative of the Secretary-General, Jose Ramos-Horta briefed the Council on 26 November about the Secretary-General's latest reports on the restoration of constitutional order (S/2013/680) and the activities of the UNIOGBIS (S/2013/681).

Ramos-Horta told the Council that Guinea-Bissau rescheduled its national elections for 16 March 2014, and the long delayed voter-registration process would take place 1-31 December. He said the increasingly volatile security situation and a deteriorating human rights situation threatened the country's ability to hold credible elections (S/PV.7070).

Yemen

At press time, Council members were expecting a briefing in consultations by the Special Adviser to the Secretary-General on Yemen, Jamal Benomar, on the last stages of the National Dialogue Conference and the challenges ahead for the Yemeni transition, including the security threats posed by

sectarian violence and terrorist attacks by Al-Qaida in the Arabian Peninsula.

Terrorism

At press time, the Council was expecting the semi-annual briefing of the chairs of its counter-terrorism-related committees (S/PV.7071). The briefers were Ambassador Gary Quinlan (Australia), who chairs the 1267/1989 Al-Qaida Sanctions Committee, Ambassador Mohammed Loulichki (Morocco), who chairs the 1373 Counter-Terrorism Committee, and Ambassador Kim Sook (Republic of Korea), who chairs the 1540 Committee, concerning the non-proliferation of weapons of mass destruction.

Central African Republic

Expected Council Action

In December, the Security Council may adopt a resolution authorising and supporting the AU International Support Mission to the Central African Republic (CAR), referred to as MISCA.

The mandate of the UN Integrated Peacebuilding Office in the CAR (BINUCA) expires on 31 January 2014.

Key Recent Developments

The situation on the ground in recent months has remained deplorable, with a complete breakdown of law and order.

The Secretary-General submitted a report to the Council on the implementation of BINUCA's mandate on 16 September, following a UN multidisciplinary assessment team's visit to the CAR from 21-26 August (S/2013/557). The team found that the political and security situation remain highly volatile and unpredictable. Across the country, local Séléka rebel commanders and their armed elements continue to systematically commit gross violations of international human rights and humanitarian law with total impunity. The authority and ability of the transitional government to protect

civilians is rapidly weakening, with half the country's 4.6 million population in need of immediate humanitarian assistance.

The report, while recommending different areas of focus for BINUCA, viewed the improvement of the security situation as a critical prerequisite to progress in all other spheres, including the political, humanitarian, human rights and early recovery and development areas. Accordingly, it recommended that priority be given to supporting the effective deployment of MISCA, while in the meantime deploying guard units to enhance the safety and security of UN personnel and installations.

On 10 October, the Council adopted resolution 2121. The resolution demands the swift implementation of transitional arrangements leading to free, fair and transparent presidential and legislative elections 18 months after the beginning of the transition period on 18 August. It also reinforces and updates BINUCA's mandate in five areas:

- supporting implementation of the political transition process led by the Economic Community of Central African States (ECCAS);
- supporting conflict prevention and humanitarian assistance;

- supporting stabilisation of the security situation;
- promoting and protecting human rights; and
- coordinating international actors.

The resolution also expresses the Council's readiness to consider appropriate measures as necessary against those who undermine peace, stability and security, including those who violate transitional agreements. The Council also requested that the Secretary-General submit, in cooperation with the AU, ECCAS and all interested bilateral partners and international organisations, detailed options for international support to MISCA, including the possible option of its transformation into a UN peacekeeping operation.

Though the resolution enhanced BINUCA's role, Council members are well aware that at present the security situation on the ground does not permit BINUCA to implement its mandate. To address this issue, the Council approved, through an exchange of letters, the recommendation to send 250 military personnel to guard BINUCA personnel in Bangui by providing perimeter security and access control. The strength of the force is expected to be increased later to 560 troops, at

UN DOCUMENTS ON THE CAR Security Council Resolution S/RES/2121 (10 October 2013) amended BINUCA's mandate. **Secretary-General's Reports S/2013/677** (15 November 2013) was on options for international support to MISCA. **S/2013/557** (16 September 2013) was the latest report on BINUCA. **Security Council Meeting Record S/PV.7069** (25 November 2013) was a briefing on the CAR and options for international support to MISCA. **S/PV.7017** (14 August 2013) was a briefing on the August 2013 BINUCA report. **Security Council Letters S/2013/637** and **S/2013/636** (29 October 2013) were an exchange of letters with the Secretary-General on deploying UN guard units to the CAR. **OTHER RELEVANT FACTS Special Representative and Head of BINUCA** Babacar Gaye (Senegal) **BINUCA Size and Composition** *Strength as of 31 May 2013*: 64 international civilians, 79 local civilians, two military advisers, two police and two UN volunteers. **BINUCA Duration** 1 January 2010 to present

Central African Republic (con't)

which point it can deploy to areas beyond the capital where there is a UN presence. Morocco has agreed to provide these troops. (While guard units have rarely been deployed by the UN, a similar force was sent to protect staff in Iraq after the US-led invasion in 2003.)

Council members met with various UN organs and civil society in an Arria formula meeting on 1 November on the human rights and humanitarian situation in the CAR co-hosted by Ambassadors Gérard Araud (France) and Eugène-Richard Gasana (Rwanda). Participants heard from Adama Dieng, the Secretary-General's Special Adviser on the Prevention of Genocide; John Ging, Director of Operations at the Office for the Coordination of Humanitarian Affairs (OCHA); Ivan Šimonović, Assistant Secretary-General for Human Rights; and Brigitte Balipou, a legal expert from the CAR and a human rights activist.

Both Dieng and Ging warned Council members of the looming threat of a future genocide in the CAR, with religious communities of Christians and Muslims being incited against one another by armed groups, thus adding another dimension to the conflict.

During the meeting, several Council members took the view that the Council may eventually need to authorise a peacekeeping mission to the CAR to try to resolve the situation.

On 14 November, the Secretariat informally briefed Council members on the options laid out in the Secretary-General's report, which they received on 15 November (S/2013/677). The report notes the continuing dire situation in the CAR, the need for an immediate response and the logistical, strategic and operational gaps in MISCA, which is scheduled to take over from the ECCAS forces on 19 December.

The report lists five options for the UN relating to its support of MISCA: mobilising bilateral and multilateral assistance; establishing a UN trust fund of voluntary contributions from UN member states; creating a limited support package funded by assessed and voluntary contributions to cover specific MISCA tasks; setting up a comprehensive logistical support package in order to assist MISCA; and transforming MISCA into a UN peacekeeping mission. The report indicates that the Secretary-General is supportive of the last option.

The Council heard a briefing on the

report on 25 November from Deputy Secretary-General Jan Eliasson. The briefing was followed by consultations in which Assistant Secretary-General for Peacekeeping Operations Edmond Mulet and Assistant Secretary-General for Political Affairs Tayé-Brook Zerihoun also participated. Eliasson conveyed a sense of urgency to the Council in order to save the CAR from descending into chaos, and called for international support for MISCA, with an eventual transformation of MISCA into a UN peacekeeping operation, with an estimated strength of 6,000 troops and 1,700 police personnel.

During the consultations, France stated its intent to deploy several hundred troops (on top of the 400 already in CAR) on a temporary basis to assist security efforts.

After consultations, France circulated a draft resolution to be adopted in early December during their presidency. The draft authorises MISCA to protect civilians, support reform efforts and create conditions for humanitarian assistance. It requests the Secretary-General to provide technical advice to MISCA and establish a trust fund for financial support. The draft would authorise the French temporary deployment to assist MISCA and welcomes the possible transformation of MISCA into a UN peacekeeping mission. It stresses that a future decision of the Council would be required to establish such a mission and requested recommendations from the Secretary-General within three months. The draft resolution would also establish a sanctions regime and committee for those obstructing the transitional process, including through human rights abuses.

Human Rights-Related Developments

On 27 September, the Human Rights Council (HRC) adopted resolution 24/34 appointing an independent expert for a period of one year to monitor and make recommendations on the situation of human rights in the CAR. On 24 September, the Special Rapporteur on the human rights of internally displaced persons (IDPs), Chaloka Beyani, urged the CAR transitional government to ensure the protection of IDPs and called on the HRC to promptly address the situation and to make concrete recommendations. The following day, Deputy High Commissioner for Human Rights Flavia Pansieri presented a report to the HRC on the human rights situation in the CAR based on a fact-finding mission to the country from 20 June to 11 July to collect information on human rights violations committed since 10 December 2012 (A/HRC/24/59). The presentation was followed by

an interactive dialogue.

The CAR was reviewed by the HRC's working group on the Universal Periodic Review on 25 October. On 31 October, the working group adopted a report on the CAR, including 178 recommendations formulated during the interactive dialogue (A/HRC/25/11).

In a press release on 8 November, High Commissioner for Human Rights Navi Pillay said that recent clashes between ex-Séléka forces and self-defence groups, including in Bouar, Bossangoa and other parts of the country, had heightened tensions among communities, caused splits along religious and sectarian lines and could lead to further destabilisation in the country. She also expressed concern about reports of illegal arrests, detentions and torture in secret detention centres in Bangui, allegedly committed by ex-Séléka forces working for the *Comité extraordinaire pour la défense des acquis démocratiques* (CEDAD), a police force set up after the last ministerial reshuffle. She called on the authorities to look into these allegations immediately and, if confirmed, to take urgent measures to halt the violations.

Key Issues

The key issue for the Council is to find the most effective way to support—and perhaps take an active role in—the regional efforts to stabilise the security situation in the CAR.

A more general issue for the Council is to play a more effective and assertive role in addressing concerns about the security, human rights and humanitarian situations.

A related issue is finding a productive role for BINUCA in light of the ongoing transitional process, the deployment of MISCA and a possible UN peacekeeping mission.

Options

Options for the Council include:

- establishing a UN trust fund of voluntary contributions from UN member states to support MISCA;
- authorising BINUCA to provide logistical and technical support to MISCA;
- authorising an AU peacekeeping operation;
- requesting a report from the Secretary-General on establishing a UN peacekeeping mission;
- transforming MISCA into a UN peacekeeping mission or convey its intent to do so in due time;
- addressing reports of grave human rights violations by establishing a commission of inquiry under Article 34 of the UN Charter or via sanctions; or

Central African Republic (con't)

- providing a role for the CAR configuration of the Peacebuilding Commission—which has been without a chair since June 2012—to assist and complement Council efforts in the CAR.

Council Dynamics

After months of passiveness regarding the CAR, there seems to now be momentum and general agreement among Council members that they must act quickly in light of the situation on the ground.

Furthermore, Council members are worried by the slow progress in MISCA's deployment and are aware that without adequate financial and logistical support, the mission

will struggle to reverse the increasing insecurity within the country. Another worry is the composition of the force in the CAR. The ECCAS troops present in the CAR have been questioned both in terms of quality and their possible alliances with different factions in the CAR. MISCA is to be composed mostly of the same ECCAS troops, and any UN peacekeeping mission may also have the same troops as its core.

While there is agreement about the need for Council action, there may be divergences on what that may be. Several Council members are of the view that a UN peacekeeping mission alongside BINUCA is inevitable and is the most viable solution. But some

Council members may be hesitant to authorise such a force, when it is unclear whether peacekeeping—rather than peace enforcement—is sufficient to stabilise the security situation and when a clear exit strategy for a peacekeeping mission is absent. At the same time, Council members realise that such a force will take time to establish, and this may allow time for further negotiations on reaching a consensus on its establishment. This may also be in line with the AU position, which is supportive of an eventual deployment of a UN peacekeeping mission but not in the immediate future. Some members are of the view that a period of roughly six months for its establishment is feasible.

UNOWA (West Africa)

Expected Council Action

In December the Security Council will have a briefing and consultations on the UN Office in West Africa (UNOWA). The Council will also hold a high-level meeting on drug trafficking and transnational organised crime in West Africa and the Sahel, in which the Secretary-General's June report on the subject will be considered. At both meetings the Secretary-General's Special Representative and head of UNOWA, Said Djinnit, will brief the Council. Yuri Fedotov, Executive Director of the UN Office on Drugs and Crime (UNODC), will also brief at the meeting on drug trafficking.

The Council is expected to renew the mandate of UNOWA for a further three years through an exchange of letters with the Secretary-General before UNOWA's mandate expires on 31 December.

It is expected that the Council will adopt a presidential statement on drug trafficking and transnational organised crime in West Africa and the Sahel.

Key Recent Developments

The Council last considered UNOWA when it was briefed by Djinnit on 10 July. Djinnit spoke about West Africa's political and

security challenges linked to transnational organised crime, piracy and terrorist activities and about election-related tensions in some countries.

UNOWA continued to carry out its good offices roles for conflict prevention and mediation. Following an agreement mediated by Djinnit on 3 July, legislative elections were held in Guinea on 28 September after repeated delays and the deaths of around 50 demonstrators earlier in the year. The opposition quickly claimed irregularities, withdrew from the National Electoral Commission and threatened further protests. The ruling party also alleged cases of fraud. Complete provisional results were not announced until almost three weeks after the vote, giving the party of President Alpha Condé the most seats—53 of the 114-member parliament. In a 24 October press statement, the Council urged all grievances to be addressed through legal channels (SC/11159). The opposition agreed on 30 October to proceed through legal avenues. On 15 November, the Supreme Court rejected the opposition's challenges and confirmed the vote. Since the July agreement setting the 28 September elections, Djinnit travelled to Guinea multiple times, chairing 18 meetings between the

government and the opposition.

In Switzerland on 22-23 October, Djinnit chaired a meeting in which Nigeria and Cameroon confirmed the latter's full sovereignty over the Bakassi Peninsula. This marked the final meeting of the follow-up committee to the 2006 Greentree Agreement governing the transfer of authority from Nigeria to Cameroon over the peninsula.

In August, the Council adopted a presidential statement welcoming the outcomes defining a regional anti-piracy strategy from the summit on maritime safety and security in the Gulf of Guinea, held on 24-25 June in Yaoundé, Cameroon (S/PRST/2013/13). The summit had been convened following a call in resolution 2039 for Gulf of Guinea states to hold a summit to develop a regional strategy for combatting piracy. The statement further encouraged UNOWA to assist in implementing the summit's agreements. At a follow-up meeting held on 26 October in Dakar with the heads of ECOWAS, the Economic Community of Central African States, the Gulf of Guinea Commission, UNOWA and the UN Regional Office for Central Africa, along with UN agencies and Cameroon, an inter-regional working group was formed to develop cooperation and coordination mechanisms

UN DOCUMENTS ON UNOWA [Security Council Resolution S/RES/2039](#) (February 2012) called on states to implement the recommendations of the Secretary-General's assessment mission on piracy in the Gulf of Guinea. [Security Council Presidential Statement S/PRST/2013/13](#) (14 August 2013) welcomed the agreements from the Gulf of Guinea summit on maritime safety and security. [Security Council Press Statement SC/11159](#) (24 October 2013) urged parties in Guinea to resolve electoral disputes through legal avenues. [Secretary-General's Reports S/2013/384](#) (28 June 2013) was on the activities of UNOWA. [S/2013/359](#) (17 June 2013) was on transnational organised crime and illicit drug trafficking in West Africa and the Sahel region. [S/2013/354](#) (14 June 2013) was on the UN's integrated strategy for the Sahel. [Security Council Letters S/2010/661](#) (20 December 2010) and [S/2010/660](#) (20 December 2010) was an exchange of letters regarding the extension of UNOWA's mandate until 31 December 2013.

UNOWA (West Africa) (con't)

for the anti-piracy strategy and to facilitate establishment of the Interregional Centre for Coordination to be based in Cameroon.

An International Maritime Bureau report, released a few days earlier, showed that the Gulf of Guinea region recorded 43 piracy attacks in the first nine months of 2013, with 132 crew members taken hostage and seven vessels hijacked. This compared to 34 attacks over the same period in 2012.

In order to deepen the UN's joint strategic response to address cross-border and cross-cutting challenges in West Africa, UNOWA convened a regional retreat in Dakar with heads of UN country teams from 16 countries on 17-18 September.

Djinnit and the Secretary-General's Special Envoy to the Sahel, Romano Prodi, conducted their third joint visit to the region on 6-7 October. Prodi met with the president of Mauritania, and they both met with the president of Niger in Niamey and the chairman of ECOWAS in Abidjan. Discussions included implementation of the Sahel strategy, which Prodi introduced in June.

On 21 October, UNOWA, ECOWAS and the Mano River Union (MRU) published a strategy for cross-border security in the MRU. This followed up a 29 June agreement between the UN, ECOWAS, MRU and its four member states (Côte d'Ivoire, Guinea, Liberia and Sierra Leone) to develop a joint security strategy for the MRU. In 2011 and 2012, Council resolutions 2000, 2062 and 2066 called for the creation of a strategy that addresses cross-border movements of armed groups and weapons and illicit trafficking.

A high-level donor conference, co-organised by ECOWAS, UNODC and UNOWA, was held in Abidjan on 28 October. The conference mobilised resources for the ECOWAS Regional Action Plan and the West Africa

Coast Initiative to fight transnational organised crime, as well as UNODC programs under the Sahel strategy and the Gulf of Guinea anti-piracy strategy.

Five West African countries signed a document on 29 October with the UN and INTERPOL to develop units to combat transnational organised crime in West Africa. The units are already operational in three pilot countries (Guinea-Bissau, Liberia and Sierra Leone) and are being established in Côte d'Ivoire and Guinea.

Key Issues

UNOWA's role in implementing the Sahel strategy and its future relationship with the office of the Special Envoy to the Sahel is a key issue. (Giving UNOWA a mandate to implement the Sahel strategy would require increasing its budget.)

Another issue is the question of whether UNOWA is being overstretched. Members might consider how UNOWA's mandate should be tightened or what aspects of its mandate it should prioritise.

Closely related, is whether UNOWA needs more resources to fulfil its broad mandate and expanding engagements.

Drug trafficking and organised crime in West Africa remains a strong concern, undermining good governance. Also following the Mali crisis, there is more awareness of the link between drug trafficking and terrorist groups. The possible spread of extremist groups from Mali and Nigeria is a related concern.

Options

In renewing UNOWA, the Council could:

- keep the mandate as it currently exists and have UNOWA work closely with the office of the Special Envoy to the Sahel, which will relocate from Italy to Dakar; or

- expand its mandate to include implementing the Sahel strategy.

On drug trafficking in West Africa and the Sahel, the Council might adopt a presidential statement:

- establishing a Council working group on drug trafficking in West Africa and the Sahel;
- establishing an expert group to identify those involved in transnational organised crime in the Sahel, with the possibility of imposing targeted sanctions, as recommended in the Secretary-General's report (S/2013/189); and
- encouraging the establishment of an international contact group on transnational organised crime in West Africa.

Council Dynamics

Members recognise the important political role of UNOWA. They view Djinnit's success so far in Guinea and Nigeria-Cameroon as examples of the preventive diplomacy role the office was set up to perform.

Much of the discussion about whether to mandate UNOWA to implement the Sahel strategy or to have it remain with the Special Envoy seems due to the P5's reluctance to increase UNOWA's budget.

In general, there is a lack of appetite among many Council members for expanding missions due to budgetary concerns. It seems that most new resources for UNOWA will need to come from the Secretary-General shifting funding from other UN special political missions.

For France in particular, drug trafficking and organised crime in West Africa and the Sahel and its impact on governance and state institutions is a priority after its intervention in Mali.

Togo is the penholder on UNOWA.

Liberia

Expected Council Action

In December the Council will be briefed by the chair of the 1521 Liberia Sanctions Committee, Ambassador Masood Khan

(Pakistan) on the final report of the Panel of Experts (PoE). The Council is likely to adopt a resolution renewing sanctions, lifting some of them. The resolution will also likely

renew the mandate of the PoE, which expires on December 13, though the mandate could see changes.

The mandate of the UN Mission in

UN DOCUMENTS ON LIBERIA Security Council Resolutions S/RES/2116 (18 September 2013) extended the mandate of UNMIL until 30 September 2014. S/RES/2079 (12 December 2012) renewed the Liberian sanctions regime and the mandate of its Panel of Experts. Security Council Press Statement S/11133 (27 September 2013) was on the Charles Taylor judgment by the Appeals Chamber of the Special Court for Sierra Leone. Secretary-General's Report S/2013/479 (12 August 2013) was the report of the Secretary-General on UNMIL Panel of Experts Report S/2013/316 (23 May 2013) was the midterm report of the Liberia Panel of Experts.

Liberia (con't)

Liberia (UNMIL) expires on 30 September 2014.

Key Recent Developments

The Council last considered Liberia when it renewed the mandate of UNMIL on 18 September in resolution 2116. It authorised UNMIL to proceed with the second phase of its drawdown plan by reducing its military component over the next year by a further 1,129 military personnel. (The plan envisions leaving in place 3,750 troops by July 2015, along with 1,795 police.)

The 1521 Liberia Sanctions Committee was briefed on 19 November by the PoE on its final report. The report investigates weapons flows and the presence of armed groups in border areas, with primary concern for the Côte d'Ivoire border and details the inability of Liberia to strengthen regulation of arms. Concerns are expressed about natural resource management and the potential threats of unregulated and illegal exploitation of resources to Liberia's stability. The PoE also assesses information on individuals facing asset freezes and whether they still pose a threat while flagging growing drug trafficking and instances of mercenaries recruited by former National Patriotic Front generals to go to Mali.

Staffan Tillander, the chair of the Liberia configuration of the Peacebuilding Commission (PBC), visited the country from 15-20 September. Tillander attended a security sector reform workshop and met government officials, including President Ellen Johnson Sirleaf.

On 26 September the Special Court for Sierra Leone rejected the appeal of former President Charles Taylor, who was convicted in April 2012 for war crimes during Sierra Leone's civil war from 1991 to 2002. The Council issued a press statement welcoming the Court's decision (SC/11133). Taylor was transferred to the UK to serve his 50-year sentence.

At a press conference in Monrovia on 3 October, Special Representative of the Secretary-General and head of UNMIL Karin Landgren told reporters that Liberian security forces had "not been able to scale up their presence and effectiveness" in areas where UNMIL had left. She described land rights policy and management of natural resources as potential sources of new conflict if improperly handled. Landgren also said

that "progress remains slow" in combating corruption.

The Johnson Sirleaf administration has been a target of growing criticism. On 17 September, amidst calls of nepotism and corruption, one of Johnson Sirleaf's sons resigned as the head of the National Oil Company of Liberia and as a senior presidential advisor.

On 6 October the Liberia Anti-Corruption Commission released its second report in a series on public officials' assets declarations. Twenty-two officials were identified as having "deliberately refused" to cooperate, including Defense Minister Brownie Samukai and Police Director Chris Massaquoi. Both denied the allegations.

Before a planned 9 October protest against Johnson Sirleaf as part of the "Ellen Step Down" campaign, police arrested Mulbah Morlu, vice-chairman of the opposition party Congress for Democratic Change, and 10 others, charging them with criminal conspiracy and sedition. They were released after several hours in detention.

Rodney Sieh, managing editor of the newspaper FrontPage Africa, was released from jail on 8 November. Sieh was arrested in August for not paying a \$1.5 million libel damage award to a former agriculture minister. Human Rights Watch and Amnesty International were among the groups that claimed the case undermined press freedom, in particular reporting on corruption, and they urged Liberia to bring its libel laws up to international standards.

A first-of-its-kind joint council of chiefs and elders meeting was held in Zwedru, Grand Gedeh County, from 17-19 October. This brought together border communities from Liberia and Côte d'Ivoire, as well as representatives from UNMIL and the UN Operation in Côte d'Ivoire. Presidents Johnson Sirleaf and Alassane Ouattara of Côte d'Ivoire attended the closing ceremony on 19 October, with both governments agreeing to a joint communiqué on security and development in the border region.

On the same day in Zwedru, Johnson Sirleaf launched the National Palava Hut reconciliation program. The Palava Hut program is to complement efforts to promote justice and accountability for crimes committed during the civil war by using traditional dispute resolution mechanisms.

Key Issues

The key issue for the Council will be deciding which sanctions measures should be lifted.

Whether and how to revise the PoE's mandate is a related issue.

Underlying Problems

The Liberia sanctions regime has been in place for 10 years, and the Council does not like missions or sanctions regimes to exist indefinitely.

An extensive list of individuals and entities remain targeted for asset freezes and travel bans (25 individuals and 30 entities). Most are believed to no longer pose a threat to Liberia nor meet the criteria for listing.

Liberia's failure to adopt a firearms control act and to ensure the marking of arms and ammunition constrains the Council from lifting the arms sanctions. Concerns also exist over armed groups in the interior.

Moreover, some of the root causes of the civil war are still present: a weak state security presence in the interior, corruption, land-rights issues and poor natural-resource management. In addition, new sources of potential threats are emerging, such as organised crime and drug trafficking, in particular from Nigeria.

Despite the conclusion of the Taylor trial, the Council is wary about lifting the asset freezes targeting Taylor and his family.

Options

The Council may consider the following options:

- keeping the arms embargo while revising measures dealing with asset freezes and travel bans;
- calling on Liberia to adopt a firearms control act;
- maintaining the mandate of the PoE to monitor sectors where sanctions have been removed; or
- changing the mandate of the PoE to focus less on natural resource reporting.

An option in the Sanctions Committee is to delist specific individuals no longer posing a threat whether or not the overall sanctions measures are changed through a resolution.

Council Dynamics

There is some pressure from within the Council to lift the sanctions by members who believe they are not very effective and

Liberia (con't)

should not exist indefinitely, especially when this could free up Council resources to deal with other issues.

The US is more cautious, but is open to scaling back the sanctions and considers it

necessary to address the extensive designations.

Other members seem frustrated by Liberia's lack of progress in expanding its security capabilities and combatting corruption, which undermines development of its

institutions and governance. They therefore may be reluctant to significantly change sanctions that can contribute to containing several of these problems.

The US is the penholder on Liberia.

Peace and Security in Africa

Expected Council Action

In December, the Council expects a briefing by the Secretary-General's Special Envoy for the Sahel, Romano Prodi, on the implementation of the UN integrated strategy for the Sahel (S/2013/354), as requested in a 16 July presidential statement.

Key Recent Developments

In resolution 2056 of July 2012, the Council asked the Secretary-General to develop and implement, in consultation with regional organisations, a UN integrated strategy for the Sahel region encompassing security, governance, development, human rights and humanitarian issues. On 26 June 2013, after considerable delays, Prodi presented the Secretary-General's report on the situation in the Sahel, which included the integrated strategy.

The strategy was based on the idea of integrating humanitarian and development programs, ensuring that lifesaving activities meet immediate needs while building the resilience of people and communities as part of a long-term development agenda. It comprised three strategic goals: inclusive and effective governance; national and regional security mechanisms; and the integration of humanitarian and development plans to build resilience. It also included the establishment of two mechanisms: a coordination platform to identify priorities and avoid overlapping by multilateral donors and an action fund to act as a "clearing house" to match regional infrastructure needs with available resources.

In a 16 July presidential statement (S/PRST/2013/10), the Council welcomed Prodi's efforts to develop the UN strategy, draw attention to the situation in the Sahel and mobilise resources and support for the

Sahel's immediate and long-term needs. It also welcomed the proposal to partner with relevant international and regional financial institutions to promote innovative approaches and initiatives for the Sahel region.

On 26 September, the Secretary-General convened a high-level meeting on the Sahel on the margins of the General Assembly. Participants included member states (including several heads of state and government) and representatives of regional and international organisations. According to a summary of the meeting, the speakers expressed concern over the remaining challenges to stability in the Sahel, including the surge in terrorist acts, arms and drugs trafficking, other transnational forms of organised crime and the spread of violent ideology across the region, particularly among youth. They also emphasised the need to intensify efforts to tackle the structural causes of instability and fragility in the Sahel and increase the resilience of the people, communities and states in the region to recurring shocks.

Between 4-7 November, UN Secretary-General Ban Ki-moon and World Bank President Jim Yong Kim led a mission to Mali, Niger, Burkina Faso and Chad. They were joined by Andris Piebalgs, the EU Commissioner for Development; AU Commission Chairperson Nkosazana Dlamini Zuma; and African Development Bank President Donald Kaberuka. During the joint mission, major financial pledges to the region were announced: \$1.5 billion from the World Bank in new regional investments over the next two years and €5 billion from the EU to six countries in the region over the next seven years. The mission coincided with the first ministerial meeting of the coordination platform for

the UN integrated strategy, which included the international organisations cited above, as well as governments of the region. One of Prodi's initiatives, the establishment of an action fund for the Sahel, to be administered by the African Development Bank, six months after the agreement on its creation, still needs to be fully negotiated.

One of the topics highlighted in the UN integrated strategy is the need for concerted efforts on trans-border threats. On 14 November, the second regional conference on border security took place in Rabat, Morocco to discuss ways of reinvigorating regional cooperation in North Africa and the Sahel region, beefing up security and combating terror and organised crime, including drug and weapons smuggling and illegal migration. At the meeting, 19 Sahel and Maghreb countries decided to create a joint border-security training centre.

Before the relocation from Rome to Dakar of the team in charge of implementing the integrated strategy, which will be headed by an Assistant Secretary-General, Special Representative of the Secretary-General for West Africa Said Djinnit has been convening meetings to ensure coordination. A September meeting of regional heads of national UN country teams decided on the establishment of three working groups (one for each of the strategy's objectives) to map current UN programs in the region and identify gaps and priorities. Currently, the three working groups—headed by the UN Development Programme, the Office for West Africa (UNOWA) and the Office for the Coordination of Humanitarian Affairs respectively—are developing a concept note to inform subsequent regional initiatives.

UN DOCUMENTS ON PEACE AND SECURITY IN AFRICA [Security Council Resolution S/RES/2056](#) (5 July 2012) expressed full support for the joint efforts of the Economic Community of West African States, the AU and the interim government in Mali in trying to re-establish constitutionality and territorial integrity. [Security Council Presidential Statement S/PRST/2013/10](#) (16 July 2013) reaffirmed the Council's concern about the alarming situation in the Sahel region, as well as the complex security and political challenges interlinked with humanitarian and development issues. [Secretary-General's Reports S/2013/354](#) (14 June 2013) was a report of the Secretary-General on the situation in the Sahel region, which included the UN integrated Sahel strategy. [S/2013/189](#) (26 March 2013) contained recommendations for a UN mission in Mali. [Security Council Meeting Record S/PV.6988](#) (26 June 2013) was a briefing by Prodi to the Council, during which he presented the report of the Secretary-General on the Sahel and the UN integrated strategy.

Peace and Security in Africa (con't)

Key Issues

Addressing trans-border security and governance problems, such as drug trafficking, organised crime and terrorism, in a more coordinated manner is a key issue. Avoiding regional tensions and conflicting priorities while addressing these problems is a related issue.

Ensuring that the UN integrated strategy is effectively implemented and produces impact is a key issue. Avoiding duplication of efforts in the Sahel region between the Prodi team and UNOWA is an imminent issue.

Options

The Council could receive the briefing and take no action, or it could:

- ask the Secretariat to speed up the

implementation of the UN integrated strategy, as well as the process of relocating the team that will implement it from Rome to Dakar;

- ask the Secretariat and regional stakeholders to avoid the creation of structures that duplicate existing efforts; and
- establish an expert group to identify those involved in transnational organised crime in the Sahel, with the possibility of imposing targeted sanctions, as recommended in the Secretary-General's report (S/2013/189).

Council and Wider Dynamics

Although the UN integrated Sahel strategy was received with some degree of scepticism by some Council members, there seems to be

agreement that it is needed to tackle cross-border challenges. Since the consultations on 26 June, Council members have not received much detail on the work of two of Prodi's flagship ideas: the coordination platform and the action fund. It seems that Council members are eager to get more information about those and about the institutional arrangements for the work of both mechanisms, in particular the involvement of the World Bank.

Council members are expecting internal rearrangements in the Secretariat to reflect and implement the integrated strategy and to avoid duplication of efforts.

Both France and Morocco have drafted Council outcomes on the Sahel.

Libya

Expected Council Action

In December, the Security Council expects a briefing by Tarek Mitri, the Special Representative of the Secretary-General and head of the UN Support Mission in Libya (UNSMIL), followed by consultations. The Council will also receive the periodic briefing by the chair of the 1970 Libya Sanctions Committee, Ambassador Eugène-Richard Gasana (Rwanda), and hold consultations on the Libya sanctions.

The mandates of UNSMIL and the Panel of Experts (PoE) assisting the 1970 Sanctions Committee expire on 16 March and 14 April 2014, respectively.

Key Recent Developments

The deteriorating security situation continues to be a source of concern in Libya, where many militias have not accepted the authority of the state. Several violent clashes among rival militias occurred recently. On 15 November, Misrata militias attacked a demonstration in Tripoli calling for the implementation of a law that stipulates that all armed groups are to vacate the city. At least 40 people were killed and 500 were injured. The Misrata militias left Tripoli after the

Misrata local council and council of elders ordered all militia groups from the city—not only those responsible for the clashes—to pull out of Tripoli within three days.

On 4 November, Council members were briefed in consultations under “any other business” on the implementation of resolution 2017 on the proliferation of weapons in Libya. Mitri briefed Council members on UNSMIL's efforts to address this issue by improving ammunition management, arms control, mine action and disposal of chemical weapons and explosive ordnance. He also highlighted the deficient financial support for the work of the UN Mine Action Service in Libya. Also on 4 November, UNSMIL issued a statement condemning a series of assassinations targeting security and military officials, as well as political activists and other citizens in Benghazi.

The national dialogue initiative announced by the government in late August has not materialised yet and the political situation remains highly polarised. Debates at the General National Congress (GNC) have been increasingly divisive over issues such as the restoration of oil production, the investigation into the kidnapping of Prime Minister Ali Zeidan in September and the upcoming

electoral and constitutional processes. There is a degree of uncertainty over the mandate of the GNC, which some believe is set to expire in February 2014. Amazigh (Berber) groups have said they intend to boycott the elections for the constitutional drafting assembly, citing what they see as their unfair representation in the assembly. (The Tebu, Tuareg and Amazigh ethnic minorities are entitled to two seats each in the 60-member body, even though the Amazigh population is by far the largest of the three.) On 11 November, the High National Elections Commission closed the registration process for candidates for the assembly, declaring that, among the 681 candidates, none was Amazigh.

Amazigh groups halted gas exports to Italy and occupied Mellitah, a port in western Libya, stopping some oil exports. This action further complicated government efforts to boost oil production after months of protests that have impacted the economy. Oil production has also been disrupted by regional tensions; two of three Libyan regions (Fezzan and Cyrenaica) declared their autonomy earlier in the year. After the government reached an agreement with local militias in eastern Libya to reopen oil terminals, it seems local militias

UN DOCUMENTS ON LIBYA Security Council Resolution S/RES/2095 (14 March 2013) extended the mandates of UNSMIL and the PoE. **Secretary-General's Report S/2013/516** (5 September 2013) was the latest report on UNSMIL. **Security Council Meeting Records S/PV.7059** (14 November 2013) was the sixth briefing by the ICC Prosecutor on Libya. **S/PV.7031** (16 September 2013) was the latest briefing on Libya. **OTHER RELEVANT FACTS** **Special Representative of the Secretary-General and Head of UNSMIL** Tarek Mitri (Lebanon) **UNSMIL Size and Composition** Strength as of 31 August 2013: 145 international civilians; 68 local civilians; 6 police officers, two UN volunteers. **UNSMIL Duration** 16 September 2011 to present

Libya (con't)

split into two factions, with those against the agreement being responsible for the latest disruptions. On 9 November, leaders from Cyrenaica announced the establishment of a regional oil firm and a central bank.

In an October report, UNSMIL and the Office of the High Commissioner for Human Rights denounced the conditions in some detention centres in Libya and said they were a source of grave concern for refugees and asylum seekers. According to the UN High Commissioner for Refugees, 3,876 persons in 19 boats departed irregularly from Libya in October. Two of them sank, leaving more than 500 people dead.

On 14 November, ICC Prosecutor Fatou Bensouda presented her sixth report to the Council on the situation in Libya pursuant to resolution 1970. She provided an update on the cases against Saif Al-Islam Qaddafi and former intelligence chief Abdullah Al-Senussi. She also informed the Council that Libya and the ICC had recently reached an agreement aimed at ensuring that individuals allegedly responsible for committing international crimes in Libya as of 15 February 2011 are brought to justice either at the ICC or in Libya itself.

Gasana is likely to brief the Council on a meeting of the 1970 Sanctions Committee held during the reporting period. He is also expected to raise issues of noncompliance with the sanctions regime by member states, as well as address misunderstandings in the notification criteria required by resolution 2095. The latter will be the subject of an

open briefing to member states in December.

Key Issues

An overarching issue is the fragile security situation due to the existence of militias that challenge the state's monopoly on the legitimate use of force. As signalled by the interim report of the PoE, arms proliferation beyond Libya's borders, including trafficking of arms and ammunition to Syria, is a related issue. Ensuring the protection of UNSMIL staff so it can carry out its mandate is a key issue.

An immediate issue is the polarisation of the political debate and the obstacles to holding the elections for the constituent assembly. Ensuring that all parties are fairly represented and the process is inclusive is a related issue.

Establishing dialogue with those carrying out activities that might further destabilise the country, such as oil disruption or boycotting elections, and bringing them to the negotiating table is a further related issue.

A pressing issue is ensuring respect for the rule of law and reforming the legal institutions (including the justice system, law-enforcement mechanisms, correctional facilities and the establishment of a fact-finding and reconciliation commission) to generate trust in the political and legal systems and to prevent retaliatory actions to take revenge on alleged wrongdoers.

Options

The Council could receive the briefing and take no action. Or, it could adopt a statement:

- emphasising the need for the GNC, the

government and the constitution drafting assembly to work inclusively for national reconciliation, justice, respect for human rights and the rule of law;

- reaffirming its call for armed militias to disarm and accept the authority of the state, including transferring Qaddafi from Zintan to the custody of the state;
- asking the Secretary-General to provide options to ensure the safety and security of UNSMIL personnel (Council members discussed the option of a guard force under "any other business" on 26 November); and
- encouraging the government to develop a comprehensive strategy aimed at putting an end to crime and impunity in Libya, including the speedy establishment of the fact-finding and reconciliation commission the government had vowed to establish.

Although unlikely, the Council could threaten measures against armed militias and other spoilers that significantly undermine state authority and its monopoly over the legitimate use of force.

Council Dynamics

As shown by the 4 November briefing, even though some Council members disagree on the causes of the situation in Libya and its impact in the wider region, the overall deterioration in terms of security and the fragility of the political transition are sources of common concern for Council members.

The UK is the penholder on Libya.

Sudan and South Sudan

Expected Council Action

In December, the Council expects to hold one meeting in consultations on Sudan-South Sudan issues and the implementation of resolution 2046, which provided a roadmap for Sudan, South Sudan and the Sudan People's Liberation Movement-North (SPLM-N) to resolve their differences. (As outlined in an 11 November letter [S/2013/657], the Council decided that these meetings would occur once per month, rather than twice per month

as done previously.) Council members are also likely to meet in consultations to discuss UN Interim Security Force for Abyei (UNISFA). At press time, it appeared that Assistant Secretary-General for Peacekeeping Operations Edmond Mulet would brief Council members in the consultations on Sudan-South Sudan and UNISFA.

At press time, no Council outcome on these matters was anticipated.

Key Recent Developments

In spite of calls from the UN Security Council and the AU Peace and Security Council (PSC) to "refrain from unilateral actions", the Ngok-Dinka community went forward with a unilateral referendum in Abyei in late October. The referendum did not have official support from Sudan or South Sudan. While the vote was primarily symbolic and not legally binding, the Abyei Referendum High Committee, which organised the

UN DOCUMENTS ON SUDAN AND SOUTH SUDAN Security Council Resolution S/RES/2126 (25 November 2013) renewed the mandate of UNISFA. Security Council Press Statement SC/11145 (11 October 2013) urged Sudan and the SPLM-N to hold a polio vaccination campaign in South Kordofan and Blue Nile. Security Council Letter S/2013/657 (11 November 2013) changed the frequency of meetings on implementation of resolution 2046 from semi-monthly to once per month.

Sudan and South Sudan (con't)

referendum, stated that 99.89 percent of the more than 63,000 voters chose for Abyei to become part of South Sudan. (The vote was open to Ngok-Dinka and other permanent residents of Abyei, although it seems that only Ngok-Dinka participated.)

The Ngok-Dinka have been frustrated that an official referendum to determine whether Abyei would join Sudan or South Sudan has not been held, as stipulated by the 2005 Comprehensive Peace Agreement. They were further disappointed that the 21 September 2012 proposal by the AU High-Level Implementation Panel (AUHIP) that called for an Abyei referendum in October 2013 that would have included the Ngok-Dinka and other permanent residents of Abyei failed to gain traction. (An official referendum, sanctioned by Sudan and South Sudan, has not taken place because the two sides have been unable to agree on criteria for participation. Sudan believes that the migratory Misseriya, who would likely choose for Abyei to become part of Sudan, should be allowed to vote, while South Sudan disagrees.)

The AU PSC visited Abyei on 5-6 November, meeting with representatives of the Ngok-Dinka and Misseriya communities, as well as with UNISFA. At one point during the visit, UNISFA was forced to protect the delegation from Ngok-Dinka protestors who were throwing stones at them. The protestors' ire was aroused when a member of the PSC delegation said that Abyei's final status needed to be resolved by the presidents of Sudan and South Sudan. (This was a curious statement considering that the PSC had recently expressed support for the 21 September 2012 AUHIP proposal in a 26 October communiqué [PSC/PR/COMM.CDIII], as well as the fact that President Salva Kiir of South Sudan wrote a letter to the AU Commission on 9 October stating that he and President Omar al-Bashir of Sudan would be unable to come up with a solution to Abyei's final status.)

On 6 November, the PSC adopted a communiqué stating that its trip to Abyei had been "aimed at helping in the healing process for the Abyei communities", given tensions between the Misseriya and Ngok-Dinka groups there. The PSC also "reiterated its full acceptance" of the 21 September 2012 proposal of the AUHIP, while appealing to the UN Security Council to support the proposal

as well [PSC/PR/BR.(CDV)].

A polio vaccination campaign to inoculate 165,000 children in rebel-held areas of South Kordofan and Blue Nile states in Sudan was scheduled for 5-12 November. The campaign did not take place because Sudan and the SPLM-N were unable to agree to the terms of delivery. While Sudan initiated a unilateral cessation of hostilities between 1-12 November, the SPLM-N argued that it needed to meet with Sudan first, with AUHIP present, to discuss mutually acceptable terms for a ceasefire. It has also argued that Sudan should not be trusted to take part in the delivery of the vaccine, suggesting that UNISFA personnel do so instead.

On 11 November, Council members held consultations on Sudan-South Sudan and were briefed by Under-Secretary-General Hervé Ladsous and the Office for the Coordination of Humanitarian Affairs Director of Operations, John Ging. Ladsous described tensions between the Ngok-Dinka and Misseriya communities, noting that UNISFA has been trying to establish buffer zones between the two groups. Ging spoke about the lack of progress in efforts to gain humanitarian access to rebel-held areas of South Kordofan and Blue Nile, noting that Sudan and the SPLM-N had not been able to reach agreement on the implementation of the polio vaccination campaign. He also appealed to the Security Council to take action.

On 25 November, the Council adopted resolution 2126 renewing the mandate of UNISFA until 31 May 2014. There were no substantive changes to the mission's mandate.

Human Rights-Related Developments

Women's rights activist Amira Osman Hamed appeared in Sudanese court on 4 November on the charge of dressing indecently or immorally. She could be sentenced to corporal punishment of up to 40 lashes if found guilty. On 6 November Rashida Manjoo, Special Rapporteur on violence against women, and Frances Raday, the chairperson of the Human Rights Council's working group on the issue of discrimination against women, called for her immediate release. They also called on Sudan to review its legislation related to flogging. The experts warned that in practice women disproportionately faced this cruel punishment in violation of their human rights to dignity, privacy and equality.

Key Issues

One key issue is what role the Council can

play in allaying tensions between the Misseriya and Ngok-Dinka in Abyei, thus ensuring that the area does not become a flashpoint for wider conflict.

Another key issue remains the lack of humanitarian access in South Kordofan and Blue Nile, a long-standing challenge garnering significant attention recently because of the failed efforts to launch the polio vaccination campaign.

Another issue is whether Sudan and South Sudan can build on the recent upturn in relations between the two countries to address some of the difficult issues dividing them, such as the establishment of temporary administrative institutions in Abyei and the demarcation of the border.

Options

One option is for the Council to request an interactive dialogue with AUHIP Chair Thabo Mbeki on the status of negotiations between the parties and next steps; Mbeki has not briefed Council members since March.

The Council may also consider issuing a statement that:

- welcomes recent progress in Sudan-South Sudan relations;
- calls for debt relief for Sudan;
- encourages international development assistance for South Sudan; and
- urges the Ngok-Dinka and the Misseriya to refrain from violence.

Council Dynamics

Council members have been encouraged by the positive trend in Sudan-South Sudan relations in recent months but remain vigilant regarding the tensions in Abyei.

All Council members are frustrated that a polio vaccination campaign in South Kordofan and Blue Nile has not been conducted, especially in light of its 11 October press statement urging Sudan and the SPLM-N to overcome their differences and implement the campaign (SC/11145). Nonetheless, there are differences of perspective on the appropriate approach by the Council. The US, as the penholder on Sudan-South Sudan issues, urged the Council to pursue a strong Council product in November, given the failure of the vaccination effort. It seems that most Council members were also supportive of a Council outcome. However, Russia

Sudan and South Sudan (con't)

has been reluctant, believing that rather than further Council action, what is needed is for the parties to implement the vaccination

campaign, as called for in the October press statement. Russia also appears to be critical of the SPLM-N, arguing that it is placing

preconditions on the delivery of vaccination by calling for direct talks with Sudan prior to the campaign's launch.

Sudan (Darfur)

Expected Council Action

In December, the Council expects to receive the semi-annual briefing by the Prosecutor of the International Criminal Court (ICC), Fatou Bensouda, about the Court's work on Darfur. At press time, no Council outcome was anticipated on this issue.

Key Recent Developments

Bensouda last briefed the Council on Sudan on 5 June expressing "a deep sense of frustration, even despair" that each of the semi-annual briefings on the work of the ICC on Darfur "had been followed by inaction and paralysis within the Council while the plight of victims of crimes committed in Darfur has gone from bad to worse" (S/PV.6974). Bensouda described several problems in the region, including indiscriminate aerial bombardment, sexual violence as a weapon of war, lack of humanitarian access and impunity for crimes.

The ICC's indictment of President Omar al-Bashir of Sudan on charges of genocide, war crimes and crimes against humanity hindered his travels in recent months. Bashir attended a 15-16 July AU meeting in Abuja, Nigeria, but departed prematurely. Some have suggested that he may have left out of concern that he would be apprehended, as on 15 July the ICC Pre-Trial Chamber had requested Nigeria to arrest and surrender Bashir to the Court.

In September, Bashir applied for a visa to travel to the US to attend the opening of the 68th UN General Assembly. Speaking at the Security Council stakeout on 16 September, Ambassador Samantha Power (US) said that such a trip "would be deplorable, cynical and hugely inappropriate". On 18 September, the ICC Pre-Trial Chamber issued a public decision in which it invited US officials to apprehend and surrender Bashir to the Court if he entered the US. In the decision, the ICC noted that while the US is not a state party to the ICC, the Council "urge[d] all States...to cooperate fully

with the Court" in resolution 1593, which was adopted under Chapter VII. Ultimately, however, the US did not issue a visa to Bashir, and he was forced to call off his trip.

In a 12 October decision, the AU reiterated its "concern on (sic) the politicization and misuse of indictments against African leaders by the ICC" and decided that "no charges shall be commenced or continued before any International Court or Tribunal against any serving AU Head of State or Government or anybody acting or entitled to act in such capacity during their term of office". (Although primarily focused on the ICC proceedings against President Uhuru Kenyatta and Deputy President William Samoei Ruto of Kenya, this decision is also relevant to Bashir, as an ICC indictee.)

Recently released statistics reflect the severity of the security situation in Darfur. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that more than 460,000 people have been displaced in Darfur in 2013 as a result of inter-communal violence and fighting between the government and rebel forces. OCHA estimated that this figure is more than the number displaced in 2011 and 2012 combined. According to the UN High Commissioner for Refugees, approximately 36,200 refugees from Darfur have crossed the border into Chad in 2013, while 3,400 refugees from Darfur have made their way into the Central African Republic.

On 20 November, Ambassador Maria Cristina Perceval (Argentina), chair of the 1591 Sudan Sanctions Committee, provided the quarterly briefing in consultations on the Committee's work. Concern was expressed during the meeting with violations of the arms embargo and the ongoing inter-communal violence in Darfur.

A Rwandan peacekeeper from the AU-UN Hybrid Operation in Darfur was killed near Kabkabiya, North Darfur, by unidentified assailants on 24 November. The Council

issued a press statement condemning the attack on 25 November (SC/11187).

Key Issues

An immediate new issue is whether and how the recent friction in the Council regarding the failed draft resolution (S/2013/660) on 15 November to defer proceedings against Kenyatta and Ruto under Article 16 of the Rome Statute will impact the Council's discussion of the ICC's work in Sudan.

An ongoing key issue is how the Council's unwillingness to act on requests by the ICC to take measures against state parties to the Rome Statute that do not fulfil their responsibilities erodes the effectiveness of the Court and undermines the credibility of the Council's referral resolutions.

An additional key issue is whether the ICC indictments of Bashir and others in Sudan hinder the prospects for constructive diplomacy between the international community and Sudan.

Another important issue is whether a compromise solution can (or should) be found that balances peace and justice.

Options

One option is for the Council to listen to the briefing but to take no action at the current time.

Another option is for some of the members of the sanctions committee to visit Darfur to gain a better understanding of the situation on the ground to inform their work. (Such a trip has been deferred for more than a year now. It is currently planned for 9-13 December, although final approval from the government of Sudan is still pending.)

Council Dynamics

The divisions on the Council with respect to the ICC are well known. Seven members are state parties to the Rome Statute (Argentina, Australia, France, Guatemala, Luxembourg,

UN DOCUMENTS ON SUDAN (DARFUR) Security Council Resolution S/RES/1593 (31 March 2005) referred the situation in Darfur to the ICC. **Security Council Press Statement SC/11187** (25 November 2013) condemned an attack on a UNAMID patrol. **Security Council Meeting Record S/PV.6974** (5 June 2013) was a briefing to the Council by the ICC Prosecutor.

Sudan (Darfur) (con't)

Republic of Korea and the UK) and eight (Azerbaijan, China, Morocco, Pakistan, Russia, Rwanda, Togo and the US) are not. While some members of the Council are in favour of the ICC's work in Darfur, others believe that the pursuit of Bashir and others in Sudan is largely political, with African members in particular questioning why the ICC's

work to date has been exclusively focused on African cases.

The tensions on the Council over the ICC were thrown into stark relief on 15 November when the Council rejected a draft resolution introduced by the African members of the Council calling for a one-year deferral of the proceedings against Kenyatta and

Ruto. The draft received only seven affirmative votes (Azerbaijan, China, Morocco, Pakistan, Rwanda, Russia and Togo) with the remaining eight members abstaining. (To be adopted, a resolution requires nine affirmative votes and no negative votes from any of the five permanent members.)

The UK is the penholder on Darfur.

Somalia

Expected Council Action

In December, the Council will receive a briefing on the second quarterly report of the Secretary-General regarding the UN Assistance Mission in Somalia (UNSAM), which is due 2 December. Council members are scheduled to have consultations following the briefing. An outcome is not expected.

Key Recent Developments

The Council has been busy with Somalia during the past month. On 30 October, Deputy Secretary-General Jan Eliasson briefed the Council on the Secretary-General's report on piracy (S/2013/623) and the joint AU-UN review of the AU Mission in Somalia (AMISOM) and benchmarks for UN peace-keeping (S/2013/606). The Deputy Prime Minister and Minister for Foreign Affairs of Somalia, Fowsiyo Yusuf Haji Adan, also addressed the Council (S/PV.7054). On 12 November, the Council unanimously adopted resolution 2124, which extended the authorisation of AMISOM until 31 October 2014 and increased its troop ceiling from 17,731 to 22,126. On 18 November, the Council also unanimously adopted resolution 2125, which reauthorised anti-piracy measures in Somalia and its territorial waters for another year. At press time, Council members were scheduled to hold consultations with the chair of the 751/1907 Somalia/Eritrea Sanctions Committee, Ambassador Oh Joon (Republic of Korea), on 26 November.

Resolution 2124 includes a number of important measures relating to AMISOM, UNSOM and the Somali National Army (SNA). In addition to increasing AMISOM's troop ceiling for a period of 18 to 24 months and extending the period of authorisation, resolution 2124:

- expands the UN-financed logistical support package for AMISOM to cover these additional troops;
- emphasises the critical need for AMISOM force enablers and multipliers (e.g., helicopters) and encourages contributions from member states;
- requests the UN Support Office for AMISOM (UNSOA) to provide the SNA with non-lethal support to be financed from a trust fund of voluntary contributions; and
- welcomes the Secretary-General's intention to deploy a guard force for UNSOM while asking for further details "as soon as possible".

On 8 November, just a few days prior to the adoption of resolution 2124, the rebel group Al-Shabaab exploded a car bomb in Mogadishu, killing at least six people (including four policemen) and injuring 15 others. On 9 November, the Council issued a press statement condemning the attack (SC/11170).

On 10 November, the governments of Kenya and Somalia and the Office of the UN High Commissioner for Refugees (UNHCR)

signed the Tripartite Agreement establishing procedures and a legal framework for the voluntary repatriation of hundreds of thousands of Somali refugees, some of whom have been living in Kenya for more than two decades. Currently, more than 388,000 Somali refugees live at the Debaab camp in northeastern Kenya, another 54,000 are at the Kakuma camp in northwestern Kenya, and 32,500 live in Nairobi. The 21-24 September terrorist attack by Al-Shabaab in Nairobi has increased domestic political pressure in Kenya for the repatriation of Somali refugees, while UNHCR officials have maintained that the Tripartite Agreement guarantees the rights of Somali refugees who wish to remain in Kenya. Furthermore, UNHCR and humanitarian non-governmental organisations recognise that the security conditions are not yet right in most areas of Somalia for a large-scale return of refugees.

Illustrating the security challenges still facing Somalia, on 19 November Al-Shabaab attacked a police station in Beledweyne. An explosives-laden truck was detonated at a gate outside a police station run by AMISOM forces before attackers proceeded into the compound. According to a government spokesperson, 28 people were killed in the attack: 10 Al-Shabaab militants; 11 police officers; and seven civilians. Al-Shabaab claimed that AMISOM troops from Djibouti were also among the casualties. The Secretary-General condemned the attack and

UN DOCUMENTS ON SOMALIA Security Council Resolutions S/RES/2125 (18 November 2013) reauthorised international anti-piracy measures in Somalia and its territorial waters for one year. S/RES/2124 (12 November 2013) extended the authorisation of AMISOM until 31 October 2014 and increased its troop ceiling from 17,731 to 22,126. S/RES/2102 (2 May 2013) created UNSOM and authorised its deployment for one year as of 3 June 2013. S/RES/2093 (6 March 2013) reauthorised AMISOM until 28 February 2014 and partially lifted the arms embargo. **Secretary-General's Report** S/2013/623 (21 October 2013) was his most recent report on piracy off the coast of Somalia. **Security Council Letters** S/2013/620 (18 October 2013) transmitted a communiqué that had been adopted by the AU PSC on 10 October. S/2013/606 (14 October 2013) was from the Secretary-General endorsing the recommendations of the accompanying report of the joint AU-UN mission to Somalia. **Security Council Meeting Records** S/PV.7061 (18 November 2013) concerned the reauthorisation of anti-piracy measures. S/PV.7056 (12 November 2013) concerned modification of AMISOM's authorisation. S/PV.7054 (30 October 2013) was a briefing on anti-piracy measures in Somalia and the joint AU-UN review of AMISOM. S/PV.7030 (12 September 2013) concerned the briefing on UNSOM. **Security Council Press Statements** SC/11170 (9 November 2013) condemned the 8 November terrorist attack by Al-Shabaab in Mogadishu. SC/11129 (21 September 2013) condemned the terrorist attack by Al-Shabaab in Nairobi, Kenya. SC/11121 (13 September 2013) expressed support for the agreement regarding the Interim Jubba Administration, as well as other recent developments.

Somalia (con't)

emphasised the UN's determination to continue supporting the government and people of Somalia.

Human Rights-Related Developments

Somalia continues to be one of the most dangerous countries for journalists. On 27 October, Special Representative of the Secretary-General Nicholas Kay expressed sorrow at the death of a journalist, Mohamed Mohamud Tima'adde, who the previous night had succumbed to injuries he had sustained when unknown assailants shot him several times on 22 October. Seven journalists have been murdered so far this year. (France and Guatemala plan to hold an Arria formula meeting in December on the protection of journalists.)

Key Issues

The principal focus of the Council in December will be on evaluating the progress of UNSOM since the last quarterly report of the Secretary-General.

A recurring issue of concern for the Council—especially in light of Al-Shabaab terrorist attacks—is the operational security of the UN presence in Somalia.

A further issue that may be of interest to Council members is the need to mobilise financial resources for additional AMISOM salaries and SNA assistance.

Options

One option for Council members would be to discuss in consultations the potential impact of a more aggressive counter-insurgency

approach by AMISOM on the implementation of UNSOM's mandate (e.g., providing advice on peacebuilding and statebuilding and advice on human rights capacity-building, monitoring and reporting).

Another option would be following up on measures within resolution 2124, particularly with respect to plans for deploying a UN guard force at UNSOM compounds.

Council members may also wish to mobilise contributions to a UN trust fund to support SNA operations with AMISOM, coordinate with the EU and other potential donors to increase financial resources for AMISOM salaries and proactively work toward providing needed military equipment for AMISOM, particularly helicopters.

Council and Wider Dynamics

With the unanimous adoption of two resolutions and the issuance of a press statement (also a consensus document) within the last month, the Council has exhibited a high degree of unity with regard to policymaking on Somalia. Relatively minor differences among Council members resurfaced during discussions about modifying the authorisation of AMISOM in resolution 2124, such as language regarding humanitarian access and the reporting lines for UNSOA. Council members also differed over whether assistance for the SNA should be from assessed or voluntary contributions. But in general

the negotiations regarding resolution 2124 were not very contentious, and they were even less so for resolution 2125 reauthorising anti-piracy measures. Continued attacks by Al-Shabaab seem to have reinforced Council resolve to further back AMISOM and take a more aggressive approach to counter-insurgency.

Aside from whatever impact implementation of resolution 2124 may ultimately have at ground level in Somalia, its adoption is likely to have the more immediate benefit of improving relations between the UN Security Council and the AU Peace and Security Council (PSC). The increase in AMISOM's authorised ceiling by nearly 4,400 troops is in line with longstanding, repeated requests by the PSC for higher troop levels and better military resources in order to more effectively implement the mission's mandate. Notably, the Chairperson of the Commission of the AU issued a press release on 14 November welcoming the adoption of resolution 2124. To the extent that UN members follow through with additional financial support for the SNA and military equipment for AMISOM, previously strained UN-AU relations over Somalia will likely be further improved.

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

Syria

Expected Council Action

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

There will also be a briefing in consultations by Valerie Amos, the head of the Office for the Coordination of Humanitarian Affairs (OCHA), on implementation of the 2 October presidential statement on humanitarian access in Syria (S/PRST/2013/15).

Council members will also be closely following preparations for the 22 January 2014 Geneva II peace talks.

Key Recent Developments

On 5 November, Kaag briefed Council members on the work of the OPCW-UN Joint Mission. She reported that 21 of 23 declared sites had been inspected. (Syria reported that the two remaining sites were abandoned. One was later inspected on 6 November, and the remaining site will be inspected when security conditions allow.)

On 15 November, the OPCW approved a plan to destroy Syria's chemical weapons

stockpile outside Syrian territory. Albania and Norway were approached to host destruction activities, but both declined and no other country has been identified. The OPCW decision set several deadlines for destruction activities. Most critical chemical substances should be removed by 31 December and the remainder by 5 February 2014. Following removal from Syria, critical substances are to be destroyed by 31 March 2014 and the remaining materiel by 30 June 2014. Meanwhile, the OPCW reported that 60 percent of Syrian chemical weapons munitions had been verified as destroyed, with the remainder due for destruction by 31 January 2014.

UN DOCUMENTS ON SYRIA Security Council Resolution S/RES/2118 (27 September 2013) was on chemical weapons. Security Council Presidential Statement S/PRST/2013/15 (2 October 2013) was on humanitarian access. General Assembly Document A/C.3/68/L.42/Rev.1 (19 November 2013) condemned human rights violations in Syria.

Syria (con't)

Chemical weapons facilities in Syria should be razed by 15 March 2014.

Separately, the final report of a UN team led by Åke Sellström to investigate the alleged use of chemical weapons in Syria is expected in early December.

On 4 November, Amos briefed Council members on humanitarian access in Syria. She reiterated her deep disappointment that access had not improved and there had been no major breakthrough in getting Syria to lift bureaucratic obstacles. Amos stressed the need for the cessation of the assault on medical care, more predictable processing by Syria of visas for humanitarian workers, efficient customs clearance procedures for humanitarian supplies, facilitation of field missions and authorisation for additional humanitarian hubs. She also said Syria should allow aid to directly reach those in need, i.e., not to require that all aid be centrally routed through Damascus for redistribution. She reemphasised the importance of individual Council members using sustained political leverage with parties on the ground to persuade them to allow the evacuation of civilians from siege areas, facilitate access in hard-to-reach areas and agree to regular humanitarian pauses.

At press time, the first meeting of a high-level contact group of 20 member states on humanitarian access was set for 26 November in Geneva. The group will be co-chaired by OCHA, Australia and Luxembourg and will include P5 representatives. It may also include Germany, Italy, Iran, Kuwait, Norway, Qatar and neighbouring countries Jordan, Lebanon and Turkey. It was unclear whether Saudi Arabia would participate. The group was established to provide a practical mechanism through which OCHA could raise specific issues in order to have the necessary political pressure applied to get expedited and unhindered access.

On 3 November, Arab League foreign ministers met in Cairo and emphasised that the Geneva II peace talks should lead to the establishment of a transitional governing body with full executive powers in line with the communiqué agreed at the original 30 June 2012 Geneva conference. There was also agreement on the need for humanitarian access and a call for the Arab Group at the UN to take forward a draft resolution on the issue in the Security Council.

At the Cairo meeting, the Syrian National Council said that agreement on the transfer of executive power was a requirement for its participation at Geneva II. However, after a fractious meeting in Istanbul on 9-11 November, the Syrian opposition voted to attend peace talks on the condition of full humanitarian access and the release of prisoners. The vote was taken under intense pressure from the US and EU states, which underscored that without a swift political solution, Syria faced a long future under President Bashar al-Assad along with the rise of extremist groups.

On 14 November, Russian President Vladimir Putin spoke with Assad, urging him to alleviate civilian suffering and to send a delegation to the Geneva II talks. On 19 November, Russian Foreign Minister Sergei Lavrov said that fighting terrorism in Syria should be the priority for the peace talks, not changing regimes. On 21 November, Assad vowed to continue the government's military operations.

On 5 and 25 November, UN-Arab League Joint Special Representative Lakhdar Brahimi convened trilateral meetings with Russia and the US in Geneva. There was no agreement following the 5 November trilateral on the parameters of peace talks. However, the date of 22 January 2014 was set following the 25 November meeting. Another trilateral is scheduled for 20 December when it is hoped Russia, the US and the UN would agree on the composition of the opposition and government delegations and whether Iran and Saudi Arabia would participate. There remain major disagreements over the future role of Assad.

The General Assembly's Third Committee passed a resolution, drafted by Saudi Arabia, on 19 November condemning human rights violations in Syria, in particular attacks against medical facilities. It urged the Council to take measures to end violations in Syria and stressed the need for immediate action to facilitate humanitarian access. Finally, it called for peace talks to be convened as soon as possible to implement the Geneva communiqué of 30 June 2012.

Key Issues

The key issue for the Council is how to take the unprecedented cooperation on the chemical weapons track and translate that

momentum into tangible benefits for civilians on the ground, such as significantly lowering levels of violence and greater humanitarian access.

Underlying Problem

The progress on the chemical weapons track has not altered the course of the civil war in Syria. The level of violence continues unabated with more than 100,000 killed; some monitoring groups put the death toll at 115,000. The humanitarian situation is devastating. The growing refugee population now numbers 2.24 million, and 9.3 million Syrians are in need of humanitarian assistance (2.5 million of these cannot be accessed by humanitarian workers and another 6.5 million are internally displaced). Adding to the dire situation are the challenges of winter, alarming predictions of starvation in towns under siege, a collapsing health infrastructure under deliberate attack and a confirmed polio outbreak.

Options

Aside from hearing Kaag's briefing on the chemical weapons track and from Amos on humanitarian access, another option includes a briefing from Brahimi on the details of the preparations for the Geneva II peace talks.

Following reports that Syria does not view the 2 October presidential statement as binding, a further option for the Council is to adopt a resolution on humanitarian issues if cooperation does not improve dramatically in the near term. The substance would not need to be different from what the Council has already agreed in other outcomes.

Council and Wider Dynamics

Many Council members have pointed out that the lack of Syrian cooperation on implementing the presidential statement on humanitarian access stands in stark contrast to the government's compliance with resolution 2118 on chemical weapons. This has led to the troubling conclusion among most Council members that delays on humanitarian access are political in nature rather than due to the lack of institutional or technical capacity to facilitate humanitarian relief operations, as Syria claims.

Some Council members are considering a humanitarian resolution as a possible next step. But the immediate focus for Council members

Syria (con't)

is to see if they can act on Amos's calls for the use of bilateral political leverage to improve access. Also, Russia is unlikely to develop an appetite for a Syria-focused resolution.

Council members also see a potential positive peace dividend if humanitarian conditions can be improved on the ground. Such improvement could be a significant confidence-building measure in advance of the Geneva II peace talks. In this context, Council members are aware of Russia's position and feel it is important to avoid contentious negotiations in order to allow a limited period of time for the Syrian government to comply with the presidential statement.

Council members are aware that the recent thaw in diplomatic relations between

the US and Iran, and the 24 November agreement between the P5+1 with Iran on its nuclear programme could ease regional tensions. However, the struggle between Iran and Saudi Arabia for regional influence will continue to have the potential to make progress on the Syrian situation difficult. Most Council members, while recognising the relationship between progress on the Iran nuclear file and Geneva II talks, are nevertheless cautious to link the two processes too closely together. At this early stage, Council members are wary about forecasting whether there will be any immediate, positive impacts from the nuclear agreement on Syria.

On the chemical weapons track, some Council members remain sceptical about the

reliability of Syria's declared arsenal and are wary of providing financial support for the provision of armoured vehicles, advanced communications systems and other dual-use equipment requested by Syria ostensibly to transport chemical weapons out of the country. However, Council members are broadly agreed that at this juncture the OPCW is the best forum to find solutions for these concerns.

France is the penholder on Syria. However, most texts are thoroughly negotiated between Russia and the US prior to agreement by the broader Council. Australia and Luxembourg have taken the lead on the humanitarian track.

UNDOF (Golan Heights)

Expected Council Action

The Council is expected to extend for six months the mandate of the UN Disengagement Observer Force (UNDOF), established in 1974 to monitor the ceasefire between Israel and Syria (the mandate expires on 31 December). The Department of Peacekeeping Operations (DPKO) will brief Council members in consultations on the UNDOF report due in late November. The Council is also expected to hold its regular meeting with UNDOF troop-contributing countries prior to adopting the mandate renewal.

Key Recent Developments

Resolution 2108, adopted on 27 June, renewed UNDOF. It reflected the deteriorating security situation due to the spillover of the Syrian conflict into the Golan, jeopardising the integrity of the ceasefire line between Israel and Syria. The resolution included stronger language on UNDOF's risk mitigation and enhanced self-defence capabilities, reflecting the importance of peacekeeping personnel's safety.

This focus on safety came at a time of potential crisis for UNDOF. The worsening security situation had caused Austria, Croatia and Japan to withdraw their troops from UNDOF earlier this year. Fiji, Ireland,

the Netherlands and Nepal have since contributed troops, and currently UNDOF's force strength is 1,218—200 more troops than at the same time last year. Meanwhile, DPKO's request for enhanced defensive equipment has largely been approved by Israel and Syria. However, there remains a hold on advanced defensive arms and better communication systems. Both parties fear such equipment might fall into the hands of armed rebel groups.

On 19 September, Council members met to consider the 12 September UNDOF report (S/2013/542). The report noted that the ceasefire between Israel and Syria was generally maintained although UNDOF was operating in an increasingly volatile environment. The report also detailed violations of the 1974 Disengagement of Forces Agreement between Israel and Syria, such as the presence of the Syrian military and its equipment in the area of separation and retaliatory fire by Israel, largely in response to errant mortar fire by the Syrian forces. (Under the terms of the 1974 agreement, there should be no military forces in the area of separation other than those of UNDOF.)

Clashes between Syrian forces and the armed opposition, particularly shelling, have been ongoing. Consequently, there have been

security incidents between Israel and Syria. On 12 September, hundreds of armed rebels attacked and temporarily took control of two Syrian military positions. Several artillery rounds and one tank shell landed in the Israeli-occupied Golan Heights. Israel did not retaliate. On 9 October, two mortars hit an Israeli military post, injuring one soldier, and Israel returned fire. On 21 October, artillery rounds crossed the ceasefire line. Israel did not retaliate.

UNDOF acts as a liaison between Israel and Syria, which has contributed to ensuring that flare-ups between the parties do not escalate. However, more recently such liaison capacity has been stretched, in particular due to the mission's lack of Arabic speakers, to facilitate contacts with a proliferation of armed rebel groups.

Armed rebels have planted improvised explosive devices (IEDs) on roadsides in UNDOF's area of operations to hinder the movement of Syrian government forces. This has been identified as a major risk to peacekeeping personnel's safety, and Ireland is considering providing specialised counter-IED teams to the mission.

UNDOF convoys have been forcibly stopped at Syrian military and rebel checkpoints, impacting freedom of movement.

UN DOCUMENTS ON UNDOF Security Council Resolution S/RES/2108 (27 June 2013) was the most recent renewal of UNDOF. **Secretary-General's Report S/2013/542** (12 September 2013) was on UNDOF covering the period from 1 July to 12 September 2013. **OTHER RELEVANT FACTS UNDOF Force Commander** Major General Iqbal Singh Singha (India) **Size and Composition of Mission** 1,218 troops (as of 31 October 2013) **Troop Contributors** Fiji, India, Ireland, Nepal, Netherlands and the Philippines

UNDOF (Golan Heights) (con't)

UNDOF personnel and observation posts have been repeatedly exposed to stray fire and warning shots. The mission has also experienced attempts to seize vehicles, weapons and equipment. On 16 October, Syrian forces fired on a UN vehicle. On 1 November, armed rebels fired at and temporarily detained an UNDOF convoy. On 5 November, Syrian forces fired directly in front of an UNDOF convoy but did not hit it. On 6 November, an UNDOF convoy was caught in crossfire between armed rebels and Syrian forces. When returning to base, the convoy came under fire again. There were no injuries to UNDOF personnel in these incidents.

Another potential risk to both UNDOF and regional stability is Hezbollah's claims that it would open a new front against Israel in the Syrian Golan and that Syria would provide Hezbollah with "game-changing" weapons. Israel has maintained a neutral policy vis-à-vis the Syrian crisis with a parallel policy to take action to stop any transfer of strategic weaponry through Syria to Hezbollah. The most recent Israeli airstrike in Syria was on 31 October, targeting surface-to-surface missiles located at a Syrian military base in Latakia that Israel believed to be en route to Hezbollah. Similar airstrikes in Syria occurred on 30 January, 3 and 5 May and 5 July.

Key Issues

The spillover of the Syrian crisis into

UNDOF's area of operations will continue to be of primary concern to the Council. Syrian military forces are prohibited from entering the area of separation, but they have nonetheless done so in response to the rebel presence.

A continuing key issue will be the safety and security of UN personnel given the proximity of UNDOF positions to the areas where there have been clashes between Syrian forces and the armed rebels.

A further issue is the impact of Israeli airstrikes in Syria and threats made by Hezbollah that it would open a new front against Israel in the Golan. However, neither Israel nor Syria seems interested in escalating the situation into a serious confrontation. Furthermore, the recent thaw in diplomatic relations between the US and Iran underscores that Hezbollah's threat to Israel from the Golan may continue to be rhetorical rather than posing an imminent or concrete risk.

Options

The Council has limited options when renewing UNDOF, the parameters of which are strictly determined by the 1974 Disengagement Agreement. Any substantial change to the mandate would require the very unlikely scenario of Israel and Syria re-negotiating the 1974 agreement.

The Council could simply roll over UNDOF's mandate for an additional six months. The Council also has the option to

strengthen language:

- calling for the elimination of obstacles to UNDOF's freedom of movement;
- calling for the necessary capacity to efficiently execute UNDOF's liaison tasks, in particular the need for Arabic speakers; and
- underscoring the importance of the safety of UNDOF personnel and encouraging the mission to continue to identify ways to mitigate risks.

Council Dynamics

The Council has always generally agreed that UNDOF contributes to stability in the region in the absence of a peace agreement between Israel and Syria. However, its utility is particularly high now in order to avoid further potential negative security implications for the region. In this regard, most Council members are keen to demonstrate to the troop-contributing countries their commitment to UNDOF's ability to operate effectively and to the safety of its personnel.

Though in recent years the US has been the penholder on the Golan Heights, the last three resolutions renewing UNDOF were drafted jointly by the US and Russia, demonstrating consensus on an issue that is affected by the highly divisive conflict in Syria. Council members prefer to keep the Syrian conflict and the Golan Heights as discrete issues.

Iran

Expected Council Action

In December, the chair of the 1737 Iran Sanctions Committee, Ambassador Gary Quinlan (Australia), is due to present his quarterly briefing on the Committee's work to the Council.

Key Recent Developments

Following the inauguration on 3 August of Hassan Rouhani as the new president of Iran, talks on the nuclear file intensified between Iran and the P5+1—comprising the Council's permanent members and Germany—leading

to a breakthrough on 24 November. The parties agreed to a joint plan of action setting out measures to be undertaken during an initial six-month interim period, as well as elements for a long-term comprehensive solution.

According to the plan, key measures to be undertaken by Iran include:

- halting enrichment of uranium above 5 percent and not increasing its stockpile of 3.5 percent enriched uranium;
- diluting below 5 percent or converting to a form not suitable for further enrichment its entire stockpile of near 20 percent

enriched uranium;

- not installing additional enrichment centrifuges of any type and leaving inoperable more than half of the already installed centrifuges;
- halting construction at the Arak heavy water reactor; and
- providing access for enhanced monitoring and inspection by the International Atomic Energy Agency (IAEA).

Key measures that the P5+1 will take in return include:

- pausing efforts to further reduce Iran's

UN DOCUMENTS ON IRAN [Security Council Resolutions S/RES/2105](#) (5 June 2013) renewed the PoE's mandate until 9 July 2014. [S/RES/1737](#) (23 December 2006) imposed the first round of sanctions on Iran and established the Sanctions Committee. [Security Council Meeting Record S/PV.7028](#) (5 September 2013) was the most recent briefing by the chair of the Sanctions Committee. [Sanctions Committee Document S/2013/331](#) (3 June 2013) was the latest report from the PoE. [Other GOV/2013/56](#) (14 November 2013) was the latest IAEA report on Iran. [A/68/503](#) (4 October 2013) was the latest report on the situation of human rights in Iran from the Special Rapporteur. **USEFUL ADDITIONAL RESOURCE** Joint Plan of Action between Iran and the P5+1, 24 November 2013

Iran (con't)

crude oil sales and enable the repatriation of an agreed amount of revenue held abroad;

- suspending US and EU sanctions on Iran's petrochemical exports and on gold and precious metals;
- establishing a financial channel to facilitate humanitarian trade for Iran's domestic needs using Iranian oil revenues held abroad; and
- refraining from imposing any new nuclear-related sanctions.

Additionally, the parties express their intention to negotiate and start implementing a comprehensive solution no more than one year after the adoption of the plan of action that would:

- reflect the "rights and obligations" of parties to the Non-Proliferation Treaty and IAEA safeguards agreements;
- comprehensively lift UN, multilateral and national nuclear-related sanctions;
- involve a "mutually defined enrichment programme"; and
- include full implementation of agreed transparency measures and enhanced monitoring, including implementation of the additional protocol to Iran's IAEA Safeguards Agreement.

In a separate development, Iran and the IAEA on 11 November signed a joint statement confirming that they had agreed to "strengthen their cooperation and dialogue aimed at ensuring the exclusively peaceful nature of Iran's nuclear programme through the resolution of all outstanding issues that have not already been resolved by the IAEA". The statement outlined a roadmap of initial measures to be taken by Iran within three months. According to the roadmap, Iran has committed itself to:

- provide mutually agreed relevant information and managed access to the Gchine mine in Bandar Abbas and the heavy-water production plant in Arak;
- provide information on all new research reactors and the 16 sites designated for the construction of nuclear power plants;
- clarify its announcement regarding additional enrichment facilities; and further clarify its announcement regarding laser enrichment technology.

In a 14 November report to the Council, the IAEA said the agreement marked an important step forward and noted that

unresolved issues not included in the framework would be addressed in subsequent steps. (There was no initial mention, for example, of Parchin, a military site southeast of Tehran that Iran is believed to have used for nuclear activities and to which the IAEA has unsuccessfully sought access in the past.) The report also noted that enrichment activities and construction of the Arak heavy water reactor seemed to have slowed down. The next meeting between Iran and the IAEA is scheduled for 11 December in Vienna.

With regard to developments in the Council, Quinlan held his last 120-day briefing on 5 September (S/PV.7028). Quinlan said that on 9 August the Committee had adopted its programme of work for 1 July to 31 December and had otherwise continued to consider the recommendations presented in the latest report by the Panel of Experts (PoE) along with other outstanding issues (S/2013/331). However, the Committee had not been able to agree on any of the recommendations and remained divided on a number of other issues, including over whether the ballistic missile launches during the so-called Great Prophet exercise in July 2012 were in violation of resolution 1929.

The Sanctions Committee met on 23 October and 21 November. At the 23 October meeting, the Committee discussed an incident report from the PoE on Singapore's interception last year of an Iranian ship carrying high-grade carbon fibre. The report concluded that the shipment constituted a violation of resolution 1929. (Carbon fibre is among the dual-use items prohibited under operative paragraph 13 of that resolution.) The US proposed that the Committee issue an implementation assistance notice in response to this particular incident to inform states about sanctions-evasion techniques, but Russia was opposed. The Committee also considered a delisting request from the First East Export Bank, but this was denied. A US proposal to list Jaysh Al-Shabi, a pro-government Syrian militia that has allegedly received arms from Iran, was blocked by Russia, which put a hold on it.

On 21 November, the Committee discussed the PoE's mid-term report. The report was largely procedural and the discussion was not very substantive. The report is due for submission to the Council by 9 December but will not be made public. (Unlike with many other PoEs, only the final report is

issued as an official UN document.)

Human Rights-Related Developments

On 20 and 23 September respectively, the office of the High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in Iran, Ahmed Shaheed, welcomed the release on 18 September of a dozen prisoners of conscience and encouraged the government to release all other prisoners of conscience. Nasrin Sotoudeh, an internationally recognised human rights activist, was among those released. The High Commissioner also welcomed the news that the death sentence imposed on Iranian blogger Saeed Malekpour was overturned.

On 23 October, Shaheed presented his latest report on the situation of human rights in Iran to the General Assembly's Third Committee (A/68/503). The report addressed violations of freedom of expression, access to information and association; the extremely poor conditions of detention; the alarming number of executions, including secret executions; discrimination, arbitrary detention, torture and ill-treatment of religious minority groups; gender discrimination; violations of the human rights of minorities; the issue of landmines; and the impact of sanctions on the population. Shaheed welcomed positive signals and statements by Rouhani and urged Iran to provide access to him and to the thematic rapporteurs. On the issue of sanctions, he called on the UN system and sanctions-imposing countries to monitor their impact. In particular, he stressed the importance of taking steps to ensure that financial-sector sanctions not undermine the objectives of humanitarian exemptions.

Key Issues

A key issue for the Council is whether recent progress in the talks with Iran means the time has come to consider easing or suspending sanctions implementation or whether, as some argue, it is essential to keep up the pressure on Iran—and even impose additional measures—for negotiations to succeed.

Options

One option for the Council is to continue its work on sanctions enforcement through the Sanctions Committee independently of what is happening on the political track until a comprehensive agreement has been reached.

Another option is to suspend implementation of sanctions measures as long as there is continued positive momentum in the negotiations with Iran.

A further option would be to adopt a statement or a resolution welcoming the 24 November joint plan of action, reiterating the Council's demands and expressing its willingness to suspend and eventually terminate all

Iran (con't)

measures against Iran if it complies with the demands of the international community.

Council Dynamics

While Council members welcome recent positive developments at the political level, views differ on their implications for the work of the Sanctions Committee. The P3 and likeminded countries seem to think that until further

notice the Committee should carry on its work on sanctions implementation as before, as evidenced in a US statement on the joint action plan which said that it would “vigorously enforce” its sanctions against Iran during the first phase. China, Pakistan and Russia on the other hand have already, in the context of discussions on how to respond to reported violations, been referring to the more positive

political climate as an argument against any further action in the Committee at this stage.

Council members are likely to use the Council meeting in December as an opportunity to express their views on recent developments in the talks with Iran and possible implications for the sanctions regime.

The US is the penholder in the Council on Iran.

Afghanistan

Expected Council Action

In December, the Council will hold its quarterly debate on the situation in Afghanistan. Ján Kubiš, Special Representative of the Secretary-General and head of the UN Assistance Mission in Afghanistan (UNAMA), is expected to brief. At press time, no outcome was anticipated.

UNAMA's mandate expires on 19 March 2014.

Key Recent Developments

On 12 October, Afghan President Hamid Karzai and US Secretary of State John Kerry announced that they had resolved many key issues related to a long-term security pact that would allow US forces to remain in Afghanistan post-2014. However, the talks failed to resolve two important matters. One was the question of whether US soldiers suspected of illegal activity would be tried under Afghan or US law. The US has said that if its troops do not have immunity under Afghan law, it would not agree to a deal. A second matter of contention was whether US forces would be allowed to carry out raids on the houses of Afghans.

Afghanistan announced on 19 November that it had conceded that US troops in Afghanistan could operate under US legal authority and that it would allow US soldiers to go into Afghan homes but only under “extraordinary circumstances”.

Afghanistan has said that the security deal would need the approval of a *loya jirga*, a convening of tribal leaders, which was held between 21-24 November, as well as the parliament. The 2,500 person *loya jirga* approved the deal on 24 November. However, in a

speech at the meeting Karzai indicated that he would delay the signing of the agreement, reportedly seeking further promises from the US that it will not conduct raids on Afghan homes and that it will not interfere in the Afghan presidential elections scheduled for April 2014. This has elicited criticism from the US, which argues that the deal must be signed expeditiously to ensure appropriate planning for its post-2014 security role in Afghanistan.

Insurgents continued to be responsible for a series of fatal incidents in late October and November. On 27 October, at least 18 people were killed when the van they were travelling in hit a roadside bomb in Ghazni province. Eight civilians died on 8 November when a roadside bomb was set off by the vehicle in which they were travelling in Zabul province in southern Afghanistan. On 16 November, a car bomb blew up outside the Kabul Educational University, leading to 12 deaths. On November 17, villagers in Kandahar province in southern Afghanistan found the beheaded bodies of six Afghan government contractors responsible for building police facilities. On 18 November, two separate roadside bombs exploded in Paktika province in eastern Afghanistan and in Zabul province respectively, killing seven children in Paktika and two children in Zabul.

The UN Office on Drugs and Crime and Afghanistan's Ministry of Counter Narcotics released the 2013 Afghanistan Opium Survey in Kabul on 13 November. According to the survey, the area under opium poppy cultivation in Afghanistan reached a “sobering record high in 2013...representing a 36 percent increase over 2012”. The survey further noted a 49 percent increase in opium production in Afghanistan compared to 2012.

It speculated that the increase in cultivation this year might have been sparked by the high price of opium in 2012 and concern among farmers about the country's future, with elections planned in 2014 and foreign troops scheduled to withdraw by the end of 2014.

The Council last debated the situation in Afghanistan on 19 September. While praising the courage and growing capability of Afghan security forces, Kubiš stated that they would need international support for at least five additional years to achieve requisite capacity.

Regarding the preparations for the 5 April 2014 presidential and provincial elections, Kubiš noted that the passage in July of two critical pieces of electoral legislation—the “structure law”, which determines the structure and activities of the Independent Electoral Commission (IEC) and the Independent Electoral Complaints Commission (IECC), and the wider electoral law, which governs the conduct of the elections—represents a sign of progress. However, he underscored the importance of ensuring that appropriate security measures are in place for the election.

The IEC disqualified 16 of 26 candidates for the 2014 presidential election on 22 October, apparently because they were deemed not to have met the eligibility criteria. In several cases, it seems that the disqualifications occurred because candidates held dual citizenship or did not receive the requisite 100,000 voter cards needed to qualify as a candidate.

After an appeals period for those deemed ineligible by the IEC, the IECC declared on 20 November that the field would include a final list of 11 presidential candidates and 2,713 candidates for the provincial councils. (Karzai is not a candidate, as the constitution

Afghanistan (con't)

only allows for two terms in office).

The Council adopted a resolution 2120 on 10 October reauthorising the International Security Assistance Force (ISAF) in Afghanistan until 31 December 2014, stating that any new NATO mission after that date “should have a sound legal basis.”

Human Rights-Related Developments

According to UNAMA, improvised explosive devices (IEDs) casualties have increased by 13 percent this year compared to the same period in 2012, and their use accounted for more than a third of all civilian casualties in the conflict between 1 January and 27 October. UNAMA emphasised that the indiscriminate and disproportionate use of IEDs may amount to war crimes.

Key Issues

Several interconnected security issues warrant the Council’s close attention. These include how to address violence against civilians, how well Afghan security forces will perform as ISAF forces continue their draw-down; and whether Afghanistan and the US are able to finalise a mutually agreeable post-2014 security deal.

In this context, a key issue is ensuring that preparations for the 5 April 2014 presidential and provincial elections are conducted fairly and competently and that the elections are not marred by violence, intimidation or fraud.

Another important issue is how to address

the rise in opium production and how to address the detrimental effects that this has on security and human welfare in Afghanistan and internationally.

Options

The Council may choose to listen to the debate but take no action at the current time.

It could also adopt a statement:

- emphasising the importance of holding credible and fair elections;
- condemning the continuing acts of violence against civilians;
- commending the efforts of Afghan security forces, as they are now taking the security lead throughout the country; and
- expressing concern with the rise in opium production.

Council members may also consider requesting a report from the Secretary-General specifically on options for UNAMA’s mandate moving forward, considering that the December debate will be the penultimate one before the renewal of UNAMA’s mandate in March 2014, with ISAF’s withdrawal expected to be completed by the end of 2014.

Council Dynamics

There is considerable agreement among Council members on a number of issues related to Afghanistan. Several are keen to ensure that the preparation and conduct of

the 5 April 2014 elections are viewed as credible and legitimate. They argue that a successful, democratic political transition is critical to the welfare of the country and its people moving forward. Several Council members also emphasise the importance of strengthening Afghan security forces as ISAF draws down, likely recognising that a safe security environment is necessary for political and economic development. There are likewise a number of Council members who have highlighted women’s protection and participation in Afghan society as key issues.

In spite of the fact that there is considerable agreement on several issues, some members continue to reiterate strongly held views in UNAMA debates that reflect their national interests. Russia, for example, has argued repeatedly that any post-2014 international military presence in the country must have a strong legal basis. Along with France and others, it is also especially concerned with the threat to international security posed by drug production and trafficking that originates in Afghanistan. Pakistan consistently notes its efforts to promote intra-Afghan reconciliation, as well as highlighting its support of Afghan refugees residing in Pakistan. As with other agenda items, Luxembourg continues to be a particularly strong advocate for the protection of children in Afghanistan.

Australia is the penholder on Afghanistan.

Counter-Terrorism

Expected Council Action

The Council is expected in December to adopt a resolution renewing the mandate of the Counter-Terrorism Executive Directorate (CTED), the Secretariat body that assists the 1373 Counter-Terrorism Committee (CTC). The CTC plans to submit a report to the Council in December on the CTED’s work to date.

CTED’s mandate expires on 31 December.

Key Recent Developments

On 28 September 2001, the Council adopted resolution 1373 in which, acting under Chapter VII, it decided that all states should prevent and criminalise the financing of terrorist acts, as well as support to entities or persons involved in terrorist acts. The Council called upon member states to intensify cooperation on movements of terrorists and on administrative and judicial matters to prevent the commission of terrorist acts and established the CTC to monitor the implementation of

the measures. On 26 March 2004, resolution 1535 established CTED as a special political mission to support the work of the CTC.

Since December 2010, when the Council adopted resolution 1963 extending its mandate for three years, the CTED has been involved in assessing the implementation of resolutions 1373 and 1624 (the latter called upon member states to criminalise the incitement to commit terrorist acts). In 2011 and 2012, CTED released surveys of the global implementation of resolutions 1373 and

UN DOCUMENTS ON COUNTER-TERRORISM [Security Council Resolutions S/RES/1963](#) (20 December 2010) extended CTED’s mandate until 31 December 2013. [S/RES/1624](#) (14 September 2005) called on states to take measures to prohibit by law, and to prevent, acts of incitement to commit terrorism. [S/RES/1535](#) (26 March 2004) established CTED to implement resolution 1373. [S/RES/1377](#) (12 November 2001) called on states to become party to the relevant international instruments relating to terrorism, to implement resolution 1373 and to assist each other in doing so. [S/RES/1373](#) (28 September 2001) established the CTC and its mandate. [Security Council Meeting Record S/PV.7071](#) (27 November 2013) and [S/PV.6964](#) (10 May 2013) were briefings by the chairs of the three counter-terrorism-related committees. [Security Council Letters S/2013/364](#) (17 June 2013) informed the Council of the Secretary-General’s intention to appoint Jean-Paul Laborde (France) as Executive Director of CTED. [S/2012/16](#) (6 January 2012) was the CTED global implementation survey of resolution 1624. [S/2011/463](#) (17 August 2011) was the CTED global implementation survey of resolution 1373. [General Assembly Document A/RES/60/288](#) (8 September 2006) was the UN Global Counter-Terrorism Strategy.

Counter-Terrorism (con't)

1624, respectively.

As Ambassador Mohammed Loulichki (Morocco), the chair of the CTC, told the Council on 10 May, the Committee has replaced its previous tools to assess implementation of the above-mentioned resolutions. Instead of a preliminary implementation assessment, it now uses a detailed implementation survey and an overview of implementation assessment. These two new diagnostic tools aim at identifying gaps and challenges in member states' implementation of the relevant Council resolutions and facilitate the delivery of targeted technical assistance. (At press time, the semi-annual joint briefing by the chairs of the three counter-terrorism committees was scheduled to take place on 27 November.)

CTED has so far visited 88 member states, each visiting mission comprising a few international organisations that complete a joint overview of implementation assessment. CTED's follow-up to these assessment missions might include facilitating technical assistance in cases where member states do not have the necessary capacity.

CTED has conducted a number of workshops on specific topics and regions related to its mandate. Most of these workshops were organised in partnership with relevant regional and subregional organisations, such as the League of Arab States, the EU, the Caribbean Community, the Council of Europe, the Organisation for Security and Co-operation in Europe, the Gulf Cooperation Council and the Organisation of Islamic Cooperation.

Human Rights-Related Developments

On 25 October, the Third Committee of the General Assembly heard presentations about two separate reports on the issue of armed drones. The report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, focused on the use of armed drones in counter-terrorism operations and its civilian impact (A/68/389). The report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, analysed the use of lethal force through armed drones from the perspective of the right to life and international

norms (A/68/382 and Corr.1). Both Emmerson and Heyns underlined that there was no need for new laws but instead the imperative was to achieve clarity about the existing legal framework and to ensure its implementation. They both stressed the importance of greater transparency from the states using drones and the need to provide mechanisms for investigation, accountability and redress for potentially unlawful strikes. Heyns identified legal controversies in the use of drones, including the scope of self-defence and the issue of anticipatory self-defence. Emmerson identified three key challenges: the difficulty of defining "civilian casualties" when drones are used, the lack of transparency and the ambiguity about some of the key principles of international law and their relevance to modern forms of asymmetrical conflict. Emmerson will submit a final report to the Human Rights Council in 2014 examining the facts surrounding a sample of particular drone strikes. His inquiry is a response to requests made by several states at the 20th session of the HRC in June 2012 to carry out an investigation on the use of drones in counter-terrorism operations.

Key Issues

An issue for the Council is to ensure the widespread implementation of resolution 1373, including the criminalisation of terrorism, the freezing of terrorism-related assets and effective border and arms control. A related issue is ensuring the implementation of resolution 1624 in order to prevent acts of incitement to commit terrorism.

A key issue is to ensure the coordination between the Secretariat and UN funds and programmes that work on counter-terrorism-related issues to avoid duplication of efforts. Clarifying the division of labour among CTED, the Counter-Terrorism Implementation Task Force (CTITF) and the UN Counter-Terrorism Centre (UNCCT) is a related issue.

Another issue for the Council is whether to renew CTED's mandate for three years or longer.

Options

Possible options for the renewal of the mandate for three or more years include:

- extending CTED's mandate as it currently exists;

- strengthening CTED's mandate in terms of identification of good practices, knowledge management and highlighting research on innovative approaches;
- assigning the Secretary-General to coordinate the various UN entities working on counter-terrorism-related issues to ensure coherence of UN action and to avoid duplication of efforts;
- reinforcing CTED's mandate to identify challenges and gaps in the implementation of the relevant resolutions and to facilitate the provision of technical assistance to member states by engaging in a dialogue with prospective multilateral and bilateral donors on the needs that a member state cannot meet by itself; or
- narrowing CTED's mandate to the assessment of the implementation of relevant resolutions by member states.

Council and Wider Dynamics

Council members are in agreement on the need for an extension of CTED's mandate and the importance of its work. CTED has recommended to the CTC that its mandate be extended for more than three years to ensure sustainability and the ability to assess longer-term results, but some Council members consider that a renewal of three to four years allows for more flexibility to fine-tune the mandate more often.

In terms of the substance, it seems no major changes are expected to be incorporated in the resolution. Most Council members are aware that coordination among the myriad of UN bodies tackling this issue is needed, but an agreement has yet to be finalised on how this mechanism should work. Also, some Council members seem to be reluctant to focus too much on monitoring and to give the technical-assistance component of CTED's mandate to the CTITF and the UNCCT, as that would mean the Council would lose control over a key follow-up mechanism for the implementation of resolutions 1373 and 1624.

The US is the penholder on this issue.

International Criminal Tribunals

Expected Council Action

In December, the Security Council will hold its semi-annual debate on the ad hoc international criminal tribunals. The presidents and prosecutors of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) are expected to brief the Council.

The ICTY President, Theodor Meron, will also brief the Council as President of the Residual Mechanism for International Criminal Tribunals, which was established to complete the work of the Tribunals. The ICTR Prosecutor, Hassan Bubacar Jallow, will also brief the Council as Prosecutor of the Residual Mechanism.

The Council may adopt a resolution extending the terms of several ICTY judges.

The Council's informal working group on international tribunals may meet with the presidents and prosecutors prior to their appearance at the Council.

Key Recent Developments

November saw the culmination of the process for appointing an Appeals Chamber judge for the ICTY, which started on 5 March when the Council received a letter from the ICTY regarding the urgent need for the appointment. The Tribunal suggested that a replacement should be appointed by the Secretary-General after consultations with the Presidents of the Council and the General Assembly.

The informal working group on international tribunals met on 21 May and agreed on the need to appoint a judge in order for the ICTY to remain on schedule. Most Council members were comfortable with a resolution or an exchange of letters to allow the Secretary-General to fill the position, but Russia's position was that the vacancy should be filled in accordance with the election procedure for new judges.

Eventually the Russian position was accepted, and on 12 June the Council sent

a letter to the Secretary-General asking him to invite states to submit nominations to the Council for the position of judge for the ICTY Appeals Chamber (S/2013/349). The Council was then to form a list of three candidates from which the judge would be elected in the General Assembly.

The Secretary-General on 31 July provided the Council with a list of six candidates, from Australia, Austria, Estonia, Iran, Jordan and Togo (S/2013/455). Soon after, it was apparent that there was disagreement among Council members on the final three candidates. Several ideas were suggested to break the deadlock, such as a vote.

As the working group was not able to come to a consensus, Council members discussed the issue under "any other business" on 14 August. During the meeting it was agreed that the President of the Council for August (Argentina) and the chair of the working group (Guatemala) would head an effort to reach an agreement on the list.

Eventually the compromise agreed to was for the Council to submit all six candidates to the General Assembly. On 18 November, the Assembly elected Koffi Afande (Togo) to fill the vacancy.

In the meantime, the Secretary-General appointed—through an exchange of letters with the Council and after consultations with the General Assembly—Mandiaye Niang (Senegal) as a permanent judge of the ICTR on 11 September.

Council members received a letter from Meron on 30 October, requesting the extension of 16 judges' terms for different time periods based on the predicted trial schedule of the ICTY. Meron stated that despite the target date of 31 December 2014 for the completion of the ICTY's work as set out in resolution 1966, the Tribunal would not be able to conclude its work by that date.

The working group met with the registrar of the ICTR, Bongani Majola, on 20 November to discuss the Tribunal's efforts to relocate acquitted and released persons to

different countries.

The presidents and prosecutors of the ICTY and ICTR, last briefed the Council on 12 June (S/PV.6977), having met on 10 June with the informal working group on international tribunals.

Key Issues

The immediate issue for the Council will be the request relating to the extension of terms of the ICTY judges.

Another issue is the continuing review by the working group of the completion strategies of the ICTY and ICTR.

Options

Options for the Council include:

- adopting a technical resolution extending the ICTY judges terms as requested; or
- extending judges' terms for a shorter period of time.

Council Dynamics

Difficulties arose last December when the Council adopted resolution 2081 extending ICTY judges' terms. At that point, Russia was critical of a recent acquittal of two Croatian generals claiming that justice was not done for their Serb victims. Russia also commented that the ICTY's work had not been timely and effective and demanded an independent review of the Tribunal's work and term extensions no longer than six months. Russia eventually abstained on the resolution, which included an extension of some judges' terms for a year and asked the ICTY to submit a consolidated comprehensive plan for the completion strategy by 15 April 2013. It is unclear if these difficulties will resurface in December.

One element that may complicate Russian approval is that the expected completion date of the ICTY's work now stretches into 2017, well beyond the initial timeframe envisioned when the Council adopted resolution 1966 on 22 December 2010.

UN DOCUMENTS ON INTERNATIONAL CRIMINAL TRIBUNALS Security Council Resolution S/RES/2081 (17 December 2012) was on the extension of ICTY judges' terms. **Security Council Letters** S/2013/678 (18 November 2013) transmitted the report on the completion strategy of the ICTY. S/2013/679 (18 November 2013) transmitted the report of the residual mechanism. S/2013/550 (11 September 2013), S/2013/474 (9 August 2013) and S/2013/471 (6 August 2013) was an exchange of letters with the Secretary-General on the appointment of Niang as ICTR judge. S/2013/455 (31 July 2013) was from the Secretary-General forwarding the list of candidates for the ICTY Appeals Chamber judge's position to the Security Council. S/2013/349 (12 June 2013) was from the Council asking the Secretary-General to invite states to submit nominations to fill the ICTY Appeals Chamber judge vacancy. **Security Council Meeting Record** S/PV.6977 (12 June 2013) was the latest Council briefing by the presidents and prosecutors of the ICTY and ICTR. **OTHER RELEVANT FACTS** **Chair of the Informal Working Group on International Tribunals** Gert Rosenthal (Guatemala) **ICTY** Four accused on trial and 25 at the appeals stage **ICTR** Nine accused at large, of which three are considered high-ranking and 15 accused at the appeals stage

Notable Dates for December

| REPORT DUE | REPORTS FOR CONSIDERATION IN DECEMBER | REQUESTING DOCUMENT |
|----------------|--|---------------------|
| 15 November | SG report on options for MISCA (Central African Republic) | S/RES/2121 |
| 25 November | 1521 Liberia Panel of Experts final report | S/RES/2079 |
| 26 November | SG report on UNDOF (Golan Heights) | S/RES/2108 |
| 27 November | SG report on UNISFA (Abyei) | S/RES/2104 |
| 27 November | OPCW report on the implementation of resolution 2118 (Syrian chemical weapons) | S/RES/2118 |
| 2 December | SG report on UNSOM (Somalia) | S/RES/2102 |
| Early December | SG report on UNSMIL (Libya) | S/RES/2095 |
| 9 December | SG report on UNOWA (West Africa) | S/2010/661 |
| 9 December | SG report on UNAMA (Afghanistan) | S/RES/2096 |
| 9 December | 1737 Iran Panel of Experts midterm report | S/RES/2105 |

MANDATES EXPIRE

| | | |
|-------------|--|------------|
| 12 December | Measures under the Liberia sanctions regime and the Liberia Panel of Experts | S/RES/2079 |
| 31 December | UNDOF (Golan Heights) | S/RES/2108 |
| 31 December | UNOWA (West Africa) | S/2010/661 |
| 31 December | ICTY judges terms | S/RES/2081 |
| 31 December | Counter-Terrorism Executive Directorate | S/RES/1963 |

OTHER IMPORTANT DATES

| | |
|-------------|---|
| 6 December | The General Assembly will hold an extraordinary election to fill the Security Council seat vacated by Saudi Arabia. Jordan officially announced its candidacy on 17 November. |
| 13 December | France and Guatemala will convene an Arria formula meeting on the protection of journalists. |
| 15 December | Mali will hold its second round of legislative elections. |

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Security Council Subsidiary Bodies: An Overview

The Security Council can establish subsidiary bodies under Article 29 of the UN Charter or Rule 28 of its Provisional Rules of Procedure. Since it first operationalised the Military Staff Committee (MSC)—its only subsidiary body mandated by the UN Charter—in resolution 1 (1946), it has used its Article 29/Rule 28 powers many times. At present, the Council has subsidiary bodies of different types, most of which mirror its composition. The only exceptions are the MSC (only permanent members), the Peacebuilding Commission (PBC) Organisational Committee (only permanent members plus two non-permanent members) and the Ad Hoc International Tribunals and Residual Mechanism (no states, only judicial officials). Moreover, with the exception of the MSC, PBC and Ad Hoc Tribunals, all subsidiary bodies are usually chaired by non-permanent members through an informal consultative process led by a different permanent member every year shortly after the annual Security Council elections in the General Assembly. (The Informal Working Group on the Protection of Civilians in Armed Conflict has been informally continued under the chairmanship of the UK, albeit without China participating and Russia doing so sporadically.) In addition, some of the Ad-Hoc or Sanctions Committees are assisted by a Panel of Experts (also called Group of Experts or Monitoring Group), composed of independent experts appointed by the Secretariat.

