

OVERVIEW OF THE SECURITY COUNCIL: A RENEWED FOCUS ON THE RESPONSIBILITY TO PROTECT

Under the *United Nations Charter*, the Security Council has primary responsibility for the maintenance of international peace and security¹. It is mandated to: investigate any dispute or situation which might lead to international friction; recommend methods of adjusting such disputes or the terms of settlement; formulate plans for the establishment of a system to regulate armaments; determine the existence of a threat to peace or of an act of aggression and recommend what action should be taken; call on members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression; and take military action against an aggressor. The Security Council consists of five permanent members and ten non-permanent members, five of which are elected each year by the General Assembly for a term of two years.

OVERVIEW

Security Council and human rights

The Security Council is arguably the most powerful organ of the United Nations (UN) and has the ‘primary responsibility for the maintenance of international peace and security’.² Despite clear links between the promotion and protection of human rights and maintaining peace and security, the Security Council only began to recognise these links in the 1990s.³ Since then, references to human rights have increasingly been included in its recommendations to governments and in the mandates of peacekeeping operations. Moreover, the Security Council has in recent years explicitly recognised the place of promoting and

protecting human rights in its work. It has notably acknowledged the need to include the promotion and protection of human rights in conflict prevention strategies and affirmed its willingness to take up certain cases of systematic, flagrant, and widespread violations of international human rights law.⁴

Thematic developments

One of the most significant developments in 2006 was the Security Council’s endorsement of the **responsibility to protect**⁵ as contained in Paragraphs 138 and 139 of the 2005 *World Summit Outcome Document* in Security Council Resolution 1674. The responsibility to protect is a

¹ Chapter V, *United Nations Charter*.

² Article 24, *United Nations Charter*.

³ Joanna Weschler, ‘Human rights’, in David M. Malone, *The United Nations Security Council: from the Cold War to the 21st century*, Lynne Rienner Publishers, Boulder (2004).

⁴ Paragraph 10, Security Council Resolution 1366 (2001), Paragraphs 4 and 26, Security Council Resolution 1674 (28 April 2006), and Preambular Para. 4, Security Council Resolution 1688 (16 June 2006).

⁵ 2005 *World Summit Outcome*, General Assembly, 60th session, A/RES/60/1 (24 October 2005) paragraphs 138-139, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>.

new international norm reaffirming the primary responsibility of States to protect their citizens. It also establishes a **collective responsibility** in cases where populations are suffering serious harm, notably as a result of large-scale human rights violations, and the State in question does not or is unable to assume its responsibility. Security Council *Resolution 1674* introduces the concept of the responsibility to protect within an overall focus on the protection of civilians in armed conflicts. In this context, the Resolution stresses the obligation of States to respect international humanitarian law and calls on them to ratify international humanitarian and human rights instruments. It therefore condemns all acts of violence or abuses against civilians in armed conflicts – particularly torture, gender-based and sexual violence, violence against children, recruitment and use of child soldiers, and trafficking in humans – and reaffirms the importance of ending impunity.

According to Oxfam International, ‘the resolution was an important moment for the protection of millions of people caught in violent and deadly conflicts’.⁶ However, the implementation of the responsibility to protect will remain *ad hoc* unless the Security Council establishes its specific obligations in this regard, notably by adopting guidelines outlining in which situations intervention is required.

Country-specific developments

The Security Council dealt with a number of pressing country situations during 2006 including the situation in Darfur, the Sudan and its impact on the Central African Republic and Chad; the Democratic People’s Republic of Korea; the Democratic Republic of Congo; Lebanon; the Occupied Palestinian Territories; Somalia; and Timor-Leste. Deliberations and outcomes, however, primarily focused on maintaining peace and security with few strong references to human rights concerns.

Of the currently active peacekeeping operations, all those established after 1991 contain some reference to human rights in their mandates. While references vary, some of these, such as the United Nations Stabilisation Mission in Haiti (MINUSTAH) and the United Nations Operation in Côte d’Ivoire (UNOCI), have stronger and more

explicit mandates with regard to human rights promotion and protection. MINUSTAH’s mandate for example has an entire section focused on human rights, including providing support to the Government in its promotion and protection of human rights and monitoring and reporting on the human rights situation in Haiti. UNOCI is mandated to contribute to the promotion and protection of human rights in the country, as well as monitor and help investigate human rights violations. During 2006, the Security Council strengthened human rights references in several of the existing mandates of peacekeeping operations or peacebuilding offices. These include: Afghanistan when the Security Council gave the UN Assistance Mission in **Afghanistan**⁷ a more comprehensive mandate in non security-related areas such as the promotion of human rights, requesting it to take on an independent role in monitoring human rights violations and capacity-building of national institutions; and **Sierra Leone** when at the beginning of 2006 the Security Council replaced the UN Mission in Sierra Leone with the more peacebuilding-oriented UN Integrated Office for Sierra Leone with the mandate to *inter alia* develop a national action plan for human rights and establish the national human rights commission. In general those missions in post-conflict countries or countries where discussions are shifting from peacekeeping to peacebuilding have a stronger human rights component. UN missions may include human rights officers as part of their staff or may even have dedicated human rights offices. These are mandated to undertake various tasks, including receiving complaints from individuals or groups and investigating these; assisting and advising governments or national human rights institutions; and training non-governmental organisations (NGOs).

Unfortunately while *Resolution 1706*⁸ (August 2006) on **the Sudan** notably recalls the principle of the responsibility to protect and contains strong references to human rights, the Security Council remained unable to establish a strong peacekeeping presence in the Sudan. This was primarily due to the Sudanese Government’s continued opposition to a UN-led operation. So far the Sudan has agreed in principle to a hybrid peacekeeping operation in Darfur⁹, led by the African Union Mission in the Sudan (AMIS) but supported technically by the UN. In the meantime, the AMIS’s mandate has been renewed until the end of December.

⁶ Oxfam International ‘Security Council passes landmark resolution – world has responsibility to protect people from genocide’ (28 April 2006), available at http://www.oxfam.org.uk/press/releases/unsc_280406.htm.

⁷ Security Council *Resolution 1662/2006* (23 March 2006).

⁸ Security Council *Resolution 1706/2006* (31 August 2006).

⁹ This occurred during a meeting held in Addis Ababa on 18 November 2006 involving the Secretary-General, the permanent members of the Security Council, the African Union, the Arab League, the European Union, the Republic of Congo, Egypt, Gabon, Lybia, Nigeria, Rwanda, Senegal, South Africa, and the Sudan.

With regard to the **Democratic Republic of Congo**, in July 2006 the Security Council expanded the sanction regime, consisting of preventing travel and freezing funds and other assets of commanders of armed groups, and aimed at political and military leaders recruiting or using children in armed conflict in violation of international law, and individuals committing serious violations of international law targeting children in situations of armed conflict.¹⁰ The Security Council similarly announced its readiness to use targeted sanctions against those individuals in **Côte d'Ivoire** blocking the implementation of the peace process; violating human rights; publicly inciting hatred and violence; and violating the arms embargo.¹¹ However, despite confirmation from the Sanctions Committee¹² that Ivorian forces had hindered the work of UNOCI and allegations from NGOs of human rights violations by Government forces¹³, allied militias and the armed opposition, no such sanctions have yet been imposed.

The Security Council put **Myanmar** on the agenda¹⁴ and held its first official discussion on the matter in September 2006 in a closed meeting. NGOs and various UN human rights procedures have repeatedly called the Security Council's attention to the human rights situation in Myanmar. Human Rights Watch for instance has called for a resolution establishing a commission of inquiry into the human rights situation and requiring the Government to move towards democratic and civilian rule and release all political prisoners. However, given China and the Russian Federation's opposition, it remains unlikely that a resolution on Myanmar will be adopted soon.

NGO participation

The main types of NGOs involved with the Security Council are major human rights NGOs (Amnesty International and Human Rights Watch); large humanitarian organisations (Oxfam International and Médecins sans Frontières); NGOs concerned with peace and security (International Crisis Group); NGOs focusing on UN governance (Global Policy Forum and the World Federalist Movement); and think tanks (International Peace Academy). There are however no official arrangements regulating NGO

engagement with the Security Council. The main methods of interaction vary from informal consultations allowing the Security Council to hear the views of non-member States and non-State entities¹⁵; lobbying individual Security Council members on particular issues at both the national and international levels; to using conferences, lectures, letters to the Security Council, reports and international campaigns; and forming like-minded policy groupings to lobby more effectively.

During 2006, several steps were taken to formalise NGO interaction with the Security Council. In July 2006, the Security Council adopted a Presidential Note encouraging Security Council missions to hold meetings with civil society leaders, NGOs, and other interested parties.¹⁶ The same Presidential Note also stipulates that Security Council members may invite on an informal basis any relevant organisation or individual to participate in 'Arria Formula' informal meetings¹⁷. In the Note, members specifically agree to consider using such meetings to enhance their contact with civil society and NGOs.

KEY DEVELOPMENTS AT THE SECURITY COUNCIL IN 2006¹⁸

The following section outlines the key discussions and debates at the Security Council during 2006, with particular reference to the human rights dimensions of its work. It is organised on a regional and thematic basis.

Africa

Burundi

In 2006, NGOs like Human Rights Watch (HRW) and Amnesty International (AI) focused on the prevalence of human rights violations in Burundi, such as summary executions and torture, committed both by the rebel Forces Nationales de Libération (FNL) and Burundian security forces.¹⁹ They urged the Security Council to request the Government to ensure full accountability for such violations, notably by accelerating

10 Security Council *Resolution 1698* (31 July 2006).

11 Security Council *Presidential Statement 2006/2* (19 January 2006), *2006/9* (23 February 2006), *2006/14* (29 March 2006), *2006/20* (27 April 2006), *2006/23* (24 May 2006), *2006/32* (19 June 2006), and *2006/37* (7 July 2006), all available at: http://www.un.org/docs/sc/unsc_pres_statements06.htm.

12 Sanctions Committees are created by the Security Council to monitor the implementation of sanction measures. They are made up of all members of the Security Council.

13 Human Rights Watch, *Because they have guns ... I am left with nothing: the price of continuing impunity in Côte d'Ivoire* (May 2006), available at: <http://hrw.org/reports/2006/cotedivoire0506/> and International Crisis Group, *Côte d'Ivoire: Peace as an Option* (17 May 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=4112&l=1>.

14 China, Republic of Congo, Qatar and the Russian Federation voted against this and the United Republic of Tanzania abstained.

15 Arria Formula informal meetings.

16 Presidential Notes have a variety of different uses and often contain reports from the Security Council's working groups and UN agencies among others. This Presidential Note commits the Security Council to implementing the measures described in the *Report of the Informal Working Group on Documentation and Other Procedural Questions* annexed to it. See Security Council, *S/2006/507* (19 July 2006) para. 55, available at: <http://www.un.org/Docs/sc/notes/PresidentialNotesEng.htm>.

17 Arria Formula briefings are informal consultations allowing the Security Council to hear the views of non-member States and non-State entities.

18 As of 1 December 2006.

19 Articles available at: <http://web.amnesty.org/library/eng-bdi/index> and <http://hrw.org/doc/?t=africa&c=burund>.

the process of creating a Truth and Reconciliation Commission. Oxfam International called on the Security Council to ensure the protection of civilians by taking measures to stop the transfer of weapons to Burundi, the Democratic Republic of Congo and Uganda.²⁰ NGOs also focused on other issues including the situation of former child soldiers and the persecution of journalists and human rights defenders.²¹

While the Security Council took up some of these concerns, notably expressing concern about continued human rights violations by the FNL and the army throughout the year,²² it mainly discussed Burundi in light of progress achieved in the political transition and the peace process. In view of the continued regional instability, the Security Council extended the UN Mission in Burundi (ONUB) until 31 December 2006, after which it will be replaced by a UN Integrated Office in Burundi (BINUB).²³ Action Aid has comprehensively reviewed ONUB's work and made recommendations for BINUB's future activities. Its emphasis on the need to support a locally-owned security sector reform plan and the creation of transitional justice mechanisms were taken into account by the Security Council.²⁴ So far the strong provisions on the promotion and protection of human rights contained in ONUB's mandate have been continued in BINUB's mandate. Beyond human rights, BINUB has also been mandated to work on peace consolidation; democratic governance; and disarmament, demobilisation and reintegration of armed groups, among others.²⁵

The signing of a ceasefire agreement between the Government and the FNL in May 2005, the adoption of a constitution and the holding of presidential elections in late 2005, all signalled Burundi's increasing stability. The Security Council has therefore shifted its focus from peacekeeping to assisting with the consolidation of the emerging peace. In this context, it referred Burundi to the Peacebuilding Commission²⁶ in June 2006.

Central African Republic (CAR)

In the first part of 2006, NGOs reported mainly on the security, human rights and humanitarian situation in the CAR. The International Fed-

eration for Human Rights (FIDH) was troubled by the insecurity experienced by civilians in the northern CAR and Refugees International (RI) focused on the plight of refugees and internally displaced persons.²⁷ The Security Council and the Secretary-General²⁸ expressed similar concerns, worrying that the CAR's stability and security might be severely undermined by the situation in Darfur, the worsening relations between the Sudan and Chad and the emergence of rebel movements in northeastern parts of the CAR.²⁹

In light of the security situation, the Government requested the renewal of the UN Peacebuilding Office in the CAR (BONUCA), a mission that has a strong focus on human rights and the rule of law. The Government, as well as NGOs like the Organisation des Femmes Centrafricaines and the International Centre on Transitional Justice (ICTJ),³⁰ also asked the international community to help restore security in the northeast by implementing *Resolution 1706* (2006), which mandates the UN Mission in the Sudan to monitor trans-border activities of armed groups along the Sudan-CAR border and envisages establishing some form of UN presence in the CAR. The Security Council renewed BONUCA's mandate until 31 December 2007, expressed concern at the deteriorating security situation and called for a sub-regional approach to stabilise the CAR's borders.³¹ However, it did not respond to the Government's and NGOs' calls to establish a UN military presence in the CAR, and the relevant provisions of *Resolution 1706* have yet to be implemented. Despite BONUCA's role with regard to human rights, the Security Council did not take up human rights violations by Government and other armed forces, a concern raised by AI, which reported on cases of arbitrary arrests, torture and ill-treatment during detention, and attacks on unarmed civilians by these groups.³²

Côte d'Ivoire

Given the slow political progress in Côte d'Ivoire and a continuing volatile security situation, in 2006 the Security Council focused on the size of the UN presence in Côte d'Ivoire and the monitoring of the political transition, leaving aside important human rights concerns voiced by NGOs.

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Oxfam, 'Five million people face daily terror in Northern Uganda, DRC, Burundi: UN must act' (27 January 2006), available at: http://www.oxfam.org/en/news/pressreleases2006/pr060127_uganda.

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HRW, International Federation Terre des Hommes, and Save the Children Alliance.

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Security Council *Presidential Statement 2006/12* (23 March 2006) and Security Council *Resolution 1719* (25 October 2006).

23
Security Council *Resolution 1692* (30 June 2006) and Security Council *Resolution 1719* (25 October 2006).

24
Action Aid, *BINUB: Good Governance, Security Sector Reform and Enhancing Human Rights* (October 2006), available at: <http://www.actionaidusa.org/pdf/BINUB-Burundi.pdf>.

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Security Council *Resolution 1719* (25 October 2006).

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The Peacebuilding Commission is an inter-governmental advisory body, created by the Security Council in 2005. It aims to bring together resources and actors from various fields to advise States on post-conflict peacebuilding strategies.

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FIDH, 'The Civilian Population in Northern Central African Republic is in Great Danger' (3 January 2006), available at: http://www.fidh.org/article.php3?id_article=3089. Information on Central African Republic available at: <http://www.refugeesinternational.org/content/country/detail/9648>.

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The Secretary-General's reports on the situation in the CAR are available at: <http://www.un.org/docs/sc/sgrep06.htm>.

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On 30 October 2006, rebels captured the northern town of Birao.

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Reuters Foundation, 'U.N. urged to aid Chad, CAR fight Darfur spillover' (8 November 2006), available at: <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LZEG-6VCQEA?OpenDocument&rc=1&cc=caf>.

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Security Council *Presidential Statement 2006/47* (22 November 2006).

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Articles available at: <http://web.amnesty.org/library/eng-caf/index>.

During the first part of the year, the Security Council discussed the need to increase troop levels of the UN Operation in Côte d'Ivoire (UNOCI), something that NGOs like HRW had advocated for following the attacks against UNOCI in January 2006.³³ Many NGOs however, were also concerned with claims that some of UNOCI's own actions violated human rights standards. AI reported cases of excessive use of force by UNOCI and urged investigation into these events to follow strict and transparent standards.³⁴ Both AI and HRW asked the Security Council to ensure that peacekeepers are trained to take human rights into consideration when carrying out their work, for instance by learning to respond to violence in a proportionate manner and using non-lethal methods.³⁵ HRW and the International Crisis Group (ICG) also called on the Security Council to strengthen UNOCI's responsibility to protect civilians.³⁶ The Security Council extended UNOCI's mandate until 15 December 2006 and made various adjustments to its troop levels throughout the year, redeploying some troops from the UN Mission in Liberia to Côte d'Ivoire in February and increasing UNOCI's troop levels in June.³⁷ However, it did not respond to the allegations raised against UNOCI nor adapt its mandate to improve civilian protection.

Throughout 2006, the Security Council issued a number of Presidential Statements³⁸ reacting to developments on the ground such as the January attacks against UNOCI and violent protests in western Côte d'Ivoire.³⁹ The statements generally emphasised the Security Council's support for the International Working Group⁴⁰ (IWG) and the need for all parties to the conflict to implement the IWG's road map and other agreements, notably the Yamoussoukro summit⁴¹. They identified disarmament, demobilisation and reintegration of armed groups⁴², and voter identification⁴³ as crucial elements of the peace process. The Security Council also repeatedly stated its readiness to use targeted sanctions against individuals blocking the implementation of the peace process, violating human rights, publicly inciting hatred and violence and violating the arms embargo. However, it did not act on these threats, despite confirmation from the Sanctions Committee that Ivorian forces had hindered the work of UNOCI. It also did not address concerns raised in reports by NGOs⁴⁴ that noted human rights violations by Government

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 HRW, 'Côte d'Ivoire: Ivorian Government Must Rein in Militias' (19 January 2006), available at: <http://hrw.org/english/docs/2006/01/18/cotedi12468.htm>.

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 AI, *Clashes between peacekeeping forces and civilians: lessons for the future* (19 September 2006), available at: <http://web.amnesty.org/library/Index/ENGAFR310052006?open&of=ENG-CIV>.

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 Ibid and HRW, *Because they have guns ... I am left with nothing: the price of continuing impunity in Côte d'Ivoire* (May 2006), available at: <http://hrw.org/reports/2006/cotedivoire0506/>.

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 Ibid and ICG, *Côte d'Ivoire: Peace as an Option* (17 May 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=4112&l=1>.

37
 Security Council *Resolution 1652* (24 January 2006), Security Council *Resolution 1657* (6 February 2006) and Security Council *Resolution 1682* (2 June 2006).

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 Presidential Statements are generally used to convey the Security Council's opinion on a particular matter on the agenda although they are occasionally more action-oriented, requesting the Secretary-General to submit a report or renewing a UN peacekeeping mission. In general however, Presidential Statements are not considered to carry the same legal obligations as resolutions and are viewed as warnings before the Security Council takes more binding actions.

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 Security Council *Presidential Statement 2006/2* (19 January 2006), *2006/9* (23 February 2006), *2006/14* (29 March 2006), *2006/20* (27 April 2006), *2006/23* (24 May 2006), *2006/32* (19 June 2006), and *2006/37* (7 July 2006), all available at: http://www.un.org/docs/sc/unsc_pres_statements06.htm.

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 The IWG was established by the African Union Peace and Security Council and has been endorsed by the Security Council. Its role is to follow and evaluate the transition in Côte d'Ivoire. It has also been tasked with designing a road map for peace that was supposed to lead to elections in October 2006.

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 The Secretary-General organised a summit in Yamoussoukro in July 2006 with Côte d'Ivoire's main political leaders. Participants made a number of commitments to voter identification and disarmament, demobilisation and reintegration of armed groups.

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 The process of disarmament, demobilisation and reintegration of armed groups is a common tool used in post-conflict situations. It focuses on disarming armed groups, discharging their members from duty to allow them return to a normal civilian life and helping them reintegrate into society, notably by providing financial and other types of assistance.

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 The question of citizenship is a crucial aspect of the Ivorian conflict, since around three million Ivorians do not have identification papers or voter cards. Supporters of the President have sought to prevent voter identification as it is feared that he might not be re-elected if all Ivorians could vote.

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 Oxfam International, 'Five million people face daily terror in Northern Uganda, DRC, Burundi: UN must act' (27 January 2006), available at: http://www.oxfam.org/en/news/pressreleases2006/pr060127_uganda.

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The West Africa Network for Peacekeeping published a briefing outlining possibilities for the peace process after the Yamoussoukro summit. Available at: <http://www.reliefweb.int/library/documents/2006/wanep-civ-13june.pdf>.

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ICG, 'Côte d'Ivoire: Stepping Up the Pressure' (7 September 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=4365&l=1>.

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Security Council *Resolution 1669* (10 April 2006). These forces do not have a precise mandate and their stay was extended until 31 December 2006 by Security Council *Resolution 1711* (29 September 2006).

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Security Council *Resolution 1671* (10 May 2006).

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AI stressed the need for MONUC to fulfil its mandate to protect civilians: AI, 'Peace process at risk if political and military rivalries in North-Kivu province are not addressed' (28 September 2005), available at: <http://web.amnesty.org/library/Index/ENGAFR620162005?open&of=ENG-COD>. HRW, 'EU Force Must Protect Civilians in D.R. Congo' (30 March 2006), available at: <http://hrw.org/english/docs/2006/03/30/congo13159.htm>.

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Oxfam, 'Five million people face daily terror in Northern Uganda, DRC, Burundi: UN must act' (27 January 2006), available at: http://www.oxfam.org/en/news/pressreleases2006/pr060127_uganda.

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CARE, 'Elections are not the final step' (28 July 2006), available at: http://www.care.org/newsroom/articles/2006/07/20060728_drc_release.asp. RI, *Seizing This Moment of Hope: Towards a Secure Future in the Democratic Republic of the Congo* (17 October 2006), available at: <http://www.refugeesinternational.org/content/issue/detail/9549>.

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The increase in military and police force has been extended until February 2007: Security Council *Resolution 1693/2006* (30 June 2006) and *Resolution 1711* (29 September 2006).

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AI, reports and articles available at: <http://web.amnesty.org/library/eng-cod/index>. HRW, reports and articles available at: http://hrw.org/doc/?t=africa&c=congo&document_limit=0,20. ICG, *Security Sector Reform in the Congo* (13 February 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=3946&l=1>.

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Security Council *Resolution 1698* (31 July 2006).

forces, allied militias and the armed opposition groups, and called on the Security Council to apply targeted sanctions.

Once it became clear that the presidential elections would not be able to take place in 2006, the Security Council's and NGOs'⁴⁵ attention shifted to the need to plan further transitional arrangements. The Security Council passed *Resolution 1721* in November 2006, establishing the new arrangements for the next 12 months. The arrangements were formulated by the African Union Peace and Security Council and were also in line with some of the International Crisis Group's recommendations.⁴⁶ *Resolution 1721* strengthened the role of the Prime Minister, giving him responsibility for the implementation of the road map and other agreements. The Security Council also requested the IWG to design a timetable for the implementation of the road map, stressing the importance of disarmament, demobilisation and reintegration of armed group, and voter identification. *Resolution 1721* contained limited substantive references to human rights. It simply reiterated the Security Council's concern regarding all violations of human rights and humanitarian law and urged the Ivorian authorities to investigate these.

Democratic Republic of Congo (DRC)

In 2006, the Security Council focused on the presidential elections and the role of the UN Mission in the DRC (MONUC) during and after these elections. It strengthened MONUC's capacity by transferring some military and police forces from the UN Mission in Burundi to areas where MONUC did not have an operational military presence in April 2006.⁴⁷ It also authorised the temporary deployment of a European Union operation (Eufor RD Congo) in May 2006 to support MONUC during the elections.⁴⁸ Meeting the concerns of NGOs including AI and HRW⁴⁹, it gave Eufor RD Congo a mandate to protect civilians from imminent threats of physical violence. At a briefing with Security Council members, Oxfam, invoking the principle of the responsibility to protect, urged the Security Council to ensure that all parties to the conflict abide by their obligation to protect civilians and aid workers.⁵⁰

While the elections generally took place relatively peacefully, on 30 July 2006, MONUC and Eufor

RD Congo had to halt fighting in Kinshasa. Currently, the situation remains tense, with increasing reports of ethnic tensions in various parts of the country initiating discussions about the future role of the UN in the DRC. NGOs like CARE and RI have stressed the importance of continued Security Council engagement in the DRC to ensure stability in the Great Lakes region.⁵¹ Although there seems to be consensus that MONUC's mandate should be extended in the short term,⁵² the Security Council is still divided between those concerned about the costs of a continued MONUC presence and those calling for a long-term commitment to ensure lasting stability.

As pointed out by NGOs including AI, HRW and ICG, armed militias and foreign combatants remain a major issue in the DRC despite the voluntary disarmament process.⁵³ However, while the Governments of Burundi, the DRC, Rwanda and Uganda asked the Security Council to involve MONUC in the forcible disarmament of armed groups, both the Security Council and the Secretary-General opposed this idea. They stressed that the Security Council's primary role is to ensure the smooth running of the elections and that responsibility for disarmament lies with the Government. Members have however increasingly agreed on the need to extend sanctions against commanders refusing to disarm and in July 2006, the Security Council strengthened targeted sanctions against commanders and renewed the arms embargo.⁵⁴ It crucially expanded sanctions to cover political and military leaders recruiting or using children in armed conflict in violation of international law, or individuals committing serious violations of international law targeting children in situations of armed conflict.

Eritrea and Ethiopia

In 2006, the dispute between Ethiopia and Eritrea over the demarcation of their boundaries continued. Ethiopia refuses to unconditionally accept the final decision of the Eritrea-Ethiopia Boundary Commission (EEBC), while Eritrea refuses to revisit the Demarcation Decision and continues to place unacceptable restrictions on the UN Mission in Eritrea and Ethiopia (UNMEE). Given this context, the Security Council has focused primarily on this dispute

and its consequences for UNMEE. It has not addressed the many issues of concern of some NGOs, such as the persistence of arbitrary detentions, political imprisonment, summary executions, and torture and ill-treatment in detention in both countries.⁵⁵ Moreover UNMEE's role with regard to human rights remains restricted to the need to coordinate its operations with the humanitarian and human rights activities of the UN and other organisations.

The demarcation talks⁵⁶ continued to stagnate throughout the year and in October 2006 Eritrea moved troops into the Temporary Security Zone and seized one of UNMEE's checkpoints in violation of *Resolution 1640* (2005) and the 2000 *Agreement on Cessation of Hostilities*. As a result, the Security Council focused on decreasing UNMEE's troop levels while extending its mandate until January 2007.⁵⁷ It also planned to further review UNMEE's mandate before its expiry.⁵⁸ Members States supported a range of options, including withdrawing all troops, maintaining UNMEE's presence and transforming UNMEE into an observer mission.⁵⁹ ICG recommended that the Security Council use the threat of sanctions to incite Ethiopia and Eritrea to comply with its demands, but this has not happened so far.⁶⁰

Liberia

In the first part of the year, many NGOs such as the Campaign against Impunity⁶¹ concentrated on the trial of former President Charles Taylor, urging the Liberian and Nigerian Presidents to ensure the transfer of the former President into custody of the Special Court for Sierra Leone. While the Security Council welcomed such a transfer,⁶² its actions primarily focused on the mandate of the UN mission in Liberia (UNMIL) and the sanction regimes against Liberia. In line with calls for a continued UN presence to maintain Liberia's stability,⁶³ the Security Council renewed UNMIL until 31 March 2007.⁶⁴ However it also endorsed the Secretary-General's proposal for a phased withdrawal of UNMIL's troops according to the situation on the ground.

Given the continued stable political and security situation in Liberia, in July 2006, the Security Council decreased the size of UNMIL's military component and strengthened its civilian police.⁶⁵

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 These concerns have been raised by AI and HRW. Reports and articles are available at: <http://web.amnesty.org/library/eng-eth/index&start=1>, <http://web.amnesty.org/library/eng-eri/index> and <http://hrw.org/doc/?t=africa&c=ethiop>.

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 The conditions that the parties have to fulfil are laid out in *Resolution 1640/2005* (23 November 2005). It urges Eritrea to lift all restrictions on UNMEE's movements and operations and calls on Ethiopia to accept the final decision of the EEBC and allow it to demarcate borders completely.

57
 Security Council *Resolution 1681* (31 May 2006).

58
 Security Council *Resolution 1710* (29 September 2006).

59
 Observer missions are less actively involved in conflicts or post-conflict situations than other types of peacekeeping missions. Their main objective is to verify the compliance of parties to a conflict with ceasefire or other agreements and have a more limited monitoring or conflict-prevention role. The Secretary-General's January report on the situation in Eritrea and Ethiopia presented a range of options with regard to UNMEE's mandate. *Report of the Secretary General on Ethiopia and Eritrea*, Security Council, S/2006/1 (3 January 2006), available at: <http://www.un.org/docs/sc/sgrep06.htm>.

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 ICG, *Ethiopia and Eritrea: Preventing War* (22 December 2005), available at: <http://www.crisisgroup.org/home/index.cfm?id=3850&l=1>.

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 This is a coalition of 300 African and international civil society groups.

62
 Security Council *Resolution 1667* (31 March 2006).

63
 President Ellen Johnson-Sirleaf addressed the Security Council in March 2006, stressing the need for a continued UN presence to maintain Liberia's stability.

64
 Security Council *Resolution 1667* (31 March 2006) and Security Council *Resolution 1712* (29 September 2006).

65
 Security Council *Resolution 1694* (13 July 2006).

66

Both these issues were stress by ICG. ICG, *Liberia: Resurrecting the Justice System* (6 April 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=4061&l=1>.

67

AI, *Liberia: Truth, Justice and Reparation* (22 June 2006), available at: <http://web.amnesty.org/library/Index/ENGAFR340052006?open&o=ENG-LBR>.

68

Security Council *Resolution 1689* (20 June 2006).

69

Global Witness, *Cautiously Optimistic: The Case for Maintaining the Sanctions in Liberia* (June 2006) available at: <http://www.globalwitness.org/reports/index.php?section=liberia>.

70

Canada made this call at the 5359th meeting of the Security Council on 27 January 2006. The record of the meeting is available at: <http://daccessdds.un.org/doc/UNDOC/PRO/N06/226/18/PDF/N0622618.pdf?OpenElement>.

71

The Lords Resistance Army is an armed group engaged in a rebellion against the Ugandan Government. It has also been accused of operating in the Sudan, Chad and the Democratic Republic of Congo. The Security Council is waiting for the Secretary-General's report outlining options to deal with illegal armed groups and more specifically the LRA.

72

ICG, *A Strategy for Ending Northern Uganda's Crisis* (January 2006) available at: <http://www.crisisgroup.org/home/index.cfm?l=1&id=3864>.

73

Civil Society Organisations for Peace in Northern Uganda, *Counting the Cost: Twenty years of war in northern Uganda* (March 2006), available at: http://www.oxfam.org.uk/what_we_do/issues/conflict_disasters/csofnu_nuganda.htm.

74

Security Council *Resolution 1688* (16 June 2006).

75

HRW, 'Charles Taylor: Hague Trial Must be Accessible to West Africans' (21 June 2006), available at: <http://hrw.org/english/docs/2006/06/20/liberi13590.htm>.

76

The Secretary-General submitted two reports on UNIOSIL, identifying the dire economic situation, corruption and tensions in areas along the border with Guinea as potentially destabilising factors and urging the international community to continue to support the Government and the consolidation of peace. Available at: <http://www.un.org/docs/sc/sgrep06.htm>.

However, despite recognising a number of important areas of work including security and judicial reform,⁶⁶ the Security Council did not change UNMIL's mandate. AI's recommendations that UNMIL assist the Government with the Truth and Reconciliation Commission,⁶⁷ were therefore not taken into account. Nevertheless, UNMIL retains a strong human rights focus as it is mandated to ensure an adequate human rights presence, capacity and expertise to carry out human rights promotion, protection and monitoring activities.

In 2006, the Security Council also partially lifted the arms embargo against Liberia to allow for the training of Liberia's security forces but renewed the sanctions imposing a ban on diamond exports from the country.⁶⁸ Despite a major report from Global Witness calling for the Security Council to maintain sanctions against the timber industry, these sanctions were lifted for 90 days.⁶⁹

Northern Uganda

The situation in northern Uganda is not formally on the Security Council's agenda, despite calls from Canada and the Secretary-General for its official inclusion.⁷⁰ The Security Council has however held several briefings on the situation, mainly focusing on the activities of the Lords Resistance Army⁷¹ (LRA) and the humanitarian situation. With some Security Council members arguing that the situation is a domestic issue and should therefore not be discussed in this forum, official discussions remained limited in scope and members of the Security Council failed to address all the issues raised by NGOs and other actors. The Ugandan Government for instance has called on the Security Council to mandate the UN Mission in the DRC and the UN Mission in the Sudan to demobilise the LRA. The Security Council, however, remains reluctant to act on this issue. It has also failed to act on recommendations such as the appointment of a UN envoy to Uganda (ICG)⁷² and the establishment of a panel of experts to investigate the LRA's actions (the Civil Society Organisations for Peace in Northern Uganda).⁷³ It seems that the Security Council will continue to only address the question of the LRA and the situation in northern Uganda in its regional debates, such as the open debate on Africa in September 2006, and through its discussions on other countries affected by the LRA.

Sierra Leone

In 2006, NGOs and the Security Council focused on the trial of former President Charles Taylor. On 16 June 2006, the Security Council welcomed the Special Court for Sierra Leone's decision to hold the former President's trial in The Hague.⁷⁴ Following this decision, HRW called on the Special Court for Sierra Leone to make the trial as accessible as possible to people of West Africa despite its location in The Hague.⁷⁵

The Security Council also dealt with the transition from peacekeeping to peacebuilding as called for by the Secretary-General.⁷⁶ It replaced the UN Mission in Sierra Leone (UNAMSIL) with the more peacebuilding-oriented UN Integrated Office for Sierra Leone (UNIOSIL) at the beginning of 2006.⁷⁷ While UNAMSIL had a very limited role with regard to human rights, UNIOSIL has been mandated to develop a national action plan for human rights and establish the national human rights commission. In June 2006, the Security Council continued to shift the focus of its discussions from peacekeeping issues, such as implementation of peace agreements and assistance in the area of security, towards peacebuilding issues like capacity- and institution-building by referring Sierra Leone to the Peacebuilding Commission.

Somalia

During 2006, the security and humanitarian situation worsened considerably in Somalia as a result of the continued tensions between the Transitional Federal Government (TFG) and the Union of Islamic Courts (UIC)⁷⁸ among other factors. This pushed the Security Council to move beyond its traditional approach of simply renewing the arms embargo against Somalia. Instead, it expressed its willingness to adapt the arms embargo to allow the deployment of an African Union-Intergovernmental Authority on Development⁷⁹ peace support mission and to facilitate the development of Somalia's security forces.⁸⁰ Despite these indications and calls by NGOs, including the Internal Displacement Monitoring Centre,⁸¹ to support the TFG in developing a Somali security force, the Security Council did not take further decisions on these matters.⁸² Similarly, it did not act on its expressed intention to consider specific action to improve compliance

with the arms embargo, instead only renewing the mandate of the Monitoring Group overseeing the implementation the arms embargo.⁸³ While the Security Council's discussions were more substantial than in previous years, they did not expand to include consideration of human rights issues beyond expressing concern at the dire humanitarian situation.

Both Ethiopia and Eritrea are suspected of involving themselves in the conflict by supporting the opposing Somali parties, prompting fears that the tensions might lead to a broader regional conflict. The Society for Threatened Peoples for instance warned of a possible new large-scale war in the Horn of Africa, citing the intervention of foreign troops in Somalia as a major cause of worry.⁸⁴ ICG urged the Security Council to request an end to all foreign intervention in Somalia, ensure respect for the arms embargo and work to contain the impending conflict.⁸⁵ The Security Council responded by repeatedly calling on all actors inside and outside Somalia to avoid actions leading to further violence.⁸⁶

The Sudan/Darfur

In 2006, the situation in Darfur continued to deteriorate, with reports of grave violations of humanitarian and human rights law by the Government-backed Janjaweed Arab militias and an almost general suspension of humanitarian operations. Due to insufficient financial and technical resources, the African Union Mission in the Sudan (AMIS) has been unable to effectively carry out its mandate to implement ceasefire agreements and create a secure environment for the return of internally displaced persons and refugees.

NGOs including AI, HRW and ICG have consistently invoked the concept of the responsibility to protect in their appeals to the Security Council to prevent further deterioration of the situation in Darfur.⁸⁷ Within this context, the Security Council has been discussing the need for a UN peacekeeping operation in Darfur. In August 2006, despite China, Qatar and the Russian Federation abstaining, the Security Council finally passed *Resolution 1706*.⁸⁸ The Resolution recalls the principle of the responsibility to protect and, as called for by many NGOs including AI,⁸⁹ authorises UNMIS to use force to protect civilians.

77
 Security Council *Resolution 1620* (31 August 2005).

78
 The UIC took over Mogadishu and other important cities in 2006, taking control of most of central and south Somalia.

79
 The Intergovernmental Authority on Development is an organisation composed of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, the Sudan and Uganda, which works in the areas of regional security and development.

80
 Security Council *Presidential Statement 2006/11* (15 March 2006) and Security Council *Presidential Statement 2006/31* (13 July 2006).

81
 Internal Displacement Monitoring Centre, *Somalia: window of opportunity for addressing one of the world's worst internal displacement crisis* (10 January 2006), available at: [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/ODD3270814F809-DEC12570F2003E4DC0/\\$file/Somalia_indepth_report_Jan06.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/ODD3270814F809-DEC12570F2003E4DC0/$file/Somalia_indepth_report_Jan06.pdf).

82
 China and African members of the Security Council have supported an exemption to the arms embargo for IGASOM. Other States, like Denmark, the Russian Federation, the UK and the USA, are more cautious, notably because the UIC is strongly opposed to the deployment of IGASOM.

83
 Security Council *Resolution 1676* (10 May 2006) and Security Council *Resolution 1724* (29 November 2006).

84
 Society for Threatened Peoples, 'Danger of War in the Horn of Africa' (2 November 2006), available at: <http://www.reliefweb.int/rw/RWB.NSF/db900SID/AMMF6V7KBT?OpenDocument>.

85
 ICG, *Can the Somali Crisis Be Contained?* (10 August 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=4333&=1>.

86
 Security Council *Presidential Statement* (13 July 2006) and Security Council *Resolution 1725* (6 December 2006).

87
 AI, 'UN Security Council must meet "responsibility to protect" civilians' (25 May 2006) available at: <http://news.amnesty.org/index/ENGAFR540192006>. HRW, *Ensuring Protection in Darfur: The U.N. Mandate* (April 2006), available at: <http://hrw.org/background/africa/sudan0406/>. ICG, *To Save Darfur* (17 March 2006) available at: <http://www.crisisgroup.org/home/index.cfm?id=4027&=1>.

88
 Security Council *Resolution 1706* (31 August 2006). The Resolution is based on the proposals put forward by the Secretary-General following a joint AU-UN assessment mission in the Sudan.

89
 AI, 'UN Security Council must meet "responsibility to protect" civilians' (25 May 2006) available at: <http://news.amnesty.org/index/ENGAFR540192006>.

90

This occurred during a meeting held in Addis Ababa on 18 November 2006 involving the Secretary-General, the permanent members of the Security Council, the African Union, the Arab League, the European Union, the Republic of Congo, Egypt, Gabon, Libya, Nigeria, Rwanda, Senegal, South Africa and the Sudan.

91

Notably Security Council *Resolution 1706* (31 August 2006), Security Council *Presidential Statement 2006/17* (25 April 2006) and Security Council *Presidential Statement 2006/19* (25 April 2006). The press release is available at: <http://www.un.org/News/Press/docs/2006/sc8690.doc.htm>.

92

Targeted sanctions focus on certain individuals or groups instead of introducing comprehensive measures affecting a whole country.

93

Only China, Qatar and the Russian Federation abstained.

94

Available at: <http://www.un.org/Docs/sc/committees/Sudan/SudanselectedEng.htm>.

95

Security Council *Resolution 1675* (28 April 2006) and Security Council *Resolution 1720* (31 October 2006).

96

The mission took place from 15 to 23 May 2006.

97

Articles available at: <http://web.amnesty.org/library/eng-mar/index>.

98

The Secretary-General's two reports are available at: <http://www.un.org/docs/sc/sgrep06.htm>.

99

The National Assembly was elected in September 2005 and a five-year framework for reconstruction and development, the Afghanistan Compact, was launched in February 2006 and endorsed by the Security Council.

100

In 2003, NATO took command of the UN-mandated International Security Assistance Force (ISAF), which assists the Government in maintaining security in Afghanistan, and in 2006 gradually took over command of the US-led Operation Enduring Freedom. Security Council *Resolution 1707* (12 September 2006) extended ISAF for a year.

101

HRW, 'NATO Should Do More to Protect Civilians' (30 October 2006), available at: <http://hrw.org/doc/?t=asia&c=afghan> and 'Bush, Karzai, Musharraf Must Act Now To Stop Militant Abuses' (27 September 2006), available at: <http://hrw.org/english/docs/2006/09/27/afghan14272.htm>.

Resolution 1706 also establishes a role for UNMIS with regard to human rights promotion and monitoring activities focusing particularly on women and children. Crucially however, any UN deployment depends on the Sudanese Government's consent. The implementation of this Resolution has thus been delayed by the Sudan's refusal to allow the UN operation to go forward. Many NGOs have expressed concern regarding the lack of movement forward and have organised events to rally support for the implementation of the Resolution. The Save Darfur Coalition for instance organised several campaigns and on 17 September 2006, groups in 41 countries participated in a Global Day of Action for Darfur. In light of the Sudan's complete opposition to a UN-led operation, China, Qatar and the Russian Federation suggested a hybrid peacekeeping operation in Darfur, led by AMIS but supported technically by the UN. The Sudanese Government has agreed in principle to this hybrid operation⁹⁰ but in subsequent statements it has both indicated its willingness to accept some UN involvement and rejected this option completely. In the meantime, AMIS's mandate has been renewed until the end of December.

The Security Council has also addressed the regional dimension of the conflict in Darfur, notably its impact on Chad, where there have been reports of cross-border attacks and increasing instability. The Security Council responded to Chad's request to include this issue on its agenda by holding a briefing on the matter in May 2006. It also noted the threat of cross-border armed groups, especially the Lords Resistance Army, and the impact of the conflict on Chad in several resolutions, presidential statements, and a press release.⁹¹

The Security Council also discussed establishing a list of violators of Security Council sanctions and the Sudanese peace agreements. While the UK favoured establishing a list of violators, China, Qatar and the Russian Federation opposed these targeted sanctions⁹², claiming they would complicate the peace process. In April 2006, the Security Council adopted *Resolution 1672*, for the first time imposing sanctions on individual commanders of armed groups involved in the Darfur conflict.⁹³ There are now discussions about using targeted sanctions against violators of the *Darfur Peace Agreement*. The panel

of experts monitoring the implementation of the arms embargo against non-governmental entities in Darfur focused on this issue in their final report.⁹⁴

Western Sahara

In 2006, the Security Council extended the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2007.⁹⁵ Argentina, Denmark, France and the UK noted the Secretary-General's concerns about the human rights situation and supported the Office of the High Commissioner for Human Rights' (OHCHR) intention to undertake a mission to Western Sahara, given MINURSO's limited human rights mandate.⁹⁶ NGOs like AI also reported on the situation, focusing more particularly on attacks against and repression of human rights defenders in Western Sahara, notably by Moroccan security forces.⁹⁷ The Secretary-General called on the UN to diminish its involvement in Western Sahara to allow the parties to take responsibility for the resolution of the conflict and motivate them to resume direct negotiations.⁹⁸ While this recommendation was not included in the resolutions extending MINURSO's mandate, during debates in April and October 2006 speakers noted the need to change the present state of affairs and hoped that the technical rollover of the mandate would allow negotiations to move forward.

Asia and the Middle East

Afghanistan

The revival of insurgency and drug cultivation in 2006 jeopardised the progress achieved in Afghanistan's democratic transition and reconstruction.⁹⁹ Despite the deteriorating security situation, the Security Council was reluctant to increase its involvement in Afghanistan's security issues as NATO has taken the leading role in that area.¹⁰⁰ NGOs therefore generally made recommendations to individual governments and NATO rather than the Security Council, focusing essentially on the security situation and its impact on development and civilians. HRW called on the USA, Afghanistan, Pakistan

and NATO to assume their responsibility to protect civilians.¹⁰¹

In March 2006, the Security Council renewed the UN Assistance Mission in Afghanistan (UNAMA)¹⁰² with a more comprehensive mandate in non-security related areas including the promotion of human rights, assistance in institution-building and implementation of the Afghanistan Compact.¹⁰³ By November 2006 however, the continued severity of the situation led the Security Council to send a mission to Afghanistan to review UNAMA's activities and the Government's progress in security, governance, and development. HRW urged the mission to look at a broad range of issues including the impact of the conflict on civilians; the rule of law; impunity; and discrimination against women and girls.¹⁰⁴ The mission concentrated mainly on the security situation and the need for security sector reform, but it also addressed HRW's concerns when it emphasised the importance of addressing impunity and building strong rule of law institutions and called on the Government and the international community to sharpen their focus on human rights.¹⁰⁵

Democratic People's Republic of Korea (DPRK)

In 2006, the Security Council concentrated exclusively on the question of nuclear armament in response to the DPRK firing ballistic missiles and claiming to have carried out nuclear tests. It failed to address calls from human rights and humanitarian NGOs to consider the DPRK not only from a security perspective, but also in light of its human rights and humanitarian record.¹⁰⁶ In general, NGOs were particularly concerned about the Government's food policies,¹⁰⁷ prison camps, and its continuing refusal to allow UN human rights experts and other independent observers to visit the country and examine the human rights situation. The United States Committee for Human Rights in North Korea contributed to a major report on the human rights situation in the DPRK calling on the Security Council to act under the principle of the responsibility to protect.¹⁰⁸

The main resolution adopted on the DPRK was *Resolution 1718*. It focuses on imposing non-military sanctions on the DPRK, and banning the

sale and export of military hardware and nuclear and missile-related items, as well as luxury items. China and the Russian Federation, which had previously urged the Security Council to exercise restraint with regard to the DPRK, joined the consensus on the need for these sanctions.

Iraq

The security situation deteriorated significantly in 2006, despite achievements in the political sphere, such as the formation of a national unity Government in June 2006. Sectarian violence increased drastically, with an estimated 100 civilians dying every day.

While the UN Mission in Iraq's (UNAMI) involvement in Iraq has been minimal, the worsening security situation and calls by Iraq and the USA for greater involvement have pushed the Security Council to discuss UNAMI's activities. Despite Security Council members agreeing on the need for the fullest UN involvement possible,¹⁰⁹ the UN Secretariat's concerns about the security of peacekeepers and UN staff in Iraq have delayed the decision-making process. The Security Council therefore simply renewed UNAMI in August 2006, without changing its mandate, which focuses on providing assistance with elections; drafting of a national constitution; provision of effective civil and social services; protection of human rights and strengthening of the rule of law, among others.¹¹⁰ It also renewed the mandate of the USA-led multi-national force (MNF) until 31 December 2007, despite calls by France and the Russian Federation for a more definite timeframe for its withdrawal. The Security Council failed to respond to calls by NGOs¹¹¹ and a report by UNAMI,¹¹² pointing to alleged human rights violations committed by the MNF, such as using excessive and indiscriminate force resulting in civilian deaths, or torture and ill-treatment during detention. These organisations urged the Security Council to thoroughly review the MNF's mandate and to establish a standard of conduct for the forces. Overall the Security Council appears to have limited itself to renewing existing arrangements, given the existing disagreements by member States on Iraq, which date back to the controversial 2003 decision to intervene in Iraq despite opposition from some Security Council members.

102 Security Council *Resolution 1662* (23 March 2006).

103 The Afghanistan Compact is a five-year framework for reconstruction and development.

104 HRW, 'Security Council Upcoming Mission' (9 November 2006), available at: <http://hrw.org/english/docs/2006/11/09/afghan14551.htm>.

105 Security Council, *Report of the Security Council mission to Afghanistan*, S/2006/935 (4 December 2006), available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N06/631/38/PDF/N0663138.pdf?OpenElement>.

106 Anti-Slavery International, Citizens' Alliance for Human Rights in North Korea, HRW, RI and United States Committee for Human Rights in North Korea, 'Letter to the Security Council' (14 September 2006), available at: <http://www.hrnk.org/documents/unLetter-091406.pdf>.

107 The Government has notably restricted the operations of the World Food Programme in the DPRK and its food distribution system has been criticised for being used to discriminate against disfavoured citizens.

108 *Failure to protect: A call to the UN Security Council to act in North Korea* (October 2006), available at: <http://www.hrnk.org/failureToProtect-Report.pdf>.

109 Security Council *Presidential Statement 2006/8* (14 February 2006).

110 Security Council *Resolution 1700* (10 August 2006).

111 Al, 'Iraq: UN Security Council should ensure full accountability for Multinational Force abuses' (14 June 2006), available at: <http://www.amnestyusa.org/countries/iraq/document.do?id=ENGMDE140272006>. Coalition of 27 NGOs including Arab Commission for Human Rights, FIDH and Global Policy Forum, 'NGO Letter to the Security Council on Iraq' (19 May 2006), available at: <http://www.globalpolicy.org/security/issues/iraq/unrole/2006/0519iraqletter.htm>.

112 UNAMI, *Human Rights Report* (1 January - 28 February 2006), available at: <http://www.uniraq.org/documents/HR%20Report%20Jan%20Feb%2006%20EN.PDF>.

Israel and Palestine

The consequences of the establishment of a Hamas-led Government following the January 2006 elections were at the centre of the Security Council's discussions. During open debates throughout the year, Security Council members urged the Government to accept the Quartet on the Middle East's¹¹³ principles of: renouncing violence; recognising Israel's right to exist; and accepting previous agreements and obligations, including the Road Map¹¹⁴. These calls were echoed by NGOs, which urged the new Hamas Government to end attacks targeting civilians and ensure overall good governance and respect for human rights.¹¹⁵ Such calls increased as inter-factional tensions between Hamas and Fatah led to a surge in violence and insecurity in the Occupied Palestinian Territories (OPT).

Security Council members also urged Israel to refrain from unilateral and other actions that could prejudice 'final-status' discussions,¹¹⁶ especially after the escalation of Israeli military operations in the OPT following the kidnapping of an Israeli soldier. NGOs¹¹⁷ and Arab States were particularly vocal on these issues, with many qualifying Israeli actions in the OPT as collective punishment.¹¹⁸ AI called for an international investigation into operations that resulted in civilian casualties,¹¹⁹ while Al Mezan urged the international community to prevent Israel from applying policies like closure regimes.¹²⁰ Despite these calls, the Security Council did not take any concrete action on these issues. Two draft resolutions condemning Israeli operations were vetoed by the USA, which argued that they were unbalanced.¹²¹

Despite escalating violence in the OPT throughout 2006,¹²² the Security Council's attention mainly focused on the events in Lebanon. As the situation there stabilised, Security Council members reiterated their commitment to a comprehensive settlement of the Middle East problem, stressing that Palestine was at the heart of regional peace and stability.¹²³ While some States stressed the importance of each party respecting international humanitarian law for peace talks to be sustainable in the long term, the focus remained essentially on the political and security dimensions of the process. States urged the parties to the conflict to revive negotiations on the basis of the Road Map, although views varied as

to which international actor should take the lead in facilitating this process. Some States, notably Qatar and Ghana, urged the Security Council to take action, while others, like France and Slovakia, argued that the Quartet was the best placed to reinvigorate the peace process. NGOs also directed their calls to other actors than the Security Council, with ICG for instance, making recommendations to the Quartet on measures to resume peace negotiations.¹²⁴ Despite repeated commitments to reviving the peace process, the Security Council did not take any concrete action to further this process.

Lebanon

The Security Council started out by addressing issues in Lebanon's national reconciliation process, including the investigation into former Prime Minister Rafik Hariri's assassination, but its focus quickly shifted when a conflict erupted between Hezbollah and Israel in July 2006.

In the first part of 2006, the Security Council focused on the work of the UN International Independent Investigation Commission (UNIIC) into former Prime Minister Rafik Hariri's assassination, as well as the implementation of *Resolution 1559*, which calls for the disbanding and disarmament of all militias and the extension of the control of the Government over the whole territory, among other things. The Security Council renewed UNIIC's mandate until June 2007 and also agreed to Lebanon's request to create an international tribunal on the former Prime Minister's murder.¹²⁵ Throughout the year, the Security Council monitored the national dialogue between the main Lebanese political actors on issues of concern, including Lebanon's relationship with Syria, the delimitation of borders with Syria and Israel, and the implementation of *Resolution 1559*. While noting progress in some areas, such as the decision to disarm Palestinian militants operating in South Lebanon, the Security Council expressed concern about the volatile security situation along the Blue Line¹²⁶ and the lack of progress in disbanding and disarming militias, extending governmental control over the whole territory, and holding presidential elections.¹²⁷

In July 2006, following the capture of two Israeli soldiers by Hezbollah and the subsequent con-

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The Quartet on the Middle East is the main mediator in the Israeli-Palestinian peace process. It is composed of the EU, the Russian Federation, the USA and the UN.

114

The Road Map for Peace is the main negotiated framework for peace between Israel and Palestine. It was developed by the Quartet.

115

AI, HRW, ICG, Oxfam and the Resource Centre for Palestinian Residency and Refugee Rights (BADIL).

116

Negotiations for peace between Israel and Palestine are sometimes referred to as final-status talks, as they will define the final nature and size of a Palestinian State. Some Israeli policies, such as the 'separation wall', are criticised for annexing Palestinian territories and creating new facts on the ground that will have to be taken into account during final status talks.

117

AI, Al Haq, Al Mezan, Badil, B'Tselem, HRW, ICG, the International Commission of Jurists, Oxfam, the Palestinian Centre for Human Rights (PCHR) and the Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH).

118

AI, Al Haq, Al Mezan, the International Commission of Jurists, MIFTAH and PCHR.

119

AI, 'Israel/Occupied Territories: Call for international investigation of Gaza strikes' (21 June 2006), available at: <http://web.amnesty.org/library/Index/ENGMD150542006?open&of=ENG-PSE>.

120

Closure regimes include roadblocks and checkpoints and closing crossing points into Gaza. Al Mezan, 'Al Mezan calls on the International Community to immediately intervene and lift the siege imposed on the Gaza Strip' (6 March 2006), available at: http://www.mezan.org/site_en/press_room/press_detail.php?id=445.

121

Qatar tabled two resolutions in July and November reacting to Israeli operations after the kidnapping of an Israeli soldier and the shelling of Beit Hanoun by Israeli Defence Forces. Denmark, Peru, Slovakia and the UK abstained on the first resolution and Denmark, Japan, Slovakia and the UK abstained on the second.

122

Casualties were comparable to those experienced at the height of the second Intifada.

conflict with Israel in South Lebanon, the Security Council shifted its focus to discussing an appropriate response to the hostilities.¹²⁸ It concentrated on two central issues, namely the need for a ceasefire and the nature and mandate of a potential stabilisation force. The Security Council was divided between some members calling for an immediate ceasefire¹²⁹ as championed by many NGOs;¹³⁰ other members advocating the cessation of hostilities;¹³¹ and the USA arguing that a ceasefire should not be adopted before the root causes of the conflict were addressed. Most NGOs¹³² however, focused essentially on the effects of the Israel-Lebanon conflict on civilians, urging both parties to respect their obligations under international law, especially humanitarian law. AI and HRW asked the Security Council to adopt measures to protect civilians, notably by investigating actions leading to civilian casualties, such as the shelling of Qana and Israel's use of cluster bombs.¹³³ There was however no follow-up to these demands. The International Commission of Jurists (ICJ) launched an expert legal inquiry into violations of international humanitarian law.¹³⁴

There were also differing views in the Security Council about the nature of any potential stabilisation force. Some argued that the UN Interim Force in Lebanon's (UNIFIL) mandate should be strengthened and adapted according to the circumstances, while others called for an entirely new peacekeeping force. On 11 August 2006, after a month of conflict killing over 1,500 people, displacing several hundreds of thousands of Lebanese and Israeli civilians, and destroying most of the infrastructure in South Lebanon, a resolution was finally adopted calling for the cessation of hostilities. *Resolution 1701* not only increased the number of UNIFIL troops, but also allowed UNIFIL to use all necessary force to fulfil its mandate.¹³⁵ It requested the Secretary-General to make proposals for the implementation of *Resolution 1559* and imposed an arms embargo on individuals and entities in Lebanon other than the Government and UNIFIL. The Resolution also established the basic elements of a long-term solution and permanent ceasefire. Since then, the Security Council has regularly noted its overall satisfaction with the implementation of *Resolution 1701* and *Resolution 1559*, while noting that progress is still needed in disbanding and disarming militias and extending control over the whole territory.

123
 Security Council, 5515th meeting (22 August 2006), 5530th meeting (21 September 2006), 5552nd meeting (19 October 2006), 5565th meeting (11 November 2006) and 5568th meeting (21 November 2006), available at: <http://www.un.org/Depts/dhl/resguide/scact2006.htm>.

124
 ICG, *Palestinians, Israel and the Quartet: Pulling Back from the Brink* (13 June 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=2745&l=1>.

125
 Security Council *Resolution 1664* (29 March 2006).

126
 The Blue Line demarcates the border between Lebanon and Israel, including the Golan Heights.

127
 These concerns were noted in several Presidential Statements and resolutions, notably Security Council *Resolution 1655* (31 January 2006), Security Council *Resolution 1680* (17 May 2006) and Security Council *Presidential Statement 2006/46* (21 November 2006).

128
 The Security Council also focused on perceived disproportionate Israeli actions. During an open debate in July, many States accused Israel of using disproportionate force and not conforming to international law and the Security Council issued two Presidential Statements condemning the Israeli attack on a UN observer post in South Lebanon and shelling of Qana.

129
 Notably the Republic of Congo, Peru, the Russian Federation and Tanzania.

130
 AI, CARE, Caritas, International Network of Action Against Hunger, Islamic Relief, Oxfam and Save the Children Alliance.

131
 Lebanon immediately asked for a ceasefire, but Israel originally argued that a ceasefire would depend on the liberation of the two Israeli soldiers. Later it argued that no ceasefire would be adopted until Hezbollah would be significantly weakened.

132
 These included AI, HRW, the International Commission of Jurists and Oxfam.

133
 AI, 'Israel/Lebanon: Further evidence of grave violations in Israel/Hezbollah conflict underlines urgent need for UN inquiry' (21 November 2006), available at: <http://web.amnesty.org/library/Index/ENGMD020352006?open&of=ENG-LBN>. Articles by HRW available at: <http://hrw.org/doc/?t=mideast&c=lebanon>.

134
 ICJ, 'Lebanon - ICJ launches Expert Legal Inquiry into Violations of International Humanitarian Law in the armed conflict in Lebanon' (16 August 2006), available at: http://www.icj.org/news.php3?id_article=3993&lang=en.

135
 UNIFIL's mandate was extended until August 2007.

 Myanmar

The Security Council voted on 15 September 2006 to put Myanmar on the agenda,¹³⁶ following a campaign led by the USA, which argued that the grave human rights and humanitarian conditions, the outflow of refugees, drugs, HIV/AIDS and other diseases was a destabilising force in the region. It held its first official discussion on the matter on 29 September 2006. For many years, NGOs have called on the Security Council to act with regard to Myanmar on account of the ongoing grave violations of international human rights and humanitarian law committed by the Government. In September 2005, a major report was published entitled *Threat to peace: A Call for the UN Security Council to Act in Burma*,¹³⁷ arguing that the Security Council should immediately take up the situation in Myanmar as actions by the Government, including widespread human rights violations, constitute a threat to international peace. In 2006, the Special Rapporteur on the situation of human rights in Myanmar also asked the General Assembly to urge the Security Council to address the armed conflict in eastern Myanmar.¹³⁸ NGOs¹³⁹ have written articles and letters; urged their constituencies to write letters to pressure Security Council members; and organised different types of demonstrations to publicise this issue. Many of these NGOs, notably HRW,¹⁴⁰ have invoked the concept of the responsibility to protect to justify Security Council action on Myanmar.

China, Qatar and the Russian Federation have consistently opposed Myanmar's inclusion on the agenda. They argue that the situation is a domestic issue not affecting international peace and security and therefore falls outside the Security Council's mandate. Qatar contended that the Human Rights Council was a more appropriate forum to discuss the situation in Myanmar. Japan changed its position during 2006 from arguing that Myanmar was a humanitarian and human rights issue and therefore irrelevant to the Security Council's work to supporting the Security Council's focus on Myanmar.

After the Security Council's inclusion of Myanmar on its agenda, NGOs like the Burma Campaign UK called for binding resolutions to be adopted condemning the Government of Myanmar.¹⁴¹ HRW argued for a resolution establishing a commission of inquiry into the human rights

situation in Myanmar and requiring the Government to move towards democratic and civilian rule and release all political prisoners.¹⁴²

 Nepal

Many NGOs¹⁴³ have reported on human rights violations by the Nepalese Government and the Communist Party. AI, HRW, the International Commission of Jurists and the World Organisation against Torture have all called for targeted sanctions against the Nepalese authorities and urged the Security Council to put Nepal on its agenda. Despite this intense advocacy, the Security Council only started considering the issue of Nepal after the Government of Nepal and the Communist Party of Nepal signed a *Comprehensive Peace Agreement* in November 2006 and requested the UN's assistance in implementing some of its key aspects. So far, the Security Council has limited its involvement to simply agreeing to Nepal's request via a Presidential Statement¹⁴⁴ and welcoming the Secretary-General's intention to send a technical assessment mission to Nepal to develop the concept of the necessary UN operation. The Security Council will probably not take any decisions on the UN's involvement in Nepal before this assessment mission is complete. Therefore, until then it will not be able to address issues raised by NGOs, such as the need to ensure accountability for human rights violations during the civil war,¹⁴⁵ and ICG's recommendations on how to support the peace process.¹⁴⁶

 Timor-Leste

The Security Council focused on the future of the UN presence in Timor-Leste given the deteriorating security situation after the riots in April.¹⁴⁷ Following further escalation of violence, the Security Council supported Timor-Leste's request to Portugal, Australia, New Zealand and Malaysia for help in restoring security.

The Security Council originally thought that the UN Mission in Timor-Leste (UNOTIL) could be replaced by a small political mission. By late May 2006 however, members supported the Secretary-General's proposal for a robust UN presence focusing on security sector reform and assisting with the 2007 general elections.

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China, the Republic of Congo, Qatar and the Russian Federation voted against this and the United Republic of Tanzania abstained.

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Available at: <http://www.burmacampaign.org.uk/reports/Burmaunscreport.pdf>.

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This appeal was made in the special procedure's report to the General Assembly 61st session, *Report of the Special Rapporteur on the situation of human rights in Myanmar, General Assembly, 61st session, A/61/369* (21 September 2006) available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N06/530/70/PDF/N0653070.pdf?OpenElement>.

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The Burma Campaign UK, FIDH, RI, the UN Security Council Action on Burma and Witness.

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HRW, 'Burma: U.N. Must Act to End Attacks on Karen' (3 May 2006), available at: <http://hrw.org/english/docs/2006/05/03/burma13301.htm>.

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The Burma Campaign UK, 'First UN Burma Discussion A Significant Step Forward' (30 September 2006), available at: <http://www.burmacampaign.org.uk/pm/weblog.php?id=P226>.

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HRW, 'Burma: UN Security Council Must Press for Reforms' (29 September 2006), available at: <http://hrw.org/english/docs/2006/09/29/burma14282.htm>.

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Including AI, the Asian Centre for Human Rights, the Asian Human Rights Commission and HRW.

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Security Council *Presidential Statement 2006/49* (1 December 2006).

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The Asian Human Rights Commission, 'Nepal: AHRC welcomes the historic agreement between the SPA and Maoists, but cautions on the issue of impunity' (8 November 2006), available at: <http://www.ahrchk.net/statements/mainfile.php/2006statements/815/> and HRW, 'Nepal: After Peace Agreement, Time for Justice' (1 December 2006), available at: <http://hrw.org/english/docs/2006/12/01/nepal14727.htm>.

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ICG, *Nepal's Peace Agreement: Making it Work* (15 December 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=1265&l=1>.

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The Secretary-General has requested the OHCHR to take the lead in establishing a commission of inquiry into the events that led to the crisis in Timor-Leste. The commission issued a report on 17 October 2006.

In *Resolution 1704* (August 2006), the Security Council replaced UNOTIL with the UN Integrated Mission in Timor-Leste (UNMIT). However, while some States¹⁴⁸ and NGOs¹⁴⁹ argued that UNMIT should include a military component and take over command from the Australia-led multinational force, others like Australia, the UK and the USA supported the continued presence of the multinational force under Australian command.¹⁵⁰ *Resolution 1704* did not take up the request for change and maintained the existing arrangements. The Security Council continued to ensure a focus on human rights in Timor-Leste providing UNMIT with a relatively strong human rights mandate¹⁵¹ and welcoming the establishment by the OHCHR of an independent Special Inquiry Commission into the events leading to the crisis. AI called on the Security Council to ensure that the Special Inquiry Commission's investigations would lead to prosecutions by the Timorese authorities. It accused the Security Council of having systematically ignored the recommendations of truth-seeking initiatives in the past and feared that this new initiative would experience the same lack of support.¹⁵²

The Security Council also addressed the issue of impunity for serious human rights violations committed in Timor-Leste since 1974. In January, the Timorese President presented his thoughts on the report of the Timorese Commission for Reception, Truth and Reconciliation's (CAVR), which to the dismay of NGOs had not yet been referred to the Security Council.¹⁵³ The President argued that the quest for justice should not undermine the need for reconciliation and advocated the reconciliatory approach endorsed by the joint Indonesian-Timorese Commission for Truth and Friendship. Some States, notably Denmark, Argentina, Slovakia and France, expressed concerns about impunity and criticised the Commission for Truth and Friendship's amnesty provisions. These concerns were partially reflected in *Resolution 1704*, which encouraged the Commission to strengthen its credibility and conformity with human rights principles, and called for the resumption of outstanding investigations of serious human rights violations committed in 1999. Other States, such as the Russian Federation, Qatar and Japan, were more supportive of Timor-Leste's concern with maintaining good relations with Indonesia and therefore supported the Commission's approach.

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Brazil, China, Portugal and the Russian Federation.

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The Timor-Leste NGO Forum, La'o Hamutuk, ETAN and the International Federation for East Timor urged the Security Council to quickly endorse a UN-led security presence.

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Timor-Leste originally asked for the current international force to be replaced by a UN peacekeeping force, but has recently indicated that it will not insist on such a transfer of command.

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UNMIT is mandated to 'assist in further strengthening the national institutional and societal capacity and mechanisms for the monitoring, promoting and protecting of human rights' and 'to observe and report on the human rights situation'.

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AI, 'Timor-Leste: All parties must act resolutely to ensure justice for both current and past violations of human rights' (16 June 2006), available at: <http://web.amnesty.org/library/Index/ENGASA570022006?open&of=ENG-TMP>.

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The Commission is the only mechanism to have considered human rights violations between 1974 and 1999. A coalition of NGOs including HRW, East Timor Action Network and Human Rights First wrote a letter to the Secretary-General expressing concern that CAVR's report had not yet been referred to the Security Council, available at: <http://hrw.org/english/docs/2006/04/06/eastti13129.htm>.

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Security Council *Resolution 1722*
(21 November 2006).

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Most notably, the Office of the High Representative, which was established to monitor the implementation of the civilian aspects of the *Dayton Peace Agreement*.

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This was also emphasised in the resolution extending the mandate of the EU forces.

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The International Police Task Force is a UN civilian police that monitors and assists local Bosnian police forces.

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It is claimed that decertified policemen have not been able to appeal decertification decisions and that some have been given no reason or documentation supporting their decertification.

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AI, the European Roma Rights Centre and HRW.

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Security Council *Resolution 1687*
(15 June 2006).

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The agreement is available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N06/443/85/PDF/N0644385.pdf?OpenElement>.

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In Security Council *Resolution 1666* (31 March 2006), the Security Council urged the Abkhaz leadership to address the human rights concerns of internally displaced persons and refugees.

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The Russian Federation is the main facilitator in the Georgian-Abkhaz conflict and has peacekeeping forces on the ground. Controversially, the Georgian Parliament has asked the Russian forces to withdraw. This could have implications for UNOMIG, since it is to be reviewed if there are changes in Russian forces.

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Security Council *Resolution 1656*
(31 January 2006).

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Security Council *Resolution 1666* (31 March 2006) and Security Council *Resolution 1716* (13 October 2006).

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ICG, *Abkhazia Today* (15 September 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=4377&l=1>.

167

AI, 'Human rights protection in post-status Kosovo/Kosova: Amnesty International's recommendations relating to talks on the final status of Kosovo/Kosova' (24 July 2006), available at: <http://web.amnesty.org/library/Index/ENGEU.R700082006?open&of=ENG-YUG>.

Europe

Bosnia and Herzegovina

While the Security Council held two open debates on Bosnia and Herzegovina, it did not take any decision beyond extending the mandate of the EU stabilisation forces.¹⁵⁴ Speakers focused on the need to continue the gradual handover of responsibility from the international community¹⁵⁵ to Bosnia and Herzegovina and the importance of ensuring full cooperation of all States with the International Criminal Tribunal for the Former Yugoslavia (ICTY).¹⁵⁶ States also expressed concern about the perceived stagnation of some reforms, notably the constitutional and police reform; the reported use of nationalist and ethnic rhetoric during the electoral campaign; and claims of irregularities in the International Police Task Force's¹⁵⁷ policemen decertification process.¹⁵⁸ While it was within the Security Council's mandate to address the last problem, it has not taken any concrete action on this issue. Issues raised by NGOs,¹⁵⁹ notably ethnic discrimination against minority groups and the trials of serious war crimes in the Sarajevo War Crimes Chamber, were barely touched upon by States in their discussions.

Cyprus

As the security situation in Cyprus continued to be stable in 2006, the Security Council did not take action beyond renewing the mandate of the UN Peacekeeping Force in Cyprus (UNFICYP) until 15 December 2006.¹⁶⁰ It also welcomed the Greek and Turkish Cypriot leaders' commitment in June 2006 to the reunification of Cyprus based on a bi-zonal, bi-communal federation and political equality.¹⁶¹

Georgia

Despite the existence of an office for the protection and promotion of human rights in Abkhazia within the UN Observer Mission in Georgia (UNOMIG), the Security Council barely addressed human rights issues in its discussions of the Georgian-Abkhaz conflict,¹⁶² concentrating instead on political and security issues. Its deliberations

were temporarily affected by the deteriorating relations between Georgia and the Russian Federation, which indicated its willingness to support Abkhaz independence.¹⁶³ Consequently, the first resolution extending UNOMIG's mandate did not include the traditional references supporting Georgia's sovereignty and territorial integrity.¹⁶⁴ In the following resolutions extending UNOMIG until 15 April 2007, the Security Council included language addressing both Georgia and Abkhazia's concerns.¹⁶⁵ The Security Council's discussions therefore remained largely focused on the short-term, responding to events such as the violation of the ceasefire agreement by Georgian forces in July 2006. In contrast, ICG is planning a report with a long-term perspective assessing the negotiation and peacekeeping mechanisms in place in Georgia.¹⁶⁶ Most NGOs however, reported on human rights issues largely unrelated to the Georgian-Abkhaz conflict, such as the prevalence of torture and ill-treatment and violence against women.-

Kosovo

Despite the centrality of human rights and the rule of law in Kosovo's settlement process, the Security Council's discussions on Kosovo focused essentially on its political aspects. NGOs on the other hand addressed the potential impact of the process on the population of Kosovo. AI argued that the settlement should focus on the promotion and protection of the human rights of all Kosovars and called for the full participation and consultation of all parts of civil society in the process.¹⁶⁷

The Security Council held three open debates on Kosovo that mainly dealt with the implementation of standards and the final-status discussions.¹⁶⁸ The Russian Federation and Serbia supported a gradual approach to the final-status settlement process, while the EU and most members of the Contact Group¹⁶⁹ emphasised the need to conclude this process in 2006.¹⁷⁰ ICG argued that the UN Special Envoy for Kosovo should be prepared to impose an independence package for Kosovo¹⁷¹ and urged the Security Council to endorse the settlement package quickly and address the situation in northern Kosovo.¹⁷² This did not happen as the Special Envoy for Kosovo had to delay submitting his package of proposals until after the Serbian elections, due to take place in January 2007.

States were also concerned about the implications of the settlement solution adopted for Kosovo for other separatist conflicts. The Russian Federation and Serbia argued that it would be applicable to other situations such as the Georgian-Abkhaz conflict, while the UK, France and Slovakia argued the opposite. Speakers also addressed the situation of minorities and more particularly Kosovo Serbs, following reports of increasing ethnically motivated attacks in Kosovo against Serbs and growing tension in northern Kosovo. Despite AI and the UN Human Rights Committee raising the issue of UNMIK actions and policies allegedly violating human rights standards, it was not discussed by the Security Council.¹⁷³

Latin America and the Caribbean

Haiti

In 2006, the Security Council focused on the future role of the UN Stabilisation Mission in Haiti (MINUSTAH) following the presidential and parliamentary elections in February and April 2006. While there is consensus on the continued need for MINUSTAH, views on how its mandate should be adapted vary.¹⁷⁴ Haiti and most Latin American States stressed the importance of focusing on economic and social development, while other States¹⁷⁵ and NGOs¹⁷⁶ emphasised MINUSTAH's security role.

In August 2006, the Security Council extended MINUSTAH's mandate for six months and adapted it to address both these security and development concerns.¹⁷⁷ It increased its military and police levels, expanded its role with regard to justice sector reform and strengthened State institutions, an area in which MINUSTAH's efforts have been deemed unsuccessful by HRW. It also reoriented its disarmament, demobilisation and reintegration efforts towards programmes focusing on community violence reduction and development, something that was also advocated by Action Aid,¹⁷⁸ and called for increased coordination with development actors. However, the Security Council did not respond to criticism levelled at MINUSTAH by many NGOs over civilian protection. AI and others argued that MINUSTAH has not protected civilians adequately, by notably failing to investigate

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The UN adopted a policy of 'standards before status', calling for certain standards of governance and human rights to be implemented before discussions on the status of Kosovo can start. In October 2005, the Security Council endorsed the start of final-status talks despite the fact that the process of implementing these standards is still largely underway. Final-status discussions are the negotiations on what Kosovo's final status should be. Options discussed include independence, partition or continued inclusion in Serbia.

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The Contact Group for Kosovo (France, Germany, Italy, the Russian Federation, the UK and the USA) has taken a leading role in the final status talks.

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None of the Security Council members expressed a definite opinion on what Kosovo's final status should be.

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It emphasised that this would be necessary given the Special Envoy's own recognition that gaining Serbia's consent is unlikely.

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ICG, *Kosovo: The Challenge of Transition* (17 February 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=3955&l=1>.

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AI, *Kosovo (Serbia and Montenegro) United Nations Interim Administration Mission in Kosovo (UNMIK): Conclusions of the Human Rights Committee 86th Session* (1 August 2006), available at: <http://web.amnesty.org/library/Index/ENGEUR700112006?open&of=ENG-YUG>.

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The Security Council has requested the Secretary-General to suggest changes to MINUSTAH's mandate.

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The Special Representative of the Secretary-General for Haiti argued that there should be no premature reduction of MINUSTAH's military component.

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ICG has made recommendations to the Haitian Government and MINUSTAH on security, which it considers to be the most important challenge in Haiti. ICG, *Haiti: Security and Reintegration of the State* (30 October 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=2899&l=1>.

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Security Council *Resolution 1702* (15 August 2006).

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Action Aid, *UN Peacekeepers and Haiti – A report for change* (July 2006), available at: http://www.actionaid.org/index.asp?page_id=1156.

or denounce excessive use of force by the Haitian police.¹⁷⁹ This is particularly concerning given MINUSTAH's mandate to monitor and report on the human rights situation in Haiti and support the Haitian Government and institutions in promoting and protecting human rights.

Thematic issues

Children and armed conflict

The Security Council was more active on children and armed conflict than on most other thematic issues. Peacekeeping operations¹⁸⁰ and country resolutions now regularly include provisions on child protection. Many NGOs, including Watchlist on Children and Armed Conflict, the Coalition to Stop the Use of Child Soldiers and AI, have engaged with the UN system on this issue, submitting briefings to the Security Council and contributing to the development of relevant resolutions.¹⁸¹

The Security Council has traditionally focused on three areas: the humanitarian impact of conflicts on children; sexual and gender-based violence and exploitation of children; and the recruitment of children as soldiers. The Secretary-General submits an annual report on children and armed conflict, which contains a list of parties¹⁸² to armed conflicts that recruit or use children in violation of international law and against which the Security Council is willing to use targeted sanctions. In 2005, the Security Council created a **monitoring and reporting mechanism**¹⁸³ on violations against children in armed conflicts. It also established a Working Group to review the Secretary-General's compilation reports of information received from the monitoring and reporting mechanism. To date, the monitoring and reporting mechanism has been set up in UN field teams in Burundi, Côte d'Ivoire, the DRC, Nepal, Somalia, Sri Lanka, and the Sudan.¹⁸⁴ In 2006, the Secretary-General submitted reports on Burundi, Côte d'Ivoire, the Sudan, and the DRC and so far the Working Group has reviewed the report on the DRC (June 2006) and on the Sudan (September 2006). Both NGOs and the UN,¹⁸⁵ including the Security Council, have specifically noted the important role civil society organisations and NGOs play in implement-

ing the monitoring and reporting mechanism. Watchlist on Children and Armed Conflict for instance called for partnerships between different actors, such as NGOs and UN country teams, arguing that these could improve the efficiency and impact of the monitoring and reporting mechanism.¹⁸⁶

In 2006, the Security Council mainly considered the issue of children and armed conflict during two open debates. During these, States recognised the usefulness of the monitoring and reporting mechanism, with many acknowledging the contributions of NGOs. The Security Council issued two Presidential Statements¹⁸⁷ urging UN bodies, the international community and civil society to build partnerships to increase the protection of children in armed conflict and calling on States to join the monitoring and reporting mechanism. Moreover in 2006, the Security Council extended the scope of sanctions to individuals recruiting or using children in violation of international law. This followed the recommendation of the Working Group on Children and Armed Conflict¹⁸⁸ that targeted sanctions be applied in the context of the DRC.

Counter-terrorism

Upholding human rights in the fight against terrorism remains a fundamental human rights issue for civil society, which has consistently reported severe human rights abuses committed in the context of the 'War against Terror'. Despite starting to address some human rights concerns in this area, the Security Council's work has remained focused on the security aspect of counter-terrorism.

The Security Council has two subsidiary bodies dealing with counter-terrorism. The Counter Terrorism Committee (CTC) monitors States' compliance with their counter-terrorism obligations, such as the criminalisation of terrorism-related activities. The 1267 Committee on Al Qaida/Taliban sanctions oversees the implementation of sanctions against individuals and entities associated with Al Qaida, Osama bin Laden or the Taliban. Responding to the emphasis placed by some States¹⁸⁹ on the need to respect human rights in the fight against terrorism, the CTC developed policy guidance on how its executive directorate should take

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The University of Miami Centre for the Study of Human Rights has published a report arguing that MINUSTAH has failed its mandate to protect and promote human rights. Available at: <http://www.globalpolicy.org/security/issues/haiti/2006/0311miami.pdf>. The UN has also admitted that some innocent civilians may have died in a MINUSTAH raid in 2005.

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Security Council *Resolution 1460* (30 January 2003).

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AI, *DRC: Children at war, creating hope for the future* (11 October 2006), available at: <http://web.amnesty.org/library/Index/ENGAFR620172006?openof=ENG-364>.

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The conflicts included in this list are conflicts that are already on the Security Council's agenda or that could be put on it.

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The mechanism was established by Security Council *Resolution 1612* (26 July 2005). It consists of information-gathering and monitoring by UN field teams (peacekeeping operations and country teams) at the national level on the situation of children in armed conflict and more specifically on six grave violations identified by the Secretary-General. The monitoring is based on international instruments, such as the *Convention on the Rights of the Child* and concerns both governments and non-governmental entities.

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Uganda and Myanmar are next.

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UNICEF is already working with NGOs in this area.

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Watchlist on Children and Armed Conflict, *The Power of Partnership: Guiding Principles for Partnerships to End Violations Against Children During Armed Conflict*, (July 2006) available at: http://www.watchlist.org/advocacy/policystatements/the_power_of_partnership.pdf.

187

Security Council *Presidential Statement 2006/33* (24 July 2006) and Security Council *Presidential Statement 2006/48* (28 November 2006).

188

The Working Group is chaired by France, which has taken a lead on this issue.

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The EU, France, Greece, Peru and Qatar.

human rights concerns into account. A number of States¹⁹⁰ also expressed concern about the lack of procedural fairness and effective remedy in the 1267 Committee's delisting process.¹⁹¹ The 1267 Committee subsequently revised its guidelines with regard to listing and delisting individuals and took measure to improve the quality of the consolidated list.

While some NGOs, like the International Commission of Jurists, the International Peace Academy and specialised NGOs working on particular peace and security issues, have dealt with terrorism in a global context, most NGO activity on advocacy on counter-terrorism has been directed at national governments¹⁹² and has remained largely disconnected from the work of the Security Council.

International justice and the rule of law

In June 2006, the Security Council heard progress reports from the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). The ICTY confirmed that trials would run into 2009, while the ICTR reported that it would complete trials of 65 to 70 persons by the end of 2008. Security Council members largely focused their comments on improving the efficiency of both bodies. They emphasised the need for both bodies to meet their completion strategies¹⁹³ and stressed the importance of States fully co-operating with the tribunals.¹⁹⁴ Many also noted the usefulness of referring the trials of lower-rank accused to national jurisdictions, while emphasising the need for those trials to conform with international standards.

The Security Council also held an open debate in June 2006 on strengthening international law. Although the aim of the debate was to examine how the Security Council could contribute to strengthening and developing an international order based on international law, the Presidential Statement adopted limited itself to reaffirming the Security Council's commitment to international law and the promotion of justice and the rule of law, including human rights, in maintaining peace and security. It took up a few concrete issues, notably supporting the establishment of a rule of law assistance unit in the UN and committing to carefully targeted sanctions and fair

procedures for placing and removing individuals and entities on and from sanction lists.

Regional cooperation

Since the 1990s, there has been greater interaction between regional organisations and the UN, including the Security Council¹⁹⁵ as a number of regional entities have contributed to UN peacekeeping operations.¹⁹⁶ In 2005, the Security Council passed *Resolution 1631*, stressing the importance of regional organisations in supporting UN peacekeeping operations and the work of the Peacebuilding Commission. The role of regional human rights mechanisms however, has not yet been included in these discussions, which have focused essentially on traditional peace and security issues.

At the initiative of Greece, the Security Council held an open debate on 20 September 2006 to discuss cooperation between the UN and regional organisations in matters of international peace and security. Although Greece submitted a concept paper outlining some topics of discussions, the debate remained relatively abstract and focused essentially on the role of UN-regional partnerships in peacekeeping. While supporting greater involvement of regional organisations in peace and security, many States argued for the Security Council to retain the primary responsibility in that regard. The USA and UK called for UN-regional cooperation to remain informal and the EU stressed that no additional structures should be created. Most States emphasised the need to build the capacity of regional mechanisms and underlined the role these organisations could play in the Peacebuilding Commission's work. Some of Greece's more substantial concerns drawn from the Secretary-General's report on global-regional partnerships,¹⁹⁷ such as the need to clarify the nature of regional mechanisms, were not addressed at all.

Responsibility to protect: *Resolution 1674*

In 2006, the Security Council endorsed the responsibility to protect in *Resolution 1674*. This new norm was first introduced in a 2001 report¹⁹⁸ and since then has been gradually endorsed by the UN system and member States. For many

190 Denmark, France, Greece and Peru.

191 The 1267 Committee maintains a list of individuals and entities belonging to or associated with Al Qaida, Usama bin Laden and the Taliban. States may request names to be added or deleted from that list. Sweden, Germany and Switzerland have commissioned the Watson Institute for International Studies to analyse and make recommendations to improve targeted sanctions and have issued a number of recommendations to the 1267 Committee in that regard. Many countries, notably China, Japan, Peru and Tanzania, have also urged the Committee to improve the quality of the consolidated list.

192 AI, HRW and ICG.

193 However, more States worried about the progress of the ICTY than that of the ICTR. The Russian Federation notably thought that the ICTY did not handle the sickness and death of Milosevic well. Generally, States encouraged the ICTY to take stock of the recommendations of the UN Detention Unit audit following Milosevic's death.

194 The ICTY reported on the lack of cooperation in the transfer of the remaining six high-ranking accused, pointing notably to Serbia, the Republika Srpska, the Russian Federation and UNMIK.

195 Between 1994 and 2005, the UN and regional organisations met six times at a high level and the Security Council held three meetings with regional and sub-regional partners in April 2003, July 2004 and October 2005.

196 The AU in Burundi, Ethiopia and Eritrea, the DRC and the Sudan; the Economic Community of Western African States in Côte d'Ivoire, Sierra Leone and Liberia; the EU in Kosovo, the DRC and the Sudan; and the Organisation of American States in Haiti.

197 *A regional-global security partnership: challenges and opportunities*, Secretary-General, A/61/204 (28 July 2006), available at: <http://www.un.org/docs/sc/sgrep06.htm>.

198 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, International Commission on Intervention and State Sovereignty (December 2001) available at: <http://www.iciss.ca/menu-en.asp>.

years NGOs have been actively involved in the development and implementation of the responsibility to protect and continue to debate their role in its application, particularly through the World Federalist Movement's Responsibility to Protect-Engaging Civil Society (R2PCS) project.¹⁹⁹

Security Council *Resolution 1674* reaffirms the responsibility to protect populations from genocide, war crimes, ethnic cleansing, crimes against humanity, and serious violations of international human rights and humanitarian law. However, while Security Council members agreed on the need to increase the protection of civilians during debates in June and August 2006, their views varied on the collective responsibility to protect. China, the Russian Federation and the USA advocated a cautious approach to the inclusion of this concept in Security Council actions. China and the Russian Federation argued that this concept should be discussed by the General Assembly. All three countries insisted that such a norm should not undermine national sovereignty, with the USA arguing that international efforts should only complement national efforts.

In 2006, the Security Council also included a reference to the responsibility to protect in the resolution expanding the mandate of the peacekeeping operation in the Sudan.²⁰⁰ Many NGOs like AI, HRW and Oxfam, see the situation in Darfur as a test of the Security Council's endorsement of the responsibility to protect. AI and HRW called on the Security Council to meet its responsibility to protect by deploying a strong peacekeeping mission in the Sudan and by imposing sanctions on the Sudanese Government, none of which have been achieved so far.²⁰¹ In general, although the implementation of the collective responsibility to protect remains ad hoc, NGOs are already devising strategies to maximise the impact of the concept's adoption by the international community. Oxfam for instance has emphasised the need to build civil society networks to ensure that governments implement their responsibility to protect their citizens.

Women, peace and security

NGOs like the Women's International League for Peace and Freedom (WILPF) and the NGO Working Group on Women, Peace and Security have engaged in organised and intense advocacy

on women, peace and security and have helped keep this issue on the Security Council's agenda. In 2006, the Security Council's work on women, peace and security was limited to a traditional annual debate and Presidential Statement on the issue, despite calls by WILPF to move beyond debate and actually mainstreaming the provisions of Security Council's *Resolution 1325* in its work.²⁰² The 2006 debate included presentations from two representatives from NGOs in Burundi and Timor-Leste. While the topic of the debate was the role of women in the consolidation of peace, speakers addressed the same broad range of issues as in previous years. States split between those highlighting the progress made in the implementation of *Resolution 1325*²⁰³ and those, such as Ghana, Canada, the EU and Uganda, arguing that the progress was still largely insufficient, pointing to gaps in the Secretary-General's UN System-Wide Action Plan for the Implementation of Security Council *Resolution 1325* (2000) and in the integration of *Resolution 1325*'s principles in the Security Council's work. In light of this, Ghana suggested creating a Security Council working group on women, peace and security.

With regard to the role of women in peacebuilding, many States focused on the Peacebuilding Commission. Canada for instance, recommended creating a permanent gender advisor in the Peacebuilding Support Office and developing modalities to involve women's organisations in the PBC's work. NGOs also addressed this issue with the NGO Working Group on Women, Peace and Security publishing a report on *Resolution 1325* and the Peacebuilding Commission, and ICG writing a report on the role of women in peacebuilding in three African countries.²⁰⁴ More generally, many States encouraged the development of relationships between NGOs and the UN on the issue of women, peace and security. South Africa, Germany and Qatar pointed out the important role that NGOs can play on this issue and Slovenia²⁰⁵ argued that the Security Council should meet with relevant NGOs during missions to conflict-affected areas. The 2006 Presidential Statement on women, peace and security takes up some of these sentiments.²⁰⁶ It recognises the important role of civil society in the implementation of *Resolution 1325* and encourages States to collaborate with civil society groups, especially women's groups. It further urges the Peacebuilding Commission to allow women's groups to contribute to its work.

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The R2PCS project aims to develop NGO monitoring mechanisms of States' and the international community's implementation of the responsibility to protect. Available at: <http://www.wfm.org/html/3x06wuef.html>.

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Security Council *Resolution 1706* (31 August 2006).

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AI, 'Sudan: UN Security Council must meet "responsibility to protect" civilians' (25 May 2006), available at: <http://web.amnesty.org/library/Index/ENGAFR540192006?open&of=ENG-SDN>. HRW, 'U.N.: Sanction Sudanese Leaders for Failing to Protect Civilians' (15 September 2006), available at: <http://hrw.org/english/docs/2006/09/15/darfur14206.htm>.

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Security Council *Resolution 1325* emphasises the importance of including a gender perspective in peacekeeping operations and peace agreements and calls for greater representation of women at all decision-making levels. It also urges parties to armed conflicts to respect international law applicable to women. More importantly, it repositioned women from the role of victims of conflicts to vital participants in peacebuilding.

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Especially in the area of peacekeeping.

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NGO Working Group on Women, Peace and Security, *SCR 1325 and the Peacebuilding Commission* (October 2006), available at: <http://www.womenpeacesecurity.org/media/pdf-sixyears.pdf> and ICG, *Beyond Victimhood: Women's Peacebuilding in Sudan, Congo and Uganda* (28 June 2006), available at: <http://www.crisisgroup.org/home/index.cfm?id=4186&l=1>.

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Speaking on behalf of the Human Security Network.

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Security Council *Presidential Statement 2006/42* (8 November 2006).

Authors

Meghna Abraham, Eléonore Dziurzynski, Michael Ineichen, Claire Mahon, Gergey Pasztor, Chris Sidoti and Gareth Sweeney (Geneva); Alison Graham and Cléa Thouin (New York).

Editors

Eléonore Dziurzynski (copy editor), Meghna Abraham, Alison Graham, and Gareth Sweeney (section editors).

Contributors

Jay Bahadur, Corey Barr, Nicola Brandt, Nicholas Calacouras, Maxence Delchambre, Pauline Egret, George Florea, Valeria Fruzzetti, Jessica Griffiths, Michael Ineichen, Eleni Kartsonaki, Asger Kjaerum, Brigit Morris, Gergey Pasztor, Harini Sivalingham, Arzoo Syeddah, Cléa Thouin, Una Walsh, and Brennan Webert (Geneva); Onyema Afulukwe, Jason Burns, Ean Fullerton, Brie Gettleson, Yasmin Grewal-Kok, Kiley Kane, Kristi Kenyon, Asger Kjaerum, Eva Nudd, Cléa Thouin, Christina Piaia' and Bethany Sousa (New York).

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