

Update Note for the Secretary-General
Thursday, 25 April 2013

1. Iraq

SRSK Kobler reports¹ that Sunni politicians and leaders expressed strong reactions to recent violent events in Iraq. The Minister of Education, who led the negotiations between the Hawija (*the town where violence peaked day before yesterday*) protestors and the military until the early hours in the morning on Tuesday, resigned in protest. A Sunni Sheikh issued a fatwa, saying that the self-defence against the attacks from the Iraqi Army was legitimate and an obligation. The resigned Finance Minister Rafi al-Issawi accused PM Maliki of “sectarian genocide”, while the leaders of Anbar demonstrators said that Maliki was “taking the country to hell”.

Meanwhile Iraqiya bloc leaders convened a day of meetings to discuss their next steps vis-à-vis participation in the government. According to UNAMI’s sources, this could lead to a total resignation of Iraqiya from the Government and the Council of Representatives. Consultations between Iraqiya and other blocs are also taking place at the moment on the way forward. UNAMI expects that the final decision will be taken today or tomorrow.

Kobler met with Parliamentary Speaker Nujeifi who requested him to dispatch a UN delegation to Hawija, claiming that the security forces were preventing water and food from reaching the protestors’ camp. At that point, Kobler had already instructed the office in Kirkuk to visit the camp, however, the visit never occurred as the Iraqi Security Forces refused to provide the delegation with protection. Kobler then travelled to Kirkuk, where he met with the local officials, who expressed anger that the crisis could not have been averted through negotiations.

According to Kobler, the Iraqi National Security Advisor and the Minister of Defence recognize the fact that the crisis was mismanaged and expressed openness for a serious political dialogue in the interest of the integrity of the country. Both were adamant about not allowing extremists to take over the future of the country. The Defence Minister admitted that the Army used excessive force in handling the protestors and confirmed that an investigation committee had been set up by the PM. He added that the investigation committee has already apologized for the fatalities and proclaimed those who were killed as martyrs, entitling their families to assistance. The Minister further expressed concern that the situation would be repeated in other areas “on a larger scale” and requested Kobler and the UN to appeal to the politicians and religious leaders not to use “simple people” as tools for their own aims.

¹ (CZX-068 of 24/4/2013)
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Kobler conveyed to both the Minister and the National Security Advisor the official UN position where the mission will keep its impartiality, except on the following issues: 1) human rights; 2) non-violence; 3) sectarianism; and 4) the constitution as the basis for all agreements. He also suggested that Kirkuk Sunnis should be integrated into the investigation committee in order to make it transparent, and conveyed the UN's willingness to observe the process.

Meanwhile, representatives of Iraqiya expressed their preference to UNAMI for holding of Governorate Council elections in Anbar and Ninewa as soon as possible (*as these were not held earlier this week*). They believe that the elections would contribute to stabilization of the situation in these two provinces; should the elections be delayed until July, as currently scheduled, the violence would escalate beyond its current state, giving the radicals among the protestors the upper hand. Kobler emphasized to the representatives that the UN has made it clear that elections should be held as early as possible, and has even proposed 4 May as a possible date.

The scale of violence in Hawija is also forcing the Government to revisit their strategy of dealing with the current crisis and the demonstrators' demands. The incident provided all parties with a preview of sectarian violence that has the potential to unleash in all corners of Iraq to a much greater scale. Furthermore, it clearly left both the Sunni and the Shia parties alarmed at the potential hijacking of the crisis by the extremists – a scenario that neither side is fond of. The outcome of the Hawija incident could, in the end, create an environment where the current political blocs will have a greater incentive to engage in dialogue. However, should this not occur, the country will most likely witness further deterioration and bloodshed.

2. Palestine

In a meeting with SC Serry², President Abbas confirmed that he had agreed with Secretary Kerry to wait a couple of months and not rush to the UN track (*i.e. seeking recognition for Palestine in UN entities, including the ICC*). They had subsequently settled to “two months and two weeks” which would bring them to 7 June. Abbas continued that “until now we have seen nothing new - and if I had to guess there is nothing new from the Israelis either. They don't want to say anything on a vision or on prisoners”.

There was also nothing “new or old” to report on reconciliation and the President stood by his position in Doha. He did not know what Hamas, or Cairo, had in mind but if they accepted moving forward on the basis of an interim government and elections in three months, Abbas was committed. Abbas felt that by the time he sees Egyptian President Morsy in mid-May the reconciliation file should

² (CJX-036 of 25/4/2013)

be clearer. For now the Palestinian President had to tackle forming a new government, either headed by himself or by an independent candidate.

Serry writes that President Abbas has now also extended an invitation to the SG to pay an official visit to Palestine, as early as June, with a specific request that he overnight in Ramallah. Serry will be in discussions separately with UN Headquarters on some ideas on how to make such a visit to Israel and Palestine (including Gaza) more meaningful and will carefully calibrate the timing given the uncertainties of the parties' reaction to a US political initiative.

3. Kenya – Somalia

In his inaugural speech earlier this month, President Kenyatta announced that the priorities for his government would include supporting the process of devolution in the country, addressing unemployment, as well as supporting AU and IGAD processes aimed at fighting terrorism and piracy in Somalia.³ The security threat posed by Al-Shabaab was referred to as one of three political and security challenges for the new Government to tackle, alongside devolution of power and forming a new government that reflects ethnic and regional diversity. Kenyatta acknowledged that the new government would need to further improve relations with neighbours, including Somalia. Feltman notes as encouraging the fact that in his first meeting with the Somali President, Kenyatta underscored that the repatriation of Somali refugees would be carried out after bilateral consultation.

In this context, SRSg Mahiga reports⁴ on a meeting between Kenyatta and Ethiopian PM Hailemariam Desalegn on 24 April in Nairobi during which the latter raised President Mohamud's concern about alleged interference of Kenya in the Jubaland process. The two leaders agreed to encourage the Federal Government of Somalia (FGS) to let the Jubaland Technical Committee to proceed with the meeting and explore ways of negotiating a compromise solution. They also agreed on the importance of delivering one and the same message of IGAD leaders at the forthcoming London 2 conference. It would be critical that a common IGAD position facilitates a long needed resolution of the deadlock between the Federal Government of Somalia and local actors regarding regional administration in Jubaland, including Kismaayo, and in support of the FGS' "bottom up approach".

Kenyan troops engaged in heavy fighting with Al-Shabaab fighters on 23 April in Lower Juba region when a Kenyan convoy came under assault by the insurgents. Its military involvement in Somalia since October 2011 has led to a string of attacks in Kenya, most recently on 18 April in an attack on the northern town of Garissa, claiming six lives, and for which the Government holds Al-Shabaab supporters responsible. Regarding Kenya's response to attacks, HRW has criticized

³ Note from Feltman, 13-03359, 15 April 2013.

⁴ DSR, 24 April 2013.

its security forces for responding with excessive force, often affecting civilian Somalis.

4. Myanmar

On Tuesday, Myanmar hailed the EU's decision to lift political and economic sanctions against the country a day earlier and further pledged to continue its reforms and democratization efforts. As a further signal of "goodwill" the authorities released 59 political prisoners in their latest amnesty, and pardoned 34 other. EU High Representative Ashton noted that "We know that much remains to be done, on human rights, on democracy, fighting poverty and achieving lasting peace. We don't underestimate the challenges." The US State Department said that Washington welcomes the latest release; however, it also called for the unconditional freedom of all political prisoners. *Myanmar has freed hundreds of political detainees since President Thein Sein took power and in late 2011, the government announced that it would conduct a review of all politically related cases. Observers estimate that there are approximately 200 more political prisoners in Myanmar.*

In related matters, SA Nambiar submitted a note to the SG yesterday which outlined his 23 April discussions with the Chinese DPR on developments in Kachin State. The DPR clearly stated that while China supported the UN's role in Myanmar as well as the role played by the Special Adviser there, Beijing was still strongly opposed to any third party involvement (including the UN's) apart from themselves in the Kachin peace negotiations. However, Nambiar noted that in his last meeting with President Thein Sein, the latter "supported the continued involvement of Mr. Nambiar's office... on Kachin." Nambiar added that KIO leaders also told him they wanted the UN to be involved as observers at the peace talks. He offered that the UN's role as a neutral third party presence could be beneficial to China as both sides signaled "a sense of being overwhelmed by the presence of China." The UN could provide an element of balance while at the same time allowing China an "important presence in the proceedings." It would also dilute the criticism that China currently faces within Myanmar and from the Kachin while allowing Beijing to take care of its essential interests. The DPR noted that Beijing was intent on building up development in its border areas – including in Myanmar and DPRK – because China would have to bear the consequences of any instability in the region. Nambiar noted that whatever his office envisages to do, he would keep the Chinese informed.


5. Special Rapporteur Richard Falk's commentary

HC Pillay responded to CdC Malcorra on Special Rapporteur's Falk's commentary on the Boston bombings and highlights that Falk was writing in his private capacity and "in no way in his capacity as the Special Rapporteur". Special rapporteurs have "independent opinions, affiliations, and constituencies distinct from their pro bono work they do ... as mandate holders" and which should therefore "in no way be seen as having any connection with the UN, nor as undermining the

credibility of our work". Pillay stresses the importance not to "fall prey" to efforts to tie his opinions to that of the UN and there is no objective need for the UN therefore to react. She also refers to Falk's freedom of expression.

Pillay also informs of the Coordinating Committee of special procedures mandate holders through which States who believe Falk overstepped his mandate can raise concerns. She notes in her message that this path was not sought by the US or any other State. Pillay also recalls that mandate holders are appointed by Member States themselves at the Human Rights Council, so indeed any possible action would be in the remit of the States themselves as they wish.

For these reasons, Pillay believes it is inappropriate for her or OHCHR to react.



Political, Peacekeeping, Humanitarian
and Human Rights Unit
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cc: DSG, CDC