

UNITED NATIONS



NATIONS UNIES

**EXECUTIVE OFFICE OF THE SECRETARY-GENERAL
CABINET DU SECRETAIRE GENERAL**

**STRICTLYCONFIDENTIAL
FACSIMILE TRANSMISSION**

Date:	23 April 2007	Ref:	CDC/005/04/2007
To:	Mr. Yeocheol Yoon The Secretary-General's Party Doha, Qatar	From:	Vijay Nambiar <i>Vijay Nambiar</i> Office of the Chef de Cabinet Executive Office of the Secretary-General New York
Fax No.:	974 494 8336	Fax No.:	212-963-2155
No. of pages (including this one): 6			
Subject:	Miscellaneous		

For the Secretary-General's attention

1. Note from Mr. Michel reporting on his mission to Beirut regarding the Special Tribunal for Lebanon. [27-05912]

For Mr. Gilmour's attention

2. Code Cable from Gen. Gordon regarding his visit to Syria.

cc: Deputy Secretary-General

as given to HK

VA (on req.)

~~Strictly confidential~~

Note to the Secretary-General

Through Mr. Nambiar

**BRIEFING ON MISSION TO BEIRUT REGARDING THE SPECIAL
TRIBUNAL FOR LEBANON**



1. This note is to update you on my mission on which you dispatched me to Lebanon regarding the establishment of the Special Tribunal for Lebanon.

Background

2. For some months, the Lebanese have been in a stalemate over the establishment of the Special Tribunal for Lebanon. The parties – the majority represented by the Government, and the opposition, composed *inter alia* of Hizbollah, Speaker Berri's Amal Party, General Aoun and President Lahoud – have been at an impasse over how to begin the internal negotiations over the Tribunal. Speaker Berri has prevented parliament from meeting to ratify the Agreement. The opposition, led on this issue by Hizbollah, refuses to discuss the Tribunal, even to provide comments on the Agreement and Statute, until the majority agrees to give the opposition a one-third plus one, blocking minority in a new government of national unity. For the opposition, the issues of the Tribunal and the formation of a government of national unity cannot be separated. The majority will only discuss the Tribunal without preconditions, and refuse to link the issue of the blocking minority in the government with the Tribunal.
3. Increasingly, certain members of the Security Council – France and the US – have begun to discuss the possibility of the Council establishing the Tribunal through a resolution under Chapter VII of the Charter, in order to surmount the difficulty of having the Agreement approved by the Parliament. This has corresponds to the wish of many in the majority, who are urging the early adoption of such a resolution. Hizbollah, for its part, has said that the establishment of the Tribunal by the Security Council could affect the stability of Lebanon.
4. After receiving a letter from Prime Minister Siniora urging you to put the matter before the members of the Security Council to examine alternative ways to ensure the establishment, without delay, of the Special Tribunal for Lebanon, you dispatched me to Beirut to assist the Lebanese authorities and the Lebanese parties on their way toward the ratification of the bilateral agreement between Lebanon and the United Nations on the establishment of the Special Tribunal for Lebanon in accordance with the constitution.

YDOS E. S. 991A

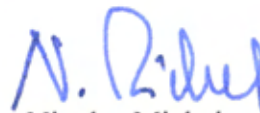
Mission to Beirut

5. I was in Beirut from Tuesday, 17 April to Saturday, 21 April. I met with the Lebanese Prime Minister Siniora, the Speaker of the Parliament Berri, the President of the Republic Lahoud, and all relevant Lebanese political leaders (and discussed the issue with Saad Hariri, who was out of the country, by telephone). The mission was the main news story in Beirut during my time there; the country is focused on the fate of the Tribunal. The beginning of my stay in Beirut coincided with the visit of Russian Deputy Foreign Minister Sultanov as an envoy to Beirut and Damascus to urge the parties to end the impasse and establish the Tribunal through the constitutional process.
6. Prime Minister Siniora and other members of the majority expressed support for the mission. They stated their frustration with the inability to conclude the Agreement establishing the Special Tribunal for Lebanon through the constitutional process, including the convening of parliament to ratify the document. They reiterated their strong support for the establishment of the Tribunal by the Security Council through the adoption of a resolution if the impasse continues. Some members of the majority had intended to send a petition to you or the President of the Security Council explicitly requesting the establishment of the Tribunal by Security Council resolution as early as Friday. I dissuaded them from that course because it would have severely damaged the credibility of my mission to have such a request sent while I was in Beirut, and also because members of the Security Council would have clearly perceived this initiative as being premature. They agreed to wait to send the request until after I had reported first to you and later briefed the Security Council.
7. Speaker Berri and resigned Minister Fneish of Hizbollah, speaking for the opposition, also expressed support for the mission and for the Tribunal but raised concerns regarding its possible politicisation. They restated their belief that the Government is illegitimate, and expressed their unwillingness to discuss the establishment of the Tribunal until an agreement in principle had been reached for the creation of a government of national unity that would provide them with a one-third plus one (blocking) share of the seats in the cabinet. Minister Fneish would not provide comments regarding the Agreement and Statute to me, saying that Hizbollah believed that such comments should be provided to and dealt with only by a legitimate government. Both Hizbollah and the Minister of Defence raised concerns that the establishment of the Tribunal by the Security Council would affect stability and also possibly lead to violence.
8. On my last day of meetings, I discussed again with Speaker Berri his proposal that a working group composed of two representatives each from the majority and opposition, with the technical participation of Justice Minister Rizk and myself, review the Agreement and Statute with the goal of achieving agreement between the parties on the establishment of the Tribunal through the Lebanese

constitutional procedures. Noting the difficulty of the majority to accept Speaker Berri's proposal that the working group meet in Saudi Arabia, and Saudi Arabia's reluctance to host such a meeting unless the parties had reached agreement in advance, I asked about the possibility of an alternative. He further elaborated the proposal by tentatively advancing the idea of holding the meeting in Geneva, rather than Saudi Arabia as he initially proposed, in which the Lebanese parties would discuss the Tribunal and other issues such as the formation of a government of national unity and the reform of the electoral law, and interested states such as Saudi Arabia and Syria, as well as possibly France, the US and Iran would be present on the margins to help the Lebanese achieve a solution to the stalemate. Later that day, I presented the idea to Prime Minister Siniora, who reacted with skepticism, but agreed to remain open as the idea becomes more developed. Interestingly, Speaker Berri initially agreed to drop the precondition of agreement on a blocking minority for the opposition before discussion of the Tribunal, but he admitted that he would necessarily have to seek Hizbollah's agreement to such a change in policy. This is a positive development, but I believe that it has little chance of success. It is likely that the majority has decided that a resolution is the best course, and unlikely that Hizbollah would agree to drop their precondition. Berri, for his part, does not seem to be uncomfortable with the idea of a Security Council resolution. Mr. Pedersen is following up on this idea, and whether it is accepted or not will become evident in the next few days.

Next steps

9. If as expected, the impasse continues, France and the US will likely begin to push more aggressively for the establishment of the Tribunal by Security Council resolution under Chapter VII.
10. During your visit to Damascus, the Tribunal will be an important issue, given Syrian links with the opposition, but it is unlikely President Assad will want to engage in a discussion of it. We will provide you with updated talking points on this issue.
11. On your return, I will submit to you a detailed written report on my visit to Beirut. You then might wish to consider how to address the desire of the Security Council or its members to be briefed on my mission.



Nicolas Michel
23 April 2007

cc: Mr. Pascoe
Mr. Roed-Larsen
Mr. Pedersen
Mr. Kim
Mr. Williams

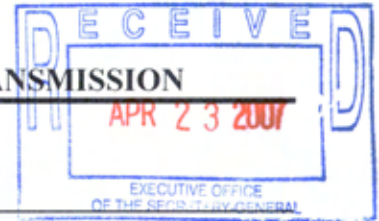
United Nations



Nations Unies

ROUTING SLIP

FICHE DE TRANSMISSION



TO: Mr. Vijay Nambiar, Chef de Cabinet

A:

FROM: Nicolas Michel, Under-Secretary-General for Legal Affairs, the Legal Counsel

DE:

N. Michel

Room No. -- No de bureau S - 3427 A	Extension -- Poste 3.5338	Date 23 April 2007
FOR ACTION		POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
FOR SIGNATURE		POUR SIGNATURE
FOR COMMENTS		POUR OBSERVATIONS
MAY WE DISCUSS ?		POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION	X	VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED		SUITE A VOTRE DEMAND
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION		POUR INFORMATION

Re: Note to the Secretary-General – Briefing on Mission to Beirut regarding the Special Tribunal for Lebanon(17 – 21 April 2007)

Please find attached the above mentioned note.

UNITED NATIONS HQS
COMM CENTRE

07 APR 21 08 03

OUTGOING CODE CABLE

TO: GUEHENNO, UNATIONS, NEW YORK

INFO: GRAZIANO, UNIFIL, NAQOURA
JILKE UNDOF, CAMP FAOUAR
DE SOTO, UNSCO, JERUSALEM

FROM: GORDON, UNTSO, JERUSALEM

DATE: 21 April 2007

NUMBER: *CNY-25*

SUBJECT: Visit to Syria



In Syria, from 18 to 20 April, I met our Syrian Counterpart, Gen. Darwish and Representatives from Denmark, Italy and USA. I attended the OGG-D Change of Command Ceremony and visited OP58. I briefed the delegation of the Military and Police Advisor Community (MPAC). I also met separately MajGen Jilke, for an informal exchange of views on the current political situation and UNTSO-UNDOF routine coordination matters. I was in the Country at a time of a lively electoral campaign for the Legislative elections scheduled for 22 and 23 April.

The American Charge d'Affairs, Mr. Michael Corbin, reiterated USA's intention not to bring back the USA Ambassador to Syria, despite speculations that followed Mrs. Pelosi's visit. He clarified that Mrs. Pelosi represents the Legislative Branch and that the Executive Branch is the one determining USA Foreign Politics. Reiterating that the USA and Syria maintain different positions on most of the key political issues in the region, he recognized that progress had been made on the Iraqi track, particularly on refugees and economical development issues. However, even on Iraq, he said the politics of the two countries diverged on the role of the Ba'th Party and the involvement of Sunni extremist groups in the political life. He indicated that the Syrian-Saudi coordination have been restored, with significant developments such as the positive meeting between Syrian and Saudi Foreign Ministers on the sidelines of the meeting held in Cairo to activate the Arab peace initiative. These ongoing changes on the Syrian-Saudi relations might require President Assad to revisit certain Syrian positions vis-à-vis Iran, addressing another matter of discrepancy between USA and Syria. Mr. Corbin also stated that the USA and Syrian positions differed completely on all the issues related to Lebanon. He recognized that the USA-Syrian relations are likely to be part of the USA Presidential electoral campaign.

The Italian Ambassador referred to the recently published International Crisis Group report on "Restarting Israeli-Syrian Negotiations". Quoting the report he said that "Rejecting Syria's overture is a mistake which is fast on its way to becoming a missed

opportunity". He indicated that Syrian intentions on this matter seemed serious and that most of the details had been worked out in the previous negotiations (2000). He said that it might be the only significant achievement in the Middle East that the current USA Administration could present in the Presidential campaign next year. He explained that the EU was not homogenous in its approach to Syria but that several European Countries were convinced that the time had arrived for a more significant role that Syria could play in support of the international community efforts for peace in the Middle East. The Danish Ambassador repeated the comments made by the Italian on the possible role of the EU and stated that Denmark was among the countries ready to give Assad a chance by accelerating the ratification of the Association Agreement between EU and Syria and supporting Syria commitment to the Arab League initiative.

Campaigning for the Legislative Elections, scheduled for this Sunday, was visible all over Damascus. Almost twelve million eligible voters will choose among "9807 candidates, including 5,086 representing workers and peasants and 4,721 representing the other segments of the people." for the Assembly's 250 seats. However, according to our diplomatic interlocutors, the results are expected to provide the Ba'th Party with a confirmed large majority.

Best regards.