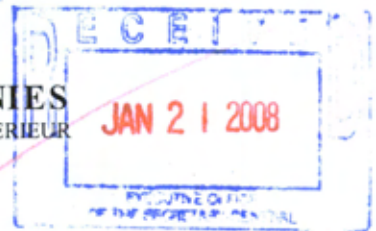


UNITED NATIONS
INTEROFFICE MEMORANDUM



NATIONS UNIES
MEMORANDUM INTERIEUR




TO: Mr. Vijay Nambiar
A: Chef de Cabinet
Executive Office of the Secretary-General

DATE: 21 January 2008

REFERENCE:

THROUGH:

S/C DE:

FROM:  Horst Heitmann, Director
DE: Security Council Affairs Division, DPA

SUBJECT: Security Council: Report on activities
OBJET:

Attached please find, for the attention of the Secretary-General, a note on the proceedings of the Security Council on Friday, 18 January 2008.

cc: Mr. Pascoe
Mr. Menkerios

PROCEEDINGS OF THE SECURITY COUNCIL

Friday, 18 January 2008

INFORMAL CONSULTATIONS

UNMIN (S/2008/5)

Members heard a briefing by Mr. Ian Martin, Special Representative of the Secretary-General for Nepal, who introduced the report of the Secretary-General (S/2008/5). He reported that much progress had been made on the way to a newly-inclusive Nepal and to durable peace as illustrated by a 23-point agreement among the Seven-Party Alliance to the Comprehensive Peace Agreement (CPA); the return of the Communist Party of Nepal (Maoist) to the interim government; and the government's decision to hold the Constituent Assembly election on 10 April 2008. Despite the 23-point agreement, SRSG Martin stressed that the Madhesi and Janajati groups had continued to call for fully proportional representation and had complained that their broader grievances were not addressed in that agreement. At the same time, SRSG Martin indicated that the leaders of these groups had recognized that they had a strong interest in the election of a Constituent Assembly which would restructure the State. Noting that the government was seeking dialogue with them, SRSG Martin stressed that the success of such dialogue was crucial to achieving a climate of public security for the election.

Among the most important expectations the political leaders had of the Maoists, SRSG Martin cited the return of property seized during the conflict and the respect by the Young Communist League of the renewed undertaking to refrain from violence, intimidation, abduction and extortion. From his recent discussion with the Maoist Chairman Prachanda, SRSG Martin believed that the Maoist leadership was now making serious efforts to control its cadres in this respect.

SRSG Martin reported that UNMIN had maintained close contact with all key political actors and tried to assist in rebuilding confidence among the seven parties, and to encourage the resolution of the complex issues behind the problems of the Madhesi and other aggrieved communities through dialogue. He stressed that UNMIN's presence in the districts had enabled it to obtain a clear understanding of the realities on the ground and to provide advice based on factual analysis. In the coming critical months leading to the 10 April election, he said that UNMIN intended to assist in removing outstanding obstacles to the voting and help create favourable conditions for a credible election.

In closing, while noting that a credible Constituent Assembly election in Nepal was within reach, SRS Martin said that it was fraught with risks and dangers. However, the Nepalese people's desire for peace, democracy and change was so strong, that SRS Martin remained hopeful that a new Nepal based on a broad national consensus could eventually emerge.

In the subsequent discussion, Council members welcomed the positive developments that the report of the Secretary-General and the briefing by SRS Martin had indicated, in particular the completion of the cantonment verification by UNMIN, the 23-point agreement and the decision to hold the Constituent Assembly election on 10 April 2008. As the election had already been postponed twice, and in view of what Belgium called a "very ambitious deadline", members were adamant that the election be held on time, pointing to the additional costs, both financial (the United States) and political (the Russian Federation), of another postponement.

Turning to other areas of concern, members, in particular the United Kingdom, Belgium and Indonesia, lamented the general deterioration of public security, especially in the Terai region, and noted that the election required a safe environment. To minimize possible unrest and protests, members (the United Kingdom, Viet Nam, the United States, the Russian Federation, Indonesia) pointed to the need of ensuring proper representation of the traditionally marginalized groups in the political process, with South Africa mentioning in particular women.

Members were also concerned over the process of cantonment and the future of ex-combatants ("the poor cousin of the agreement", in the words of Ambassador Verbeke). Belgium, France and others noted that this may be an issue to be tackled by the Nepalese authorities and specialized agencies on the ground, but was nonetheless critical to UNMIN's exit strategy. Croatia added that security sector reform was a long-term problem that may manifest itself if not before the election, then afterwards.

The United Kingdom, echoed by the Russian Federation, expressed concern over the continuing human rights violations and the culture of impunity.

The United Kingdom introduced a draft resolution (Attachment 1), that would extend the mandate of UNMIN for six months "exactly as it stands". Ambassador Pierce, noting apparent misunderstandings in the experts' meeting of the previous day, stressed that no expansion of the mandate was sought. She stated that some issues outside of the UNMIN mandate were the responsibility of the Nepalese government or

of other UN agencies. She pointed out that the operation was expensive and that the Council could not in good faith continue to extend a mandate that was impossible to implement. Members of the Council agreed that in the remaining time UNMIN should concentrate on its mandate as specified in resolution 1740. Burkina Faso suggested a review of the mandate after the successful election or "unforeseen events". The Russian Federation proposed to take into consideration the assessment and suggestions by the Nepalese government while discussing the draft resolution.

France stressed that UNMIN had to be able to conclude its mandate by the end of June 2008, and, along with Italy, suggested that it was useful to start thinking about the termination of UNMIN and about maintaining a UN presence in Nepal afterwards, to support the political process, especially on the issue of ex-combatants. Ambassador Lacroix called for assessing the appropriateness and modalities of such a presence. He referred to the possibility of establishing a small peacebuilding office.

Members of the Council, e.g. the United Kingdom, China, Indonesia and Costa Rica, regarded the challenges as facing primarily the Nepalese people and government, and called on them to take full ownership of the political process to achieve, through dialogue and consultations and with international assistance, not only peace but a robust democracy.

Responding to questions posed by members of the Council, SRS Martin stressed the crucial importance of the security sector both for the current political process and for the exit strategy. He noted that this issue had not been fully negotiated in the CPA, although there was a commitment outside of it to integrate at least some of the Maoist ex-combatants into the Nepalese Army. As an example of the complexity of this issue, he mentioned the recent controversy that followed a statement by the Army Chief of Staff, seemingly supported by the Prime Minister, that no Maoist combatants were to join the Nepalese Army. SRS Martin cautioned not to expect an agreement on the future of ex-combatants before the Constituent Assembly election or before the end of the UNMIN mandate; serious discussion might only begin by then, he said. Moreover, he expected that the issue may be temporarily sidelined in the aftermath of the election, when the issue of governmental reform would become the main priority.

Turning to other questions, SRS Martin described the role and detailed plans of UNICEF and its local and international partners in addressing the issue of reintegration of minors discharged from the Maoist army; an important step in this work would be the upcoming

visit to Nepal by the SRSG on Children and Armed Conflict. Responding to another question, he said the Maoists were satisfied with the rather complex compromise achieved on the issue of abolishing the monarchy; however, if the King were to be seen as obstructing the election, the issue may become a problem again. Turning to the current human rights problems, especially in the Terai region, SRSG Martin noted the difference compared to the problems related to armed conflict. He was especially disappointed by the lack of effective action on even the most egregious violations of human rights.

In reaction to a question on the possibility of another postponement of the election, SRSG Martin said that Nepal's climate was not an obstacle and elections could be organized there until the end of June. However, any delay would cause a serious political crisis and was therefore highly undesirable. Even a minor delay by consensus would be problematic since it required amending the agreement, which stipulates that the election should take place before the end of the Nepalese year falling on 12 June. Asked to assess the likelihood of the election taking place as planned, SRSG Martin said the process was well on track, but the outcome ultimately depended on the Nepalese authorities and community leaders. He listed four factors crucial for the holding of the election on the planned date: 1) the continued will of the political parties and leaders, who were all committed to the process, but faced internal divisions with some factions not sharing this commitment; 2) successfully addressing the situation in the Terai and the concerns of traditionally marginalized groups; 3) improving the security situation in the face of the growing number of incidents; and 4) the extent to which there were electoral spoilers and their effect on the election, e.g. Maoists causing problems if they perceived that those close to the Palace sought to derail the process.

The President announced that following the proposal by the United Kingdom, which raised no objections from other members, the adoption of the resolution on extending the UNMIN mandate would take place on 23 January instead of 21 January as originally planned.

Other matters

Lebanon: France introduced a draft press statement strongly condemning the terrorist attack on 15 January in Beirut, which his delegation had previously circulated to Council members. Ambassador Lacroix stressed the importance of issuing this statement, noting that the Council had always reacted to similar attacks in Lebanon.

He added that the Council should all the more so react this time, since a foreign mission had been targeted.

While concurring on the urgency to react to this attack, the Russian Federation , supported by Indonesia and South Africa, expressed regret that his delegation's proposal that the "Council takes note that the leaders of many factions have strongly condemned the attack" had not been retained, and that no "plausible" justification had been given in this regard. While indicating that he would not oppose the issuance of this statement, Ambassador Dolgov stated that the Council should not only react to negative events but also to "positive signals" coming from the country. Ambassador Kumalo was very disappointed that the Council was taking so long to react to this attack, which gave the impression of being "out of sync with the world". He believed that it did "not really help" to issue a statement at this stage.

Subsequently, it was agreed to issue the statement as initially proposed (Attachment 2).

Sudan (UNAMID): Referring to the discussion in the Council a week earlier on the need to urge capable Member States to contribute helicopter and transportation units necessary for UNAMID's success, the United Kingdom reported that, on 16 January, her delegation had hosted a meeting on the issue with the participation of the Secretariat and a number of potential contributors . Ambassador Pierce reported that Member States had discussed whether the helicopter gap could be closed by a composite solution, i.e. combining different parts from a number of sources, and that they had agreed to search for the necessary offers by 30 January. To that effect, she urged Council members to actively encourage other Member States to meet the operation's requirements.

Nikolai Galkin/Mélanie Bouvard
SCSB/SCAD/21 January 2008

Attachment 1**Draft resolution on UNMIN**

The Security Council,

Recalling Security Council resolution 1740 of 23 January 2007,

Recalling the signing on 21 November by the Government of Nepal and the Communist Party of Nepal (Maoist) of a Comprehensive Peace Agreement, and the stated commitment of both parties to transforming the existing cease-fire into a permanent and sustainable peace and commending the steps taken to date to implement the Agreement,

Welcoming the report of the Secretary-General of 3 January 2008 (S/2008/5) on the United Nations Mission in Nepal (UNMIN), in accordance with his mandate,

Welcoming the 23-point agreement reached between the Government of Nepal and the Communist Party of Nepal (Maoist) of 23 December 2007 with a view to holding Constituent Assembly elections on 10 April,

Noting that the timelines set out in the agreement are challenging and will require continuing all-party cohesion to meet deadlines and avoid mutual recrimination,

Recognising the need to pay special attention to the needs of women, children and traditionally marginalized groups in the peace process, as mentioned in the Comprehensive Peace Agreement and UNSCR 1325 (2000); and the important conflict prevention role that strengthened civil society and non-governmental organisations, including women's organisations, actively play.

Echoing the Secretary-General's call for all parties in Nepal to move forward swiftly in the implementation of the agreements reached and *recognising* UNMIN's willingness to assist the parties in this, as requested, in order to achieve peaceful, inclusive credible elections,

Noting that the Government of Nepal in its letter to the Secretary-General of 18 December, recognises UNMIN's contribution and requests an extension of the mandate for six months,

Welcoming the completion of two phases of the verification process and continuing assistance with the management of arms and armed personnel of both sides in accordance with UNSCR 1740 and in line with the provisions of the Comprehensive Peace Agreement,

Noting that following completion of the verification process, major tasks still remain, including the discharge of minors and late recruits from within the cantonment process and discussions to find a durable solution regarding the future of those verified as combatants, and the future of the country's security sector,

Expressing its continued readiness to support the peace process in Nepal in the timely and effective implementation of the Comprehensive Peace Agreement,

Recognising the strong desire of the Nepalese people for peace and the restoration of democracy and the importance in this respect of the implementation of the Comprehensive Peace Agreement and subsequent agreements,

Reaffirming the sovereignty, territorial integrity and political independence of Nepal and its ownership of the implementation of the Comprehensive Peace Agreement,

Expressing support for the role of the Office of the United Nations High Commissioner for Human Rights in Nepal (OHCHR-Nepal) in monitoring human rights at the request of the government, and for the country programmes of the United Nations development presence in Nepal that aim to be responsive to the current realities in the country and contribute to the ongoing peace process and beyond,

Stressing the need for co-ordination and complementarity of efforts between the mission and all the UN actors in the mission area,

Expressing appreciation for the efforts of the Special Representative of the Secretary-General and his team in UNMIN,

1. *Welcomes* the Secretary-General's report on the activities of UNMIN;
2. *Decides* to renew the mandate of UNMIN, as set out in UNSCR 1740 (2007), until 23 July 2008;
3. *Expresses* full support for the Comprehensive Peace Agreement and *calls* upon all parties to maintain momentum in implementation and constructive engagement with United Nations efforts and to show flexibility and compromise to allow progress to Constituent Assembly elections;
4. *Calls* on the government of Nepal to recognise the capacity of UNMIN Police Advisers to advise the national police on security within the election process and *urges* all parties to take full advantage of the expertise and willingness in UNMIN to support the peace process;
5. *Requests* the Secretary-General to keep the Council closely and regularly informed of progress towards the implementation of this resolution, including information on his Mandate Implementation Plan and an assessment of progress towards achievement of the milestones contained within it;
6. *Requests* the Secretary-General to review the operations of UNMIN, taking into account developments on the ground and the views of the parties, and revert to the Council by the end of April 2008, with recommendations for possible adjustments to UNMIN's mandate, staffing levels and concept of operations;
7. *Requests* the parties in Nepal to take the necessary steps to promote the safety, security and freedom of movement of UNMIN and associated personnel in executing the tasks defined in the mandate;
8. *Decides* to remain seized of the matter.

Attachment 2**SECURITY COUNCIL PRESS STATEMENT ON LEBANON (SC/9230)**

The following Security Council press statement was read out today by Council President Giadalla Ettalhi (Libya):

The members of the Security Council strongly condemned the terrorist attack on 15 January in Beirut, which killed at least three persons, wounded several others and struck a diplomatic vehicle from the American Embassy.

The members of the Security Council expressed their deepest sympathy and condolences to the families of the victims and to the people and Government of Lebanon.

The members of the Security Council reaffirmed that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, wherever, whenever and by whomsoever committed.

The members of the Security Council underlined the need to bring the perpetrators, organizers, financiers and sponsors of this crime to justice, expressed their determination to support the efforts and the commitment of the Government of Lebanon to this end and urged all States, in accordance with their obligations under international law and relevant Security Council resolutions, to cooperate actively with the Lebanese authorities in this regard.

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