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Chapter 17

International Conflict Resolution and Avoidance

A. MIDDLE EAST PEACE PROCESS

On April 11, 2012, the Middle East Quartet (representatives of the United Nations, the European Union, the Russian Federation, and the United States) issued a statement. The Quartet's statement appears below, and is available at www.state.gov/r/pa/prs/ps/2012/04/187723.htm

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The Quartet—United Nations Secretary General Ban Ki-moon, Russian Foreign Minister Sergey Lavrov, United States Secretary of State Hillary Rodham Clinton and European Union High Representative for Foreign Affairs and Security Policy Catherine Ashton — met in Washington, DC on 11 April 2012. They were joined by Quartet Representative Tony Blair and by Foreign Minister of Jordan Nasser Judeh, who briefed the Quartet on Jordan's engagement. The Quartet underscored its support for the positive efforts by King Abdullah of Jordan and Foreign Minister Judeh.

Following its consultation in New York on 12 March 2012, the Quartet reaffirmed its commitment to all elements of its statement of 23 September 2011 and renewed its call on the parties to meet those objectives. The Quartet welcomed plans for dialogue between the parties, and discussed ways to support these efforts.

The Quartet took particular note of the 21 March 2012 Ad Hoc Liaison Committee (AHLC) meeting in Brussels, and underscored the need for continued international support for the Palestinian Authority's important institution-building efforts. The Quartet encouraged the Palestinian Authority to continue working toward this end. In this regard, the Quartet called on the international community to ensure the contribution of \$1.1 billion in assistance to meet the Palestinian Authority's 2012 recurrent financing requirements. The Quartet welcomed the efforts by the parties to resolve outstanding issues related to tax and customs revenue collection and urged their conclusion as soon as possible.

The Quartet noted with concern the increasing fragility of developments on the ground and called on the parties to work constructively together to take concrete steps to address the Palestinian Authority's fiscal challenges, preserve and build on the Palestinian Authority's institutional gains, and expand economic opportunities for the Palestinian people.

In this respect, the Quartet reaffirmed its commitment, as expressed in its 23 September 2011 statement, to examine possible mechanisms it can actively support going forward,

individually and together, to advance peace efforts and strengthen the Palestinian Authority's ability to meet the full range of civil and security needs of the Palestinian people both now and in a future state. The Quartet encouraged the parties, in this context, to cooperate to facilitate the social and economic development of Area C, which is of critical importance for the viability of a future Palestinian state as well as for its Palestinian inhabitants to be enabled to lead a normal life. The Quartet asked Quartet Representative Blair to continue his intensive work with the parties toward this end.

Noting the significant progress on security achieved by the Palestinian Authority in the West Bank, the Quartet calls on the Palestinian Authority to continue to make every effort to improve law and order, to fight violent extremism, and to end incitement. The Quartet emphasized the need to continue assisting the Palestinian Authority in building its law enforcement capacity. The Quartet also expressed its concern over ongoing settler violence and incitement in the West Bank and calls on Israel to take effective measures, including bringing the perpetrators of such acts to justice.

The Quartet condemned rocket attacks from Gaza and stressed the need for calm and security for both peoples. The Quartet underscored the importance of continued steps to address the needs of Gaza's residents, and welcomed the Israeli Government's approval at the AHLC meeting of UN priority infrastructure projects in Gaza. Reaffirming its previous positions, the Quartet considers that the situation in and around Gaza remains fragile and unsustainable as long as the West Bank and Gaza are not reunited under the legitimate Palestinian Authority adhering to the PLO commitments.

Reminding both parties of their obligations under the roadmap, the Quartet reiterated its call for them to avoid actions that undermine trust and to focus on positive efforts that can strengthen and improve the climate for a resumption of direct negotiations on the basis of the Quartet's September 23 statement.

The Quartet expressed concern about unilateral and provocative actions by either party, including continued settlement activity, which cannot prejudice the outcome of negotiations, the only way to a just and durable solution to the conflict.

The Quartet underscored its commitment to remain actively engaged in the coming period.

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B. PEACEKEEPING AND CONFLICT RESOLUTION

1. Syria

Throughout 2012, the Asad regime continued its violent suppression of the opposition in Syria. On March 30, 2012, at the annual meeting of the American Society of International Law, U.S. State Department Legal Adviser Harold H. Koh spoke on the situation in Syria, the U.S. government response, and legal principles relevant to the crisis in Syria. Mr. Koh's remarks are excerpted below and available in full at www.state.gov/s/l/releases/remarks/187163.htm.

* * * *

... How can the United States best respond to the situation in Syria, consistent with domestic and international law as well as our values and interests? There are no easy answers, and there is no single tool capable of solving all the problems. The country sits at the hub of a geopolitically sensitive area, bounded by Turkey, Iraq, Jordan, Israel, and Lebanon. Its rulers have had powerful protectors in Russia and China, as evidenced by their vetoes of not one but two Security Council resolutions. Syria is home to a complex mix of ethnic and religious communities. The opposition is still coalescing and faces enormous challenges. People are concerned and uncertain about what comes after Assad. There is no denying that this is an enormously challenging moment for all of us who are committed to international human rights and to the rule of law.

Many in our government, and in the State Department, have been working around the clock to evaluate options and facilitate a resolution. President Obama and Secretary Clinton have devoted themselves to an all-out diplomatic effort to help bring increasing pressure to bear on the Assad regime. Secretary Clinton led our efforts at the Friends of Syria Conference in Tunis in February, and has spoken out about the crisis and engaged behind the scenes on a daily basis. Ambassador Susan Rice has led our efforts at the United Nations, tirelessly working to build a unified position. And from the beginning of the crisis, my colleague Ambassador Robert Ford has displayed extraordinary heroism by risking his own personal safety to engage directly with the Syrian people, including through his travels to Jassim and Hama. He has also used social media to establish channels of communication with the Syrian people, encouraging them to embrace nonviolent protest and calling the world's attention to the urgency of the human rights and humanitarian situation.

While our efforts have not yet resulted in a resolution to the Syrian crisis, neither have we stood idly by. To the contrary, the U.S. government, together with our partners, has been actively pushing on numerous fronts. We have engaged in ceaseless diplomacy in the Security Council, General Assembly, Human Rights Council, Friends of the Syrian People, and numerous other venues to build international consensus around the Arab League plan and further isolate the Assad regime. We are providing over \$17 million in humanitarian assistance through the UN and other organizations to support the people of Syria, and we are pursuing every available avenue to get that assistance to those in need. We have helped the Syrian opposition prepare to participate in the Syrian-led transition process that the Security Council has endorsed. We have redoubled our efforts to put financial pressure on those responsible for human rights abuses in Syria, including through three executive orders in the past year imposing increasingly severe sanctions. We have sought to ensure that Syrian nationals present in the United States are not forced to return to unsafe conditions, most notably by designating Syria for Temporary Protected Status under the federal immigration laws. We have strongly supported the work of the Human Rights Council and the Office of the High Commission for Human Rights in documenting and publicizing human rights abuses through the Commission of Inquiry for Syria. And we have begun to discuss issues of accountability with our Arab and international partners. I am particularly proud of the contributions that dozens of lawyers from my own office—what we call the “L-Syria team” of the Office of the Legal Adviser—have made to these efforts.

It is our firm hope that the UN Security Council's Presidential Statement of last Wednesday, March 21, will mark a step forward toward a more unified international approach. Like our regional and global partners, the United States has made clear that Assad must immediately end his campaign of savagery against his own people, allow humanitarian aid to enter, and make way for a political transition that protects the rights of all Syrians. At the same time, we have made clear that now is the time for all nations to stand behind these demands. The Security Council's statement last week expressed strong support for the six-point plan put forward by the UN and Arab League Joint Special Envoy and former UN Secretary-General, Kofi Annan. Most critically, the Council echoed Annan's call for all sides to end the violence, with the onus on the government to take the first steps. The statement calls for immediate implementation of a daily pause in hostilities for the delivery of humanitarian assistance, and also for political dialogue and the release of detained persons. The statement further expresses support for a Syrian-led political transition to a democratic, plural political system. And the statement closes by indicating that the Council "will consider further steps as appropriate." Without speculating on how exactly events might unfold in the weeks ahead, I know the administration will constantly assess what is happening inside Syria and adjust its tactics accordingly.

What international legal principles and other guidelines should govern our actions going forward? Let me close by suggesting three.

First, we must recognize that the primary responsibility for international peace and security in the United Nations system continues to rest with the Security Council. Under the UN Charter, only the Security Council can make certain decisions, such as sanctions determinations, that all UN member states are under a legal obligation to carry out. The General Assembly has already played a very important role in this crisis, as have regional organizations such as the Arab League, a role that Chapter VIII of the UN Charter expressly recognizes. We both support and applaud the constructive steps that have been taken by the General Assembly and particularly the Arab League, which has been a leader in seeking to resolve this crisis. But we will also continue to press ahead in the Security Council to build on the advances made in the March 21st Presidential Statement, with its unanimous endorsement of a UN-supervised cessation of violence, humanitarian access to all areas in need, and the beginning of a Syrian-led political transition.

Second, as international lawyers charged with dealing with complexity, we should avoid the trap of seeing this dynamic and multifaceted situation in one-dimensional terms. For that reason, I do not agree with those who insist upon viewing our commitment to solving the Syrian crisis solely through the lens of military intervention. The international community's commitment to solving a problem should not be measured so narrowly. As we have seen throughout the Arab Awakening, different circumstances call for different responses. In addressing the Arab Awakening in Tunisia, Egypt, Libya, Bahrain, and elsewhere, this administration has carefully and consistently applied a smart power approach to foreign policy that rejects "one-size-fits-all" thinking.

In so saying, we specifically see no inconsistency between the U.S. approach to Syria and the U.S. approach to Libya. Neither our legal theories, nor our strategic objectives, nor our moral commitments have changed. What is different are the facts. As President Obama observed several weeks ago, in Libya we had "a UN Security Council mandate ...and we knew that we could execute very effectively in a relatively short period of time." As difficult as Libya was, the President added, "[t]his is a much more complicated situation. ... [T]he notion that the way to

solve every one of these problems is to deploy our military, that hasn't been true in the past and it won't be true now." With respect to Libya, the Security Council of course adopted two important Resolutions, 1970 and 1973. The proposed Security Council resolutions on Syria have differed substantially from 1970 and 1973 in their terms. Moreover, from a practical perspective, it is by no means clear that the type of actions taken to protect Libyan civilians would have the same effect in Syria.

But that does not mean that the international community has turned away from the Syrian people or ignored the responsibility of the Syrian government to protect its civilian population. The Syrian government has been condemned for committing human rights violations by the General Assembly and the Human Rights Council; it has been placed under sanctions by the Arab League, the United States, and the European Union; and it has been the subject of a searching report by a UN Commission of Inquiry—which found credible evidence that it has committed crimes against humanity. As I alluded to earlier, the United Nations and the Arab League appointed Kofi Annan as a Special Envoy to seek both a cessation of hostilities and political reform. And on Sunday, Secretary Clinton will join the next Friends of Syria meeting in Istanbul, which will endorse the Syrian opposition's plan for a peaceful political transition. I recite this list not to suggest that we are satisfied with where things stand in Syria: Of course we aren't. But the principle of a "Responsibility to Protect" vulnerable civilians, or R2P, itself recognizes the importance of pursuing such options. This list of actions does give a sense of how—consistent with the principle of R2P—we and our international partners have been continually seeking out, developing, and using the tools that are available to us and appropriate to the situation to advance the protection of the Syrian population.

Third and finally, a commitment to ensuring that the Assad regime cedes power and a commitment to denying impunity for gross human rights violations can and should be maintained simultaneously. Like so many aspects of the situation, this issue is a delicate one. But as I have already noted, the United States has strongly encouraged efforts to use emerging technologies to document and expose human rights abuses in Syria. In addition to the information that Ambassador Ford has shared on his own Facebook page, the State Department has set up a dedicated page on the "Humanrights.gov" website where we are posting satellite imagery of the Syrian Army's attacks on civilian areas, alongside policy statements from U.S. officials. We have co-sponsored resolutions in the General Assembly and the Human Rights Council stressing the need for accountability. At the State Department last week, I met with Paulo Pinheiro, Chair of the UN's Commission of Inquiry on Syria, which has forthrightly stated that crimes against humanity have occurred and that the Syrian people will need to have a leading voice on issues of accountability. The international community must continue to work to uncover and tell the truth about what Assad and his thugs are doing, and ultimately, as Secretary Clinton has said, "there must be accountability for senior figures of the regime." While it is critical that a political transition occurs, the anticipation of certain forms of post-transition accountability may help to facilitate that process—for example, by opening up space for the regime's opponents and encouraging defections by those officials who want to distance themselves from its crimes. We think it of the utmost importance that, we work with governments and NGOs alike to continue documenting human rights violations and collecting evidence to keep shining a light on the inexcusable actions the Assad regime is taking against its people, and so the international community can uncover and tell the truth about what is occurring.

* * * *

In February, a proposed Security Council resolution on Syria co-sponsored by the United States was vetoed by China and Russia. The U.S. explanation of vote is available at <http://usun.state.gov/briefing/statements/183334.htm> and additional remarks by Ambassador Susan E. Rice, U.S. Permanent Representative to the UN, on the U.S. efforts to achieve consensus on the proposed resolution are available at <http://usun.state.gov/briefing/statements/183336.htm>. On April 5, 2012, during the month when the United States held the presidency of the UN Security Council, the Security Council issued a presidential statement on Syria, set forth below and available at <http://usun.state.gov/briefing/statements/187451.htm>.

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The Security Council recalls its Presidential Statements of 3 August 2011 and 21 March 2012 and its Press Statement of 1 March 2012.

The Security Council reaffirms its strong commitment to the sovereignty, independence, unity, and territorial integrity of Syria, and to the purposes and principles of the Charter.

The Security Council expresses its appreciation for the 2 April 2012 briefing of the Joint Special Envoy of the United Nations and the League of Arab States, Kofi Annan. The Security Council notes that the Syrian government committed on 25 March 2012 to implement the Envoy's six-point proposal.

The Security Council calls upon the Syrian government to implement urgently and visibly its commitments, as it agreed to do in its communication to the Envoy of 1 April, to (a) cease troop movements towards population centres, (b) cease all use of heavy weapons in such centres, and (c) begin pullback of military concentrations in and around population centres, and to fulfil these in their entirety by no later than 10 April 2012.

The Security Council calls upon all parties, including the opposition, to cease armed violence in all its forms within 48 hours of the implementation in their entirety by the Syrian government of measures (a), (b), (c) above. The Security Council further calls upon the opposition to engage with the Envoy in this regard.

The Security Council reiterates its call for the Syrian authorities to allow immediate, full and unimpeded access of humanitarian personnel to all populations in need of assistance, in accordance with international law and guiding principles of humanitarian assistance. The Security Council calls upon all parties in Syria, in particular the Syrian authorities, to cooperate fully with the United Nations and relevant humanitarian organizations to facilitate the provision of humanitarian assistance. To this end, the Security Council calls on all parties to immediately implement a daily two hour humanitarian pause as called for in the Envoy's six-point proposal.

The Security Council underscores the importance of an effective and credible United Nations supervision mechanism in Syria to monitor a cessation of armed violence in all its forms by all parties and relevant aspects of the Envoy's six-point proposal. The Security Council requests the Secretary-General to provide proposals for such a mechanism as soon as appropriate, after consultations with the government of Syria. The Security Council stands ready

to consider these proposals and to authorise an effective and impartial supervision mechanism upon implementation of a cessation of armed violence in all its forms by all parties.

The Security Council underscores the central importance of a peaceful political settlement to the Syrian crisis and reiterates its call for the urgent, comprehensive, and immediate implementation of all aspects of the Envoy's six-point proposal. The Security Council reiterates its full support for the Envoy's six-point proposal aimed at bringing an immediate end to all violence and human rights violations, securing humanitarian access and facilitating a Syrian-led political transition leading to a democratic, plural political system, in which citizens are equal regardless of their affiliations, ethnicities or beliefs, including through commencing a comprehensive political dialogue between the Syrian government and the whole spectrum of the Syrian opposition.

The Security Council requests the Envoy to update the Council on the cessation of violence in accordance with the above timeline, and progress towards implementation of his six-point proposal in its entirety. In the light of these reports, the Security Council will consider further steps as appropriate.

* * * *

On April 14, 2012, the Security Council adopted a resolution approving UN-Arab League Joint Special Envoy Kofi Annan's plan for Syria and authorizing a team of observers to monitor its implementation. U.N. Doc. S/RES/2042. Ambassador Rice delivered the U.S. explanation of vote, available at <http://usun.state.gov/briefing/statements/187914.htm>, in which she summarized the main points of Resolution 2042:

The resolution just adopted reaffirms the Council's support for all elements of the Envoy's plan, including an immediate end to violence, securing humanitarian access, and a Syrian-led political transition that meets the democratic aspirations of the Syrian people. The resolution stresses that the Syrian government must immediately fulfill its remaining obligations to bring about a full cessation of violence. It emphasizes the necessity of the Syrian government immediately withdrawing all its troops and heavy weapons from population centers and returning its soldiers and their equipment to their barracks. It authorizes the Secretary-General to send an initial team of up to 30 observers to verify that the Syrian government is doing what it is obliged to do, including ensuring that the full monitoring mission can do its job, unimpeded, with full freedom of movement, full access to people and institutions, and unobstructed communications. The resolution also expresses the Council's intention to establish a larger observer mission once the Secretary General presents a blueprint and if it is clear that the cease-fire is holding and the government is cooperating.

Resolution 2043, adopted by the Security Council on April 21, 2012, established the UN Supervision Mission in Syria ("UNSMIS"), initially for a 90-day period, to monitor a cease-fire and implementation of the Joint Special Envoy's six-point plan to end the conflict. Ambassador Rice delivered the U.S. explanation of vote on resolution 2043, available at <http://usun.state.gov/briefing/statements/188268.htm>, expressing concern for the risks

faced by the UNSMIS observers due to resumed violence in Syria. UNSMIS suspended its activities in June due to increased armed violence across the country. In July 2012, the Security Council extended the mission for 30 days and said that any further extension could be possible only “in the event that the Secretary-General reports and the Security Council confirms the cessation of the use of heavy weapons and a reduction in the level of violence sufficient by all sides” to allow the UNSMIS monitors to implement their mandate. U.N. Doc. S/RES/2059. When those conditions were not met, the mandate of UNSMIS ended on August 19, 2012.

On July 19, 2012, Russia and China again prevented the Security Council from adopting a stronger resolution on Syria. The U.S. explanation of vote appears below and is available at <http://usun.state.gov/briefing/statements/195246.htm>.

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This is the third time in ten months that two members, Russia and China, have prevented the Security Council from responding credibly to the Syrian conflict. The first two vetoes they cast were very destructive. This veto is even more dangerous and deplorable. The resolution just vetoed demanded all parties to cease violence. It invoked Chapter VII to make more binding on the parties their obligation to implement the Joint Special Envoy’s six-point plan and effect the political transition plan agreed by the Action Group in Geneva on June 30. And, it threatened the only party with heavy weapons—the Syrian regime—with sanctions if it continued to use these weapons brutally against its own cities and citizens.

But it would not even impose sanctions at this stage. And despite paranoid, if not disingenuous, claims by some to the contrary, it would in no way authorize nor even pave the way for foreign military intervention. What this resolution would have done was to provide the political support to the UN mission that might have given it a fighting chance to accomplish its mandate. It is a shame this Council was unwilling to do so.

There should be no doubt about this: the only way that unarmed United Nations observers could ever deter violence is if their reports of the Syrian regime’s persistent violations of the Annan plan and of their own commitments led this Security Council to impose swift and meaningful consequences for non-compliance, as requested, indeed demanded, by our Joint Special Envoy. As the United States explained when voting for UNSMIS’s establishment three months ago, we were and remain deeply skeptical of the Syrian regime’s intentions and thus the efficacy of the observer mission.

Week after week, the Secretary-General, the Joint Special Envoy, the Head of UNSMIS, General Mood, and others have told this Council that the Assad regime continued to fire heavy weapons in population centers, in contravention of resolutions 2042 and 2043. Week after week, they told us that the Syrian government continued to detain and torture citizens and to maintain a horrific posture of intimidation and harassment. They reported recently that the Syrian regime had escalated its crackdown, employing tanks and helicopter gun-ships. They reported on various occasions that the Syrian-backed Shabiha militia were terrorizing entire communities, including sexually assaulting women and children.

The escalation of the regime’s attacks against its own people is even more troubling because of their large stockpiles of chemical weapons. We have made it clear that these weapons

must remain secure and that the regime will be held accountable for their use. Because as the situation deteriorates, the potential that this regime could consider using chemical weapons against its own people should be a concern for us all.

On July 13th, UN Secretary-General Ban Ki-moon wrote a letter reiterating his call on Council members to “insist on the implementation of the Council’s resolutions and to exercise their common responsibilities by taking necessary collective action under the United Nations Charter.” Yet the UN mission’s reports of persistent and flagrant violations and the Secretary-General’s appeals and those of the Joint Special Envoy have been met only with intensified violence and Security Council inaction. The blame for this unacceptable situation does not lie with UN Secretary General Ban Ki-moon, Joint Special Envoy Annan or the UN monitors. The unarmed UN military observers and civilian staff have performed their tasks bravely under very dangerous conditions, and we thank them profoundly and the troop contributing countries for their dedicated service.

Rather, the fault lies squarely with the heinous Assad regime and those member states that refuse to join the international community and their fellow Council members in taking firm action against the regime. Their position is at odds with the majority of this Council that voted for this resolution. It is at odds with the League of Arab States. It is at odds with over 100 countries in the Group of Friends of the Syrian People that called for decisive action under Chapter VII to stop the killing and start a process of transition to post-Assad Syria. And, it is at odds with the wishes and aspirations of the vast majority of the Syrian people, who deserve so much better from this Security Council.

We have missed yet another critical opportunity to work together. We, and especially the people of Syria, cannot afford to miss any more.

Yesterday’s dramatic attack in Damascus is indicative of how the situation in Syria will continue to deteriorate in the face of this Council’s inaction. The perpetuation of the status quo is in no way static. It is in fact a recipe for intensified conflict, increased terrorism and a proxy war that could engulf the region.

It is simply not credible to argue that the mere continuation of an unarmed observer mission in the midst of these threats and spiraling violence can or will fundamentally change anything. Everyone in this room knows that. The United States has not and will not pin its policy on an unarmed observer mission that is deployed in the midst of such widespread violence and that cannot even count on the most minimal support of this Security Council. Instead, we will intensify our work with a diverse range of partners outside the Security Council to bring pressure to bear on the Assad regime and to deliver assistance to those in need. The Security Council has failed utterly in its most important task on its agenda this year. This is another dark day in Turtle Bay.

One can only hope that one day, before too many thousands more die, that Russia and China will stop protecting Assad and allow this Council to play its proper role at the center of the international response to the crisis in Syria.

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On August 3, 2012, by a vote of 133 in favor to 12 against, with 31 abstentions, the UN General Assembly adopted a resolution expressing its concern about the Syrian Government’s systematic attacks against civilians, and the increasing use of “heavy weapons, armour and the air force against populated areas.” U.N. Doc. A/RES/66/253B. The

August resolution built upon the resolution on the situation in Syria adopted by the General Assembly in February. U.N. Doc. A/RES/66/253A. The General Assembly resolution also followed after Kofi Annan resigned as special envoy. Ambassador Rice delivered the following statement on the resolution, available at <http://usun.state.gov/briefing/statements/196036.htm>.

The United States welcomes the strong message that the United Nations General Assembly delivered today both to the Syrian regime and to the Syrian people. Today's General Assembly resolution, supported by an overwhelming majority of UN member states, strongly condemns the Syrian authorities' increasing use of heavy weapons and its ongoing and intensifying human rights abuses. The General Assembly demanded once more that the first step in the cessation of violence be made by the Assad regime. Importantly, the resolution also welcomes the Arab League's July 22nd decision, which calls for Assad to step down and for a transitional government to be formed. The United States is pleased that the General Assembly has made it abundantly clear that Syria's chemical weapons must remain secure and that members of the regime will be held accountable in the event such weapons are used.

Despite the continued opposition of an increasingly isolated minority, the overwhelming majority of UN members clearly stands resolutely with the Syrian people as they seek to fulfill their legitimate aspirations. The United States will continue to work with like-minded partners both at the United Nations and elsewhere, including with the over 130 countries who supported today's resolution, to advance Syria's transition, provide humanitarian support to those in need, and unify and strengthen the political opposition.

Without further action by the Security Council, the United States has worked unilaterally to impose sanctions and provide humanitarian assistance and also with partners in other contexts, such as in the Group of Friends of the Syrian People. For a discussion of activity by the UN Human Rights Council relating to Syria, see Chapter 6. See Chapter 9 for a discussion of U.S. recognition of the Syrian Opposition Council as the legitimate representative of the Syrian people. See Chapter 16 for a discussion of U.S. sanctions relating to Syria.

For further information on U.S. involvement in the meetings of the Friends of the Syrian People in 2012, see www.state.gov/r/pa/prs/ps/2012/02/184642.htm (regarding outcomes of the meeting in Tunis in February); www.state.gov/secretary/rm/2012/04/187295.htm (Secretary Clinton's intervention at the meeting in Istanbul); www.state.gov/secretary/rm/2012/07/194628.htm (Secretary Clinton's remarks at the meeting in France in July); www.state.gov/secretary/rm/2012/09/198455.htm (Secretary Clinton's remarks at the ad hoc ministerial in New York in September). For information on the assistance the United States is providing to Syria, see www.usaid.gov/crisis/syria.

2. Somalia

See Chapter 16.A.5.e. for a discussion of sanctions imposed relating to Somalia in 2012. The Security Council adopted several resolutions on Somalia in 2012. U.N. Doc. S/RES/2036; U.N. Doc. S/RES/2060, U.N. Doc. S/RES/2067, U.N. Doc. S/RES/2072, U.N. Doc. S/RES/2073, U.N. Doc. S/RES/2077. Somalia made significant progress in its transition to political stability in 2012, as summarized in a State Department fact sheet issued December 27, 2012 and available at www.state.gov/r/pa/ei/bgn/2863.htm:

In 2012, Somalia completed its political transition with the election of a new federal parliament and speaker, the national constituent assembly's adoption of a provisional constitution, the election of a new president, President Hassan Sheikh Mahamud, and the naming of a new prime minister and cabinet.

...The United States also has welcomed the African Union Mission in Somalia's (AMISOM) success in driving the al-Shabaab terrorist organization out of strategically important population centers, and has underscored the continued U.S. commitment to support AMISOM and the Somali national forces in their responsibility of extending security throughout Somalia.

Excerpted below are some of the statements made by the United States in 2012 in support of the work of AMISOM to bring stability to Somalia.

On January 11, 2012, U.S. Alternate Representative to the UN for Special Political Affairs, Jeffrey DeLaurentis, addressed a Security Council Briefing on Somalia. His remarks, excerpted below and available at <http://usun.state.gov/briefing/statements/180493.htm>, include praise for AMISOM and encouragement to all parties to live up to the Kampala Accord and Roadmap to End the Transition.

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...[W]e have a moment of opportunity to turn the tide of violence, poverty, and despair in Somalia. The remarkable courage of AMISOM and its Ugandan and Burundian troops has helped liberate Mogadishu from Al-Shabaab's occupation. We welcome Djibouti's deployment and urge the African Union and Djibouti promptly to resolve any remaining questions about how best to integrate Djiboutian troops into the mission. Kenya and Ethiopia have thrown their weight behind the effort to defeat Al-Shabaab, and we welcome their contributions as well. And the Kampala Accord, the Roadmap, and the Garowe conference outcome all create momentum for critical political reforms that must complement early security gains.

As difficult as it is for all of us in a time of severe resource austerity, it is imperative that the international community seize the moment in Somalia: we must come together and rise to meet these new challenges. It would be foolish to turn our backs on our collective successes thus far. That is our responsibility.

We have listened carefully to the African Union's calls to increase AMISOM's troop ceiling beyond the current mandated strength and to the various proposals to expand the use of

UN-assessed funding to support AMISOM. We await further details from the AU, particularly concerning the command-and-control architecture, as well as the Secretariat's report, including its cost analysis for the AU's recommendations, and UNSOA's assessment of support needs for the AU's operations outside of Mogadishu. We will give these proposals thorough consideration and call for a follow-on discussion as soon as practical.

The United States intends to continue its strong bilateral support to AMISOM troop contributing countries (TCCs). . . . We urge other member states to provide in-kind support or contributions to the UN Trust Fund for AMISOM without caveats to fund urgently needed projects, including reimbursements for contingent owned equipment. As AMISOM expands its footprint, it is imperative that it have predictable and uncaveated funding to sustain its operations.

While AMISOM plays a critical role, a coherent and achievable political strategy must be in place. The Kampala Accord and Roadmap to End the Transition are key to achieving long lasting peace and stability in Somalia. We call upon all Transitional Federal Institutions, including Parliament, as well as other signatories, to meet their obligations and responsibilities for Roadmap implementation.

Let me be absolutely clear on this point: we will hold the Roadmap signatories to account. They are responsible for achieving the tasks outlined in the Roadmap, including an agreed upon constitution, parliamentary reform, and credible and transparent elections.

* * * *

Finally, . . . let me reiterate our strong support of the United Nations' efforts in Somalia. The historic visit last month by the Secretary General and the President of the General Assembly is evidence of his commitment to restoring peace and stability in Somalia. The United States commends and fully supports the decision to move the UNPOS headquarters to Mogadishu this month. We thank Special Representative Mahiga for his efforts and urge him to remain focused on compliance with the benchmarks and timelines set by the Roadmap signatories in accordance with the Kampala Accord.

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Ambassador DeLaurentis again addressed the Security Council on Somalia on March 11, 2012. Ambassador DeLaurentis praised the steps taken by the international community, including passage of UN Security Council resolution 2036. His remarks are excerpted below and are also available at <http://usun.state.gov/briefing/statements/185247.htm>.

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Mr. President, Somalia stands at a critical moment. The international community has an important but limited window of opportunity. AMISOM and Somali forces have driven al Shabaab out of Mogadishu and other areas. The mandate of the Transitional Federal Government—the TFG—comes to an end in August 2012, and Somalia now has a blueprint for a state after twenty years without a functional government. At the same time, Somalia is emerging from the worst humanitarian crisis in the world.

The TFG and the international community have already taken important steps. The unanimous adoption of Security Council resolution 2036 on February 22, immediately followed by the London Conference on Somalia, show the international community is united in its commitment to Somalia's future. I would like to thank the United Kingdom for hosting this important conference, and commend members of the Council for giving unanimous support to AMISOM's expansion. AMISOM troop levels are now increasing and its funding needs have been established. The "Garowe II" constitutional conference has shown the way to more inclusive governance, with clear benchmarks, and UNPOS is established in Mogadishu.

We have accomplished much, but this is no time to lose momentum. A number of critical tasks lie ahead before the Roadmap's August deadline. We have six months, and we need to use them wisely.

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...[T]o maximize the pressure on al Shabaab, we must implement fully and swiftly the expansion mandated in UN Security Council 2036. The sacrifices made by AMISOM and the Somali National Security Forces testify to their dedication to bringing peace and stability to Somalia. We call on additional troop contributors to respond quickly to enable AMISOM to be fully staffed. We also urge member states to increase their voluntary support for AMISOM troop-contributing countries, particularly in the form of equipment and funding for the UN Trust Fund for AMISOM. The United States has a long and strong tradition of support for this. Now support for AMISOM must become a truly international effort. Maritime assets will be critical to AMISOM's mission, and we hope that providing sustainable and reliable funding for the maritime component will be addressed in the coming months.

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On May 15, 2012, Ambassador Rice addressed a Security Council briefing on Somalia. Her remarks, available at <http://usun.state.gov/briefing/statements/189955.htm>, are excerpted below. Ambassador Rice noted significant progress in the political transition and in the efforts of AMISOM to secure the country from al-Shabaab.

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Somalia stands at a critical moment in its history. One year ago, al-Shabaab controlled and terrorized large swaths of Somalia, millions were at risk of starvation, and the country's leaders focused more on feuding amongst themselves than working to improve the condition of the Somali people. One year ago, in Nairobi, this Council delivered a blunt message to the TFG that it risked losing international support, if it did not get its act together and resolve its differences.

Today, Somalia is in a different and better place. But significant challenges lie ahead. The mandate of the Transitional Federal Government (TFG) comes to an end in August 2012. Any delay or backsliding in implementing the transition is totally unacceptable. Somalia and the wider region cannot afford to revert to the endless cycles of violence and suffering that have plagued the country and threatened the region for decades.

There are, encouragingly, signs of promise for the country and its people. For the first time in a generation, Somalia has a solid plan for creating a functional state, and the conditions for its implementation continue to ripen. In the last few months, the TFG as well as other Roadmap signatories and the international community have taken important steps to implement the Roadmap to End the Transition, as defined by the Garowe Principles. A draft constitution has been circulated to the Roadmap signatories. Elders have been selected to appoint delegates to the Constituent Assembly and are meeting now to do so.

The security situation across the country has also improved. Areas on the outskirts of Mogadishu and the key cities of Beledweyne, Baidoa, and Huddur in southwestern Somalia have recently been liberated from al-Shabaab. The United States commends AMISOM and the Somali National Security forces for their significant military achievements and security gains. The sacrifices made by AMISOM and Somali troops are testament to their will and dedication to bring peace and stability to Somalia. Reflecting the improved security situation, the UN Political Office for Somalia has returned to Mogadishu. And though the humanitarian situation remains extremely fragile, thanks to the actions of UN humanitarian agencies and NGOs and the generosity of the international community, the famine has substantially abated.

The unanimous adoption of UN Security Council Resolution 2036 on February 22 this year, followed by the London Conference on Somalia, demonstrated the strong and unified commitment of the international community to Somalia's future. The United States welcomes the upcoming Second Istanbul Conference on Somalia, which should push the political transition process further towards completion.

While Somalis, with international support, have made progress, we cannot afford to lose momentum. Critical and difficult work remains and the Somali people will hold the TFG, Roadmap signatories, and other stakeholders accountable for meeting the transition timetable. As the London Conference declared in February, the Kampala Accord deadline is firm: there must be no extension of the TFG's mandate beyond August 20. The Constituent Assembly should convene to consider and adopt the interim constitution, setting the stage for other important steps, including the appointment of a new, smaller parliament and indirect elections of a speaker and president. Informing Somalis about the draft constitution and the Roadmap implementation process is fundamental to their ultimate success. But, as the Secretary General observes in his report, approval of the interim constitution by the Constituent Assembly will be the beginning, not the end, of the process.

Having noted some of the important progress achieved since this Council visited the region, let me now turn to the significant challenges ahead for Somalia. As we were tragically reminded only two weeks ago by the suicide attack against a parliamentary delegation in Dhusamareb and last month by the suicide bombing at the National Theater, al-Shabaab remains a major threat to the stability of Somalia. Its shocking and ruthless attacks on innocent civilians and its ongoing ban on 17 humanitarian organizations demonstrate its total disregard for the Somali people and disregard for human life. The United States condemns all al-Shabaab terrorist attacks that kill government officials and innocent civilians alike.

Because al-Shabaab will continue to perpetrate terrorism and exploit any opening to sow instability and derail progress in Somalia, expanding security and preventing al-Shabaab from regaining a foothold in stabilized areas is paramount. This requires AMISOM to be fully staffed so that it can fulfill its mandate. The African Union and additional troop contributors should quickly reach agreement on AMISOM's Concept of Operations. Failure to do so will not only reflect negatively on AMISOM and the African Union, but worse, undermine the security of the

Somali people. Moreover, Somali National Security Forces will figure prominently in expanded AMISOM operations, but are hampered by supply shortages and gaps in logistics capacity. Since 2007, the United States has contributed over \$106 million to strengthen the Somali security sector. We urge all member states, especially new donors, to help the Somali people take the lead in providing for their own security and to coordinate bilateral support through the TFG-UN-AU co-chaired Joint Security Committee.

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3. Sierra Leone

In April 2012, when the United States held the presidency of the UN Security Council, the Security Council issued a presidential statement on Sierra Leone, excerpted below and available in full at <http://usun.state.gov/briefing/statements/187713.htm>.

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The Security Council welcomes the latest report of the Secretary-General dated 14 March 2012 (S/2012/160) on the situation in Sierra Leone and the activities of the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL). The Council welcomes the briefing provided by the Executive Representative of the Secretary-General (ERSG) in Sierra Leone, Mr. Michael von der Schulenburg on 22 March 2012. The Council reaffirms its support for continuing efforts to consolidate peace in that country.

The Security Council emphasizes that the Government of Sierra Leone bears primary responsibility for peacebuilding, security and long-term development in the country. The Council notes the steady progress achieved so far by the national authorities and people of Sierra Leone in a number of areas including national reconciliation, the promotion of gender equality and the preparation for national and local elections on 17 November 2012. The Council emphasises the importance of these elections for consolidation of peace and security in Sierra Leone.

The Security Council calls upon all political parties to engage constructively in an honest and open dialogue aimed at furthering national cohesion. The Council calls on the Government of Sierra Leone, all political parties as well as other stakeholders to intensify their efforts to foster an environment that is conducive to the holding of peaceful, transparent, free and fair elections. The Council calls on the leadership of the political parties to undertake cross-party confidence building measures, promote political participation and non-violence among their membership and ensure the full adherence to due process of law and to the recommendations of the 2 April 2009 Joint Communiqué, which inter alia calls for the establishment of the Independent Police Complaints Committee to reinforce the neutrality and professionalism of the Police, and the Political Parties Code of Conduct. The Council believes that these steps are essential to ensure public and international confidence in Sierra Leone's democratic process.

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The Security Council commends the contribution of UNIPSIL and the UN Country Team to the peacebuilding and development priorities of Sierra Leone, and in particular through the integrated UN Joint Vision. The Council commends the achievements of ERSG von der Schulenburg in Sierra Leone and urges the Secretary General to promptly appoint a successor.

The Security Council continues to emphasize the important role of the regional organisations such as the African Union, the Economic Community of West African States and the Mano River Union in supporting Sierra Leone to achieve its peacebuilding, security and long-term development goals. The Council acknowledges the work of the Transnational Organised Crime Unit and calls on Sierra Leone's authorities to work with its neighbours and regional partners in order to intensify their joint efforts to consolidate regional peace and security, including through tackling the challenges posed by drug trafficking and organised crime.

The Security Council acknowledges the role of the Peacebuilding Commission (PBC) in supporting peacebuilding efforts in Sierra Leone, including in addressing the priority area of youth employment. The Council urges the PBC to continue working in support of UNIPSIL and the UN Country Team.

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4. Sudan

In 2012, problems in implementation of the Comprehensive Peace Agreement of 2005 ("CPA") persisted in Sudan and South Sudan. The UN Security Council adopted several resolutions on Sudan in response to the ongoing conflict with South Sudan. U.N. Doc. S/RES/2035, U.N. Doc. S/RES/2046, U.N. Doc. S/RES/2047, U.N. Doc. S/RES/2057, U.N. Doc. S/RES/2063, U.N. Doc. S/RES/2075. The United States supported continuing the UN Mission in South Sudan ("UNMISS") and an ongoing role for the UN in protecting civilians in Sudan, as stated by Ambassador Rice in remarks delivered on January 30, 2012, excerpted below and available at <http://usun.state.gov/briefing/statements/182723.htm>.

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...[W]e just completed a briefing by Assistant Secretary-General Edmund Mulet on South Sudan and the UNMISS mission. He made the recommendation that the force strength be maintained at the mandated level of 7,000 through at least 2013. That is a recommendation that the United States strongly supports based on the deteriorating security situation, the incidents of violence that we've seen in Jonglei and elsewhere, and the importance we attach to the UN's role in protection of civilians as well as support for the process of DDR [disarmament, demobilization, and reintegration] and SSR [security sector reform]. In the course of that discussion, we expressed also our grave concern, which you have heard us repeat, about the deteriorating situation in Southern Kordofan and Blue Nile, the humanitarian crisis there, which is becoming more and more urgent, as well as the ongoing dispute between Sudan and South Sudan over oil revenues—the flow of oil—the fact that the north has captured and held Sudanese oil. We

believe that four of the ships have now just been released, which is an overdue and important step. And we hope that conditions can quickly be created so that the parties can sit at the table and finalize, as swiftly as possible, a permanent arrangement with respect to the oil and revenue sharing, without which both sides will suffer and the loss of oil revenue will be crippling to all.

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On May 2, 2012, the UN Security Council adopted resolution 2046. Ambassador Rice delivered the explanation of vote for the United States, excerpted below and available at <http://usun.state.gov/briefing/statements/189198.htm>.

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The United States welcomes today's adoption of resolution 2046, which underscores the Security Council's strong and unanimous support for the Roadmap for peace between Sudan and South Sudan, as laid out by the African Union's Peace and Security Council.

The current conflict between Sudan and South Sudan is on the verge of becoming a full-scale and sustained war. It poses a clear and present threat to international peace and security. Both countries are on the brink of returning to the horrors of the past and threaten to take the entire region with them. To avoid untold devastation and suffering, the fighting must stop and stop now.

This conflict did not begin last week or last month or even last year. The tensions underlying this conflict have long roots, most recently in the unresolved issues of the Comprehensive Peace Agreement. For months, the Security Council, the African Union, my government and many others in the international community have sent strong warnings to the parties to resolve these issues peacefully. To date, the parties have both failed to do so. In the history of this conflict, there is a long litany of promises made and promises broken. So, as this resolution indicates, we will judge the parties by their actions, not simply their words.

With this vote, the Council has clearly imposed tight deadlines for concrete action, in line with the African Union decision. This Council, especially those members with particular influence, including my own, must continue to press both parties to implement the African Union Roadmap by ending hostilities, ceasing cross-border attacks and movements, halting aerial bombardments, withdrawing all their forces from the border areas including Abyei, activating the necessary border security mechanisms, and ending support to rebel groups working against the other state.

It is also essential that both parties return at once to the negotiating table under the auspices of the African Union High-level Implementation Panel to reach agreement on critical outstanding issues. We support the plans of the African Union to travel to Khartoum and Juba in the coming days to begin the process. This is ultimately the only way that further conflict can be avoided.

If the parties fail to take these steps promptly, this Council is united in its determination to hold both sides accountable. We stand ready to impose Chapter VII sanctions on either or both parties, as necessary.

This resolution also directs the Government of Sudan and the Sudan People's Liberation Movement-North to return to the negotiating table to resolve the outstanding political and

security issues that are substantially fueling the current conflict. And it strongly urges the Government of Sudan to accept the Tripartite proposal and immediately allow urgently needed humanitarian access to all of the affected areas of Southern Kordofan and Blue Nile states. If they do not, untold more thousands will die needlessly.

The United States welcomes the stated commitment of South Sudan to honor the Roadmap of the African Union and to abide by the decisions of this Security Council. We welcome its announced intention as well as the beginning of the implementation of its determination to pull its police forces out of Abyei. The Government of Sudan should clarify its statement of today, to indicate its acceptance of the AU Roadmap in full and without conditions. The reports of Sudan's continued deadly bombing campaign against South Sudan, documented again firsthand on the front page of today's Washington Post, are deeply alarming and profoundly disturbing, especially following South Sudan's recent steps towards peace. The Government of Sudan must immediately halt cross-border attacks, particularly the aerial bombardments that have killed scores of civilians. Equally, South Sudan should refrain from any retaliation, especially any additional cross-border attacks. The occupation of Heglig was illegal, unacceptable and must not be repeated.

Finally, the United States calls upon both parties to implement fully and without delay all elements of the AUPSC Communiqué, starting with an immediate and unconditional ceasefire. If either or both parties fail to do so, this Council stands ready to act and to impose consequences.

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5. Mali

On March 21, 2012, Captain Amadou Sanogo and the National Committee for the Restoration of Democracy seized power from democratically elected President Amadou Toumani Touré of Mali. The UN Security Council passed several resolutions relating to the conflict in Mali in 2012. U.N. Doc. S/RES/2085 (2012); U.N. Doc. S/RES/2056 (2012); and U.N. Doc. S/RES/2071 (2012). The United States supported the resolutions and the work of the Africa Union and Economic Community of West African States ("ECOWAS") to respond to the crisis in Mali. On October 12, 2012, the State Department issued a press statement on the passage of resolution 2085 on Mali, available at www.state.gov/r/pa/prs/ps/2012/10/199106.htm, and excerpted below. See Chapter 16.A.6.b. for discussion of sanctions and other restrictions imposed by the United States in response to the crisis in Mali, including those targeting al-Qaida in the Islamic Magreb ("AQIM").

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This resolution today accomplishes a number of important objectives: it imposes targeted sanctions against AQIM individuals and entities in Mali, supports a negotiation process to seek a sustainable political solution with the North, provides support and assistance from the UN and member states to bolster planning efforts by ECOWAS and the African Union, and expresses the

readiness of the Security Council to respond to the request from the Transitional authorities of Mali regarding a potential force to assist the Malian armed forces.

The United States believes that ECOWAS and the AU should play a prominent role in planning and implementing any such response, with strong and active support from the international community. Both military and civilian elements will be essential in responding to the emerging threats in Mali and the Sahel. The U.S. government's objectives to address the situation in Mali include restoring the authority of the State of Mali over its entire national territory, upholding the unity and territorial integrity of Mali, and confronting the threat posed by AQIM and affiliated groups.

Strengthening democratic institutions must be at the heart of combating extremism and political upheaval. Accordingly, we believe that restoration of democratically-elected government in Mali by April 2013, as called for by ECOWAS, is a crucial component of the overall long-term solution to Mali's current crises.

Finally, we welcome the appointment of Special Envoy Romano Prodi. The Secretary General should empower the envoy to marshal U.N. resources to help Bamako hold elections by April 2013, and to engage with Malian, Tuareg and regional stakeholders to promote a negotiated settlement to the Tuareg rebellion. In addition, the envoy should support U.N. [Office for the Coordination of Humanitarian Affairs] OCHA's ongoing efforts to improve the international response to the humanitarian crisis in the Sahel region.

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6. Nagorno-Karabakh

On March 22, 2012, Secretary Clinton, Foreign Minister of the Russian Federation Sergey Lavrov, and Foreign Minister of France Alain Juppé issued a joint statement regarding the Nagorno-Karabakh conflict. The United States, the Russian Federation, and France are co-chairs of the Organization for Security and Cooperation in Europe ("OSCE") Minsk Group. For background on the conflict and the OSCE Minsk Group, see *Digest 2008* at 830-32. The joint statement appears below and is available at www.state.gov/r/pa/prs/ps/2012/03/186622.htm.

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On the occasion of the 20th anniversary of the formal request to convene a conference on the Nagorno-Karabakh conflict, we, the Foreign Ministers of the OSCE Minsk Group Co-Chair countries, call upon the sides to demonstrate the political will needed to achieve a lasting and peaceful settlement. As Presidents Medvedev, Obama, and Sarkozy reiterated in their joint statement at Deauville on May 24, 2011, only a negotiated settlement can lead to peace, stability, and reconciliation, and any attempt to use force to resolve the conflict would bring only more suffering to a region that has known uncertainty and insecurity for too long.

We recall that the peoples of the region have suffered most from the consequences of war, and any delay in reaching a settlement will only prolong their hardships. A new generation has come of age in the region with no first-hand memory of Armenians and Azeris living side by

side, and prolonging these artificial divisions only deepens the wounds of war. For this reason, we urge the leaders of the sides to prepare their populations for peace, not war.

Progress toward peace has been made. The joint statements of our three Presidents at L'Aquila in 2009, Muskoka in 2010, and Deauville in 2011 outlined elements of a framework for a comprehensive peace settlement. Recently, the January 23, 2012, joint statement in Sochi, Russia, by Presidents Aliyev, Sargsian, and Medvedev expressed the commitment of the two sides to accelerate reaching agreement on the Basic Principles. We urge the leaders of the sides to complete work as soon as possible on the framework agreement and subsequent final settlement—based on the Helsinki Final Act principles of non-use or threat of force, territorial integrity, and self-determination and equal rights of peoples; the United Nations Charter; and norms and principles of international law—which will allow the entire region to move beyond the status quo toward a more secure and prosperous future.

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7. Timor-Leste

On December 31, 2012, the mandate of the UN Integrated Mission in Timor-Leste (“UNMIT”) concluded successfully and UN peacekeepers withdrew from the country. Secretary Clinton issued a press statement, available at www.state.gov/secretary/rm/2013/01/202420.htm, congratulating the Timorese Government and people as well as UNMIT:

When UNMIT was first mandated in 2006, Timor-Leste had experienced an intense period of internal disorder and the future of the young country seemed uncertain. Six years later—as a result of the hard work of the Timorese people, the United Nations, and other partners—Timor-Leste has shown the world how fragile states can stabilize and become productive members of the international community. The orderly conclusion of UNMIT can serve as a model for future peacekeeping operations.

In April, when the United States held the presidency of the Security Council, the Council issued a press statement on Timor-Leste, available at <http://usun.state.gov/briefing/statements/188517.htm>. The presidential statement welcomed the orderly conclusion of two rounds of presidential elections in Timor-Leste in March and April and reaffirmed resolution 2037. UN Security Council Resolution 2037 set the mandate of UNMIT to end on December 31, 2012. U.N. Doc. S/RES/2037.

C. CONFLICT AVOIDANCE

1. United States Atrocities Prevention Board

In 2012, the United States took steps to launch the Atrocities Prevention Board announced in 2011. See *Digest 2011* at 546-47. Ambassador Rice delivered a statement on the launch of the Atrocities Prevention Board at the United Nations in April. Her April 23, 2012 statement, excerpted below, is available at <http://usun.state.gov/briefing/statements/188284.htm>.

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Nearly nine months ago, President Obama declared the prevention of mass atrocities and genocide “a core national security interest and core moral responsibility” of the United States in the 21st century and set in motion an unprecedented review of our national capacity to foresee, prevent, and respond to them. In doing so, the President expressed his determination to ensure an end to history’s bitter succession of mass killings and to make “never again” not just a reminder to future generations, but a hallmark of American policy.

Today, at the Holocaust Memorial Museum in Washington, DC, an institution dedicated to the imperatives of memory and action, President Obama announced sweeping initiatives generated by his directive. The President ordered steps—including the establishment of an Atrocity Prevention Board—that will lay the foundation for a stronger, better-organized U.S. and international response to early warnings of mass atrocities and genocide, presenting policymakers with better prevention options before the costs of action rise.

Atrocities are not inevitable. They are perpetrated by those who choose cruelty, preach hate, and seek power through division and death. They need not—and should not—happen anywhere. Not in Cote d’Ivoire, nor Libya, nor Syria. Yet, as the President has said, “History has taught us that our pursuit of a world where states do not systematically slaughter civilians will not come to fruition without concerted and coordinated effort.” Today and every day, let us work together to apply the lessons of the past and to strengthen the world’s will and capacity to make “never again” an enduring reality.

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2. Responsibility to Protect

The United States maintained its commitment in 2012 to further elaboration on the responsibility to protect populations from genocide, ethnic cleansing, crimes against humanity, and war crimes (“R2P”), which was endorsed in the Outcome Document of the UN World Summit in 2005. A/RES/60/1, para. 138-140; see discussion in *Digest 2005* at 375, 458-60; see also *Digest 2008* at 856-57. In its statements on the subject, U.S. representatives at the UN identified the launch of the Atrocities Prevention Board, discussed above, as one way in which the United States aims to promote R2P. The U.S. participated in an informal discussion at the UN on February 21, 2012, organized by the

Permanent Mission of Brazil on the concept of “responsibility while protecting” (“RwP”), a concept presented by Brazil that seeks to address concerns regarding the use of force in the R2P framework, emphasizing that prevention is the “best policy.” The U.S. submission in the informal discussion is excerpted below and available in full at <http://usun.state.gov/briefing/statements/184487.htm>.

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... While aspects of this principle would need to be elaborated further, we embraced a principle of protection anchored in the essential responsibility of States to protect their own citizens, our shared responsibility to take appropriate steps to assist States in exercising that solemn duty, and our preparedness to take timely and decisive action where national authorities manifestly failed to do so. The consensus agreement in 2005 reflected a recognition of our common humanity and a new clarity in our collective conscience that certain actions could not be allowed to stand.

The United States was then and is now a strong supporter of the concept of Responsibility to Protect.

R2P raises complex issues both in the abstract, as we are speaking today, and in specific situations, particularly when violence is escalating, good choices are narrowing, and tough judgments about collective action need to be made. Brazil’s contribution to this debate can help us refine and advance our shared commitment to R2P.

There is much in the spirit of Brazil’s paper with which we agree. We agree that “violence against civilian populations must be repudiated wherever it takes place;” that “prevention is always the best policy” and preventive diplomacy needs to be strengthened; and that it is always preferable when States live up to their sovereign responsibilities to protect their own populations. We believe that force should only be resorted to when peaceful means are inadequate, and that the use of force has costs and risks that must be weighed judiciously, including against the costs and risks of inaction or different actions. And, we appreciate the paper’s acknowledgment that all three pillars of R2P are integral to the concept.

There are also important elements with which we disagree, two of which we would highlight here. We believe it is a grave error to equate “manifest failure” with strict chronological sequence. Appropriate decision-making in this area requires not just “temporal” considerations but a comprehensive assessment of risks and costs and the balance of consequences, as the paper calls for elsewhere. We further regret any implication that in those circumstances where collective action is necessary, diplomacy should be considered “exhausted.” We should not eliminate the possible role of diplomacy, even—perhaps especially—in situations where forceful action is required.

The United States is committed to working with international partners to advance the concept of R2P.

We are also looking at how to improve our own capacity to address situations at risk. Last August, President Obama affirmed that “preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.” He directed a government-wide review of U.S. ability to prevent and respond to mass atrocities and mandated creation of a new Atrocity Prevention Board to coordinate our internal efforts, with priority on prevention. This initiative emphasizes the need to mobilize a full and diverse range of tools. It

also puts a premium on enhanced cooperation with international partners, including the United Nations.

Situations where the risk of mass atrocity is high can be volatile, unpredictable, and fast-moving. In the early 1990s, the civil war in Rwanda had so few casualties that it wasn't even counted by the annual reports that track armed conflicts. Yet in just four months in 1994, nearly a million people were slaughtered, according to deliberate plans for their extermination. At any point in a swiftly moving catastrophe, we will need to ask ourselves when events are approaching a threshold of enormity that warrants collective action and assess the balance of cost and consequence between action and inaction. We all have to carry in our conscience the stain of collective failure in the spring of 1994. We will also always have to make judgments in the absence of certain answers.

There are no easy solutions when we confront the gravest of threats to innocents. But we cannot bind ourselves to inaction based on an unrealistic prerequisite of assured success. We welcome the opportunity for ongoing dialogue and continued work together with Brazil and other international partners to fulfill the Responsibility to Protect that we embraced in 2005.

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On September 5, 2012, the UN General Assembly held an interactive dialogue on the responsibility to protect. The dialogue followed the UN Secretary-General's presentation of his report on "The responsibility to protect: timely and decisive response." A/66/874-S/2012/578. The United States was among the 58 Member States and one regional organization that contributed to the dialogue. The remarks of Ambassador Elizabeth M. Cousens, U.S. Representative to ECOSOC and Alternate Representative to the UN General Assembly, are excerpted below and available in full at <http://usun.state.gov/briefing/statements/197407.htm>.

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Seven years ago, all member states of the United Nations came together to endorse and accept a shared responsibility to protect populations from genocide, ethnic cleansing, crimes against humanity, and war crimes. The United States remains a strong supporter of the Responsibility to Protect and is committed to working with international partners to advance this concept and put it into practice.

The recent report of the Secretary-General makes a valuable contribution. It reminds us that all States at all times have "an inherent responsibility to protect." The report also clarifies that R2P's three pillars are mutually reinforcing, not strictly sequential, and reaffirms the idea that "an informed and calibrated response can serve prevention goals as well." We all agree that our goal is for states to live up to their sovereign responsibilities to protect their own populations. However, if they cannot, or will not, we need to rely on a full panoply of tools, and as the Secretary-General's report underscores "coercive measures should neither be left out of our comprehensive strategy nor relegated to use only after other measures have been tried and found inadequate."

Last August, in establishing the new U.S. Atrocities Prevention Board, President Obama affirmed that “preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.” Through this initiative, the United States seeks to increase our own capacity to prevent and respond to mass atrocities through better coordination at home and stronger partnership abroad. A core goal of this initiative is to strengthen the capacity of the UN itself. For example, we will update U.S. training programs for UN peacekeepers to focus on enhanced techniques for civilian protection, including prevention of sexual and gender-based violence, and we will work to help strengthen the UN's capacity for conflict prevention and crisis management, including through preventive diplomacy and mediation.

Mr. Chair, we would like to note several recent actions undertaken by the international community, with active U.S. support, where we did prevent atrocities, we did protect civilians, and we are holding perpetrators accountable.

Last year, the international community prevented the Qadhafi regime from carrying out threats to massacre Libya's citizens through the passage of UN Security Council Resolutions 1970 and 1973, and by mobilizing a coalition that prevented imminent slaughter, saving countless lives.

In Cote d'Ivoire, regional and international partners—including UN peacekeepers—collaborated to protect civilians during a post-elections crisis that turned violent. While the international community's work is not finished in Cote d'Ivoire, these common efforts were essential in preventing a more dangerous outcome.

And in Libya, Cote d'Ivoire, and also Syria, the Human Rights Council established commissions of inquiry to investigate alleged abuses and violations of human rights.

Unfortunately, today, throughout Syria, civilian deaths continue to mount as the regime pursues an unrelenting campaign of violence against its own people. Regional and international partners are continuing their efforts to increase pressure on the Asad regime to hasten an end to the senseless bloodshed. These efforts include the United States' own national sanctions, European Union sanctions, and those levied by the Arab League against members of the Syrian regime. Our responsibility to protect is clear as we encourage all parties to focus on a peaceful transition of power. Moreover, those responsible for committing crimes against the Syrian people must understand they will be held to account.

There are no easy solutions, and no two situations are the same. Difficult judgments will always need to be made about options, actions, and consequences. What we cannot do however is condone inaction in the face of atrocity or mass violence. We welcome the opportunity for ongoing dialogue and intensified work together with all partners so that the international community can fulfill our responsibility to protect, and when necessary and appropriate, to take timely and decisive action to protect the most vulnerable from the gravest crimes.

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3. Implementation of the National Action Plan on Women, Peace, and Security

As discussed in *Digest 2011*, President Obama issued Executive Order 13595 along with the U.S. National Action Plan on Women, Peace and Security (“NAP”) in December 2011. *Digest 2011* at 166-73. On August 14, 2012, the Department of State released its plan for

implementation of the NAP, available at www.state.gov/documents/organization/196726.pdf. As explained in a State Department August 15, 2012 media note, available at www.state.gov/r/pa/prs/ps/2012/08/196530.htm, the plan provides guidance for how the Department can advance the NAP's goals of ensuring that "women participate equally in preventing conflict and building peace in countries threatened and affected by war, violence, and insecurity." The media note also provides this summary of the implementation plan:

The Department of State's implementation plan outlines commitments to accelerate, institutionalize, and better coordinate efforts to advance women's participation in peace negotiations, peacebuilding, conflict prevention, and decision-making institutions; protect women from gender-based violence; and ensure equal access to relief and recovery assistance in areas of conflict and insecurity. For example, the Department is taking concrete steps, through diplomatic and programmatic efforts, to empower women to participate in national and community level dialogues in Afghanistan, South Sudan, and Burma; to engage politically and in the reform of the security sector as Arab Spring countries transition; and to promote access to justice for survivors of gender-based violence from the Democratic Republic of the Congo to Nepal to El Salvador. The Department will continue to promote Women, Peace, and Security in our bilateral relationships, engagement with civil society and the private sector, and in the United Nations Security Council and other multilateral forums.

Cross References

Temporary Protected Status for Syria and Somalia, **Chapter 1.D.**
Combating piracy in Somalia, **Chapter 3.B.8.**
International Criminal Tribunals, **Chapter 3.C.**
HRC actions on Syria, Sri Lanka, **Chapter 6.A.3.**
Women's participation in conflict resolution, **Chapter 6.B.2.a.**
Right to peace, **Chapter 6.O.**
UN relationship with the AU, **Chapter 7.A.6.**
Palestinians' membership efforts in the UN system, **Chapter 7.B.**
Diplomatic relations and status of Syria, **Chapter 9.A. and 9.B.**
SEC rules implementing Dodd-Frank (conflict minerals), **Chapter 11.G.5.**
Sanctions relating to Syria, **Chapter 16.A.1.**
Sanctions to restore peace and security, **Chapter 16.A.5.**
Protection of civilians in armed conflict, **Chapter 18.A.1.c.(3)**