



# SECURITY COUNCIL REPORT

## UPDATE REPORT



13 September 2006 No. 2

## CHILDREN AND ARMED CONFLICT

### Expected Council Action

The Council will consider this month the recommendations of its Working Group on Children and Armed Conflict regarding children affected by armed conflict in the Democratic Republic of Congo (DRC). It is expected to refer specific cases to the Sanctions Committee on the DRC for consideration of targeted sanctions.

### Key Recent Developments

At its 6 September meeting the Working Group on Children and Armed Conflict agreed on a set of recommendations relating to the DRC covering both cooperative measures and targeted sanctions on individuals. The Working Group singled out a specific group (the *Movement Revolutionnaire Congolais* or MRC) and a specific individual, General Laurent Nkunda as targets for the sanctions.

The Council on 31 July, in resolution 1698, extended the scope of possible sanctions in the DRC to “political and military leaders recruiting and using children in armed conflict in violation of applicable law” and to “individuals committing serious violations of international law involving the targeting of children in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.” Resolution 1698 also empowered the Sanctions Committee on the DRC to include named individuals responsible for such violations on the list of persons subject to targeted sanctions. (Under resolution 1596 such sanctions include travel bans and asset freeze.)

Among the other recommendations the Working Group has made to the Council are:

- that it consider and forward to the Sanctions Committee on the DRC grave concerns about repeated violations by leaders of the MRC;
- that the Council President make representation to the government of Rwanda to stop any movements of dissident General Laurent Nkunda in and out of Rwanda; and
- that the Council, in re-establishing the mandate of UN Mission in the DRC (MONUC), preserve and strengthen the framework of protection for children.

In addition it was agreed that the chair of the Working Group will undertake the following activities:

- urge the DRC to take appropriate legal action against members of the Congolese army known as the *Forces Armées de la République démocratique du Congo* (FARDC), responsible for recruiting child soldiers and other grave crimes against children;
- write to UN agencies and donor governments for technical assistance to the DRC; and
- remind the Secretary-General of the responsibility of MONUC to assist the DRC government in apprehending and bringing to justice child abusers, particularly General Nkunda and asking MONUC to update the Working Group on the status of General Nkunda every two months.

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## **Background**

The Working Group was established in July 2005 pursuant to resolution 1612. It consists of all members of the Council and is chaired by the French Permanent Representative. Since November 2005, it has held five meetings and is expected to meet in November to consider Côte d'Ivoire and Burundi and in December for Somalia and Sri Lanka. It considered a report on children and armed conflict in Sudan at the 6 September meeting and is expected to give its recommendations on this situation in November.

## **Options**

By adopting resolution 1698 the Council has already opened the way for targeted sanctions to be imposed in response to abuses relating to children in the DRC. Given the background and the fact that all 15 members of the Council serve on the Working Group and have approved the recommendations, it seems likely that Council members will accept that the recommendations of the Working Group should be implemented.

How this will be accomplished is less clear. One option is for the Council to incorporate the Working Group's recommendations in a resolution.

A second option is for the Council to refer the Working Group's recommendations on specific sanctions to the Sanctions Committee on the DRC (either via a letter or a presidential statement) on the basis that the Committee is now empowered under resolutions 1533, 1596 and 1698 to "designate persons and entities" and include them in the list of persons and organisations subject to targeted sanctions.

A third option is to modify the recommendations. This seems unlikely given the recommendations' adoption by consensus in the Working Group.

## **Key Issues**

The main issue for the Council is the procedural question of how to handle recommendations from the Working Group. This is the first time concrete recommendations have emerged and there is no precedent to follow.

A related issue is the relationship between the Working Group on Children and Armed Conflict, the Sanctions Committee on the DRC and the Council. The additional layer of a working group adds some uncertainty regarding the respective roles of the Council and the sanctions committees in putting individual and groups on targeted sanctions lists. Generally names are submitted to a sanctions committee for possible placement on the designated list by member countries or by recommendations from a panel or group of experts. This is the first time sanctions are being recommended to the Council by a working group on a thematic issue. In a sense the Working Group on Children and Armed Conflict is acting, in this context, in an expert role similar to that performed in other contexts by a group or panel of experts. However, as a Council subsidiary body the Working Group reports to the Council, not to the Sanctions Committee on the DRC. Also, as it is composed of the full 15 members of the Council, its recommendations are clearly of a higher status than recommendations by a group or panel of experts.

In the present context the Council decision in resolution 1698 seems to point towards the possible resolution of the issue in that it empowers the Sanctions Committee on the DRC to now pick up and implement the Working Group recommendations following its normal procedures.

The second issue is that many of the more generic non-sanctions related recommendations involve cooperation with the new elected authorities of the DRC and MONUC. As the run-off presidential election is on 29 October and it is unclear when ministers will be appointed, action on some of the recommendations may need to wait until late in the year.

A third issue is whether there may be any reluctance among Council members to take concrete action. After years of talk, the Council has clear recommendations to show it is serious about punishing parties that commit grave violations against children during armed conflict.

A future issue is the expansion of the mandate of the Working Group. Besides the scheduled country reports, the Working Group at each meeting also considers a report from the Secretary-General on other situations of armed conflict involving children. At the fifth Working Group meeting on 6 September, Qatar presented an eight-point plan on the situation of children involved in the armed conflict in Lebanon. The Council and the Working Group may have to decide in the near future on whether to keep to the agreed work plan or to consider other emerging situations.

### **Council Dynamics**

The Council has been divided in previous discussions on children and armed conflict. Some members were concerned that situations currently not on the Council's formal agenda might slip in through the back door and this resulted in a serious rift over whether situations not on the Council agenda should be considered at all. Other members felt that the Council was not the best venue for a thematic issue like children and armed conflict and were not willing to lend strong support to initiatives that could result in robust action being taken.

However, in coming up with the recommendations for the DRC, the Working Group showed greater consensus than it has in the past. This may have been due to the adoption of resolution 1698. However, the basic cleavages have not disappeared and may re-emerge when the Working Group confronts a more difficult issue like Sudan where the differences seen in the Council may spill-over into the Working Group.

### **UN Documents**

#### **Security Council Resolutions**

- S/RES/1698 (31 July 2006) renewed sanctions and opened the way for targeted sanctions to be imposed on political and military leaders responsible for recruiting children and individuals who use children in armed conflict in the DRC.
- S/RES/1612 (26 July 2005) set up the Council's Working Group on Children and Armed Conflict.
- S/RES/1596 (18 April 2005) expanded the arms embargo and added travel bans and assets freeze to the DRC sanctions regime.
- S/RES/1533 (12 March 2004) set up the Sanctions Committee on the DRC.
- S/RES/1379 (20 November 2001) requested the Secretary-General to attach to his report a list of parties to armed conflict that recruit or use children.
- S/RES/1261 (30 August 1999) condemned targeting of children in situations of armed conflict, urged parties to armed conflict to take into consideration protection of children and urged states to facilitate DDR.

#### **Selected Presidential Statements**

- S/PRST/2006/33 (24 July 2006) was the most recent presidential statement reiterating the Council's commitment to the issue of children and armed conflict.
- S/PRST/1998/18 (29 June 1998) was the first presidential statement on the issue. It condemned targeting of children in armed conflict and expressed its intention to pay serious attention to children affected by armed conflict.

#### **Secretary-General's Reports**

- S/2006/662 (17 August 2006) was the report of the Secretary-General on children and armed conflict in Sudan.
- S/2006/389 (13 June 2006) was the report of the Secretary-General on children and armed conflict in the DRC.
- S/2005/72 (9 February 2005) was the report which contained an action plan for the establishment of a monitoring and reporting mechanism.

#### **Selected Letters**

- S/2006/497 (10 July 2006) was the letter from the President of the Security Council transmitting the report on the activities of the Working Group on Children and Armed Conflict.
- S/2006/494 (6 July 2006) was the letter from the Chair of the Working Group on Children and Armed Conflict with the concept paper for the ministerial meeting of the Council on children and armed conflict.