



SECURITY COUNCIL REPORT UPDATE REPORT



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Children and Armed Conflict

Expected Council Action

The Council is expected to hold an open debate on 17 July where it will discuss the annual report of the chair of the Working Group on Children and Armed Conflict and progress on protecting children since the last debate in February 2008. Initiated by Vietnam as president of the Council for July, the debate will be chaired by the Vietnamese Deputy Prime Minister.

A presidential statement renewing the Council's commitment to the issue of children and armed conflict and to the monitoring and reporting mechanism set up by resolution 1612 is likely. It is expected to reiterate basic principles in the February presidential statement although there may be a greater focus on the development aspect highlighted in the Vietnamese concept paper.

Key Recent Developments

On 7 July Vietnam circulated a concept paper for the debate. Drawing on ideas from the last report of the Secretary-General (A/62/609 – S/2007/757) and the February presidential statement (S/PRST/2008/6), it suggested that the debate use the development approach to the issue of children and armed conflict focusing particularly on:

- the root causes of armed conflict in looking for a long term and sustained solution to the issue of children and armed conflict; and
- reintegration and rehabilitation of children associated with armed forces and armed groups.

At the time of writing, France was expected to circulate the annual report from the chair of the Working Group on Children and Armed Conflict. Like the 2007 report it is expected to be factual, focusing on the work of the Working Group in the last 12 months.

The 12 February 2008 open debate saw active participation, with 59 statements delivered, including one by an NGO. Participants included government representatives from countries

with parties named in the annexes of the Secretary-General's annual report such as Colombia, Côte d'Ivoire, Myanmar, Nepal, Philippines, Sri Lanka and Uganda. Most of these delegates provided further information on steps taken by their governments to protect children in their countries and indicated willingness to cooperate with the monitoring and reporting mechanism established by resolution 1612. (The monitoring and reporting mechanism collects, organises and verifies information on violations against children in armed conflict and on progress made by parties on the Secretary-General's annexes in his annual report on complying with international norms on children and armed conflict.) Myanmar, however, expressed disappointment that its national army was still listed in Annex 1 (situations on the Council's formal agenda) of the Secretary-General's report and urged that it be taken off, given its commitments that no child under 18 will be recruited into the army. Sri Lanka showed support for stronger sanctions against the Liberation Tigers of Tamil Eelam (LTTE) while Uganda argued that it should be de-linked from the Lord's Resistance Army (LRA), as the group is no longer operating in Uganda.

The Working Group on children and armed conflict spent most of its time and energy in the last six months on discussing its working methods and other procedural issues at the insistence of some members. (Please see our 19 October 2007 Special Report on Security Council working methods, "Security Council Transparency, Legitimacy and Effectiveness: Efforts to Reform Council Working Methods 1993-2007," for details on the Working Group's working methods.) On 25 January the Working Group had an informal meeting on its working methods. After months of debate, on 20 June, the Working Group agreed on a letter to be sent from its chair to the chair of the Working Group on documentation and other procedural questions. The letter contains a summary of the meeting of the Working Group on children and armed conflict held on 25 January, indicative guidelines for the Working Group and questions on matters of support by the Secretariat to subsidiary bodies.

Four reports on children and armed conflict have been published since February: on Nepal, the Philippines, Somalia and an additional report on Uganda. The Working Group discussed these and in February issued conclusions on Sudan, Burundi and Cote d'Ivoire. However, conclusions for Myanmar, Sri Lanka (both reports were considered by the Working Group late last year) and the Philippines were held up as a result of the discussion on working methods. Agreeing on conclusions for the Myanmar report became a particularly contentious issue. Some members argued that given the Council's focus on Myanmar following the crackdown on monks in late 2007, there had been sufficient attention on Myanmar and it was therefore not the right time for the Working Group to issue recommendations. The Working Group is expected to adopt its conclusions for the three situations and consider the additional report on Uganda this week. (Please see our 4 February Cross-Cutting Report, "Children and Armed Conflict," for more information on the Working Group and its tools.)

In 2008 the Special Representative for children and armed conflict, Radhika Coomaraswamy made field visits to Iraq, Central African Republic, Chad and Afghanistan. She also visited Colombia to help set up the monitoring and reporting mechanism. In addition she visited the International Criminal Court after submitting an Amicus Curiae, a

legal brief, with observations on the definition of “conscripting and enlisting” children and on the interpretation of the term “participation in hostilities”.

On 2 July the ICC ordered the release of former Congolese militia leader Thomas Lubanga, charged with conscripting children under the age of 15, because prosecutors were withholding evidence but decided that he should remain in custody pending appeal.

Options

The most likely option is for the Council to express its support for the Working Group and its commitment to the issue of children and armed conflict through a presidential statement.

If the Council wants to take the February presidential statement further, an option is signaling approval for giving equal weight in the future to all categories of grave violations against children as triggers for the placement of parties in the Secretary-General’s two annexes and asking for the Working Group to start working on the elements for a draft resolution, something that would be required for expanding the categories for placing groups on the list.

Other options include:

- requesting a review of the violations that trigger the listing of a party in the annexes of the Secretary-General’s reports;
- suggesting either the Working Group or the Secretary-General provide an in-depth analysis of the impact of the recommendations of the Working Group on parties involved in recruiting children for armed conflict; and
- requesting the Secretary-General to consider how the Secretariat could provide greater support to the Working Group.

Key Issues

An issue for the Council is whether to expand the criteria for inclusion of situations in the Secretary-General’s annexes. Since the start of the Secretary-General’s annexes, the gateway criterion has been the use of child soldiers. Some advocate a gradual approach and suggest that at least one more criterion, such as sexual violence be used. Others argue that all six categories of grave violations providing the scope for the monitoring and reporting mechanism should be used. (The six grave violations are killing or maiming of children, recruiting and using child soldiers, attacks against schools and hospitals, rape and other grave sexual violence against children, abduction of children, and denial of humanitarian access to children.)

A connected issue would be the impact of using more than the recruitment of child soldiers as criteria for being on the Secretary-General’s annexes on the workload of the Working Group on children and armed conflict.

A continuing issue for the Council is maintaining pressure on persistent violators. There are 16 violators who have been on the annexed lists for five consecutive years. Connected issues include monitoring the impact of the Working Group’s recommendations and getting consensus on the use of targeted sanctions.

A new issue is the slow-down in the publication of Working Group conclusions. Until October 2007 conclusions were published at regular intervals of two to three months but since then it has been less consistent. If it does not get back on track in the next few months, the Council could step in to resolve differences hindering Working Group progress. In May 2008, France, as the chair of the Working Group, was about to bring the deadlock over Myanmar's conclusions to the Council but Cyclone Nargis struck and France chose not to press the issue as the Council's attention was focused on the humanitarian impact of the cyclone.

A future issue is the impact of resolution 1820 on sexual violence during and after armed conflict, adopted in June, which is being viewed as a significant step towards creating a more systematic approach to measuring progress in protecting civilians, particularly women and girls, from sexual violence during conflict. Observers believe that given the overlapping areas of concern with children and armed conflict and protection of civilians, implementation of this resolution may require a new approach in considering these three thematic issues within the Council.

An issue for the Working Group is the need for greater support from the Secretariat. As chair, France has organised meetings, issued meeting reports and undertaken other administrative functions. However, with the increase in workload some members argue that more help is needed from the Secretariat.

Council Dynamics

The adoption of resolution 1612 in July 2005 came after many months of difficult negotiations. However, the setting up of the Working Group in November 2005 and its first two years were relatively smooth, indicating that it could be a model for other thematic issues such as protection of civilians. In this first phase members of the Working Group were bound together by a desire to create an effective monitoring and reporting mechanism and were able to put aside earlier differences. Over time new members have had less of a stake in the issue and there has been a shift in the dynamics of the Working Group.

In early 2008 old concerns re-surfaced. The issue of an "annex 2" situation (i.e. one not on the Council's formal agenda) came up in the Working Group's consideration of recommendations for children and armed conflict in Myanmar. (Myanmar has been on the Council's formal agenda since September 2006 but was not on its agenda at the time resolution 1612 was adopted in July 2005.)

Some members of the Working Group are now uncomfortable with recommendations accepted in the past such as issuing letters from the president of the Council to parties involved in using children in armed conflict. As a future compromise, letters to parties involved in recruiting children are likely to be signed by the chair of the Working Group and transmitted by the Council president.

In early 2008, some Working Group members asked that its working methods' guidelines be clarified. While the first half of the year produced some difficult procedural issues, some feel

that this process has helped build a common understanding. With the agreement on basic rules for its working methods, it is hoped that regular meetings and adoption of conclusions will become the norm in the second of the year.

The February debate showed that while members of the Council agree that the issue of children and armed conflict is important and appreciate the efforts of the Working Group, there are differences in approach. Some, like China and Russia, emphasise the importance of interaction with relevant governments and stress their central role in dealing with the issue. Vietnam and Indonesia have focused on the need to tackle the root causes of conflict as a more long-term solution to the involvement of children in armed conflict.

There also continue to be differences over the use of sanctions as a tool in dealing with parties using children in armed conflict. While the US, UK, France and Belgium support the use of sanctions, China has continued to be firmly opposed to their use. This issue is likely to come up, particularly as Sri Lanka is not on the Council's formal agenda, when the Working Group next considers Sri Lanka (whose government is in favor of sanctions against LTTE leadership) if there is little progress in the LTTE's use of children in armed conflict.

UN Documents

Security Council Resolution

- S/RES/1820 (19 June 2008) addressed sexual violence in conflict and post-conflict situations and asked the Secretary-General for a report by 30 June 2009 with information on the systematic use of sexual violence in conflict areas and proposals for strategies to minimize the prevalence of such acts with benchmarks for measuring progress.
- S/RES/1612 (26 July 2005) set up the Council's Working Group on Children and Armed Conflict.

Selected Presidential Statements

- S/PRST/2008/6 (12 February 2008) reaffirmed the Council's commitment to address the impact of armed conflict on children and expressed its readiness to review past resolutions and build on the resolution 1612.
- S/PRST/2006/48 (28 November 2006) welcomed the progress in the Working Group on Children and Armed Conflict.

Secretary-General's Reports

- S/2008/409 (23 June 2008) was the additional report of the Secretary-General on children and armed conflict in Uganda.
- S/2008/352 (30 May 2008) was the report of the Secretary-General on children and armed conflict in Somalia.
- S/2008/272 (24 April 2008) was the report of the Secretary-General on children and armed conflict in the Philippines.
- S/2008/259 (18 April 2008) was the report of the Secretary-General on children and armed conflict in Nepal.
- S/2007/757 (21 December 2007) was the annual report of the Secretary-General on

Children and Armed Conflict.

- S/2007/758 (21 December 2007) was the report of the Secretary-General on children and armed conflict in Sri Lanka.
- S/2007/686 (28 November 2007) was the report of the Secretary-General on children and armed conflict in Burundi.
- S/2007/666 (16 November 2007) was the report of the Secretary-General on children and armed conflict in Myanmar.

Working Group on Children and Armed Conflict Documents

- S/AC.51/2008/5/Corr.1 (25 March 2008) were the conclusions on Côte d'Ivoire – corrigendum.
- S/AC.51/2008/Corr.1 (20 February 2008) were the conclusions on Côte d'Ivoire.
- S/AC.51/2008/6 (20 February 2008) were the conclusions on Burundi.
- S/AC.51/2008/7 (20 February 2008) were the conclusions on Sudan.
- S/AC.51/2007/17 (25 October 2007) were the conclusions on the DRC.
- S/AC.51/2007/16 (24 September 2007) were the conclusions on Chad.
- S/AC.51/2007/14 (20 July 2007) were the conclusions on Somalia.
- S/AC.51/2007/12 (20 July 2007) were the conclusions on Uganda.
- S/2007/428 (10 July 2008) was the annual report on the activities of the Working Group on Children and Armed Conflict (June 2006 – June 2007).

Other

- S/2008/244 (7 July 2008) was the concept paper by Vietnam.