



SECURITY COUNCIL REPORT

CROSS-CUTTING REPORT

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Children and Armed Conflict

For over ten years the impact of war on children has been a significant thematic focus for the Security Council. There is now much greater awareness of the issue and some evidence that the inclusion of child protection principles in Council decisions in specific cases is having some impact. However, the Council still encounters some resistance from some governments. And the difficulty of applying effective pressure on non-state actors who recruit child soldiers is a continuing challenge. This is our third *Cross-Cutting Report on Children and Armed Conflict*. It builds on two previous reports released in 2008 and 2009 which developed a groundbreaking methodology for reviewing, in a cross-cutting format, the effectiveness of Council thematic decisions on children and armed conflict decisions in individual country-specific situations. Our 2010 report details key trends over the past year and provides options for continued Council involvement.

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1. Executive Summary and Conclusions

This is Security Council Report's third *Cross-Cutting Report on Children and Armed Conflict*. The first report in 2008 examined relevant data from 2003 to 2007 in resolutions, presidential statements, Council missions, Secretary-General's reports, peace agreements and peacekeeping mandates in order to assess the degree to which the thematic issue of children and armed conflict has been addressed and reflected in the mainstream of the Council's overall work on country-specific situations. That report also examined the impact of the 2005 adoption of resolution 1612, which set up a monitoring and reporting mechanism and established the Security Council Working Group on Children and Armed Conflict.

Our 2008 report also provided a baseline for our second report published in April 2009. The second report built on the historical background of the issue and analysed data for 2008. It also highlighted key trends in 2008 and options for the Council and the Working Group on Children and Armed Conflict during a period when a new resolution was starting to be discussed.

Continuing with this series of reports, our 2010 *Cross-Cutting Report on Children and Armed Conflict* provides data on and analysis of how successful the Council was in 2009 in incorporating the discussions, principles and norms developed at the thematic level in its country-specific decisions. It also provides an updated assessment of the trends seen in the previous two reports.

A significant development in 2009 was the adoption of a new resolution on children and armed conflict. This report

examines the details of resolution 1882 and the political process that led to its adoption. However, we have not tried to include resolution 1882 in our analysis of the Council's results in incorporating its thematic decisions in country-specific work. Resolution 1882 was adopted only in August 2009 and we felt it was too early to expect to see the effects of this resolution reflected in a statistically meaningful way.

Among the findings:

- There is evidence that the inclusion of child protection issues has now become an established practice in Council resolutions and Secretary-General's reports in a number of country-specific situations such as Burundi, Côte d'Ivoire, Democratic Republic of the Congo (DRC) and Sudan. The quality of the references for these situations shows greater awareness of the key issues on protection of children.
- Peacekeeping missions with child protection advisers appear to be a successful tool for providing more detailed and relevant information on concerns about children in a situation of armed conflict. By contrast political missions like the UN Assistance Mission in Afghanistan (UNAMA) and the UN Assistance Mission for Iraq (UNAMI) have been less responsive and slower to put child protection advisers in place and the reporting on child protection in these missions is less comprehensive. (Greater awareness and higher priority for children's issues in the Department of Peacekeeping Operations (DPKO) than in the Department of Political Affairs (DPA) may be a critical factor in this regard.)
- The Secretary-General's reports on peacekeeping missions that are also



monitoring children and armed conflict violations now generally have a separate section on child protection. This is an improvement on previous years where there might have been inclusion of some issues related to children but rarely a separate section.

- In situations where references to children have been mainstreamed, the quality of the references has continued to improve with relevant new details often being added. Even when a situation has been delisted, as in the case of Côte d'Ivoire, good reporting on children's issues has continued.
- There continues to be progress in the release of child soldiers and commitment to action plans from groups involved in recruiting and using children in armed conflict. In 2009 the *Forces de defense et securities des forces nouvelles* and all four pro-government militia groups in Côte d'Ivoire were delisted from the annexes of the Secretary-General's report. In 2010 Burundi was delisted from the Secretary-General's annexes as there are now no known children associated with groups in Burundi. Having a working group, a monitoring and reporting mechanism and an active special representative has given this issue a high profile which has proven useful in persuading groups to release children.
- The conclusions of the Working Group on Children and Armed Conflict are still not being consistently addressed in resolutions, presidential statements or Secretary-General's reports as a standard practice. It still requires effort on the part of a Council member to get conclusions included.
- The decline in Council involvement in putting direct and effective pressure on armed groups that recruit children,

noted in our last report, has continued. All six conclusions issued by the Working Group in 2009 were on the Council's formal agenda but there were no recommendations for direct action by any president of the Council.

- There has been little effort to expand the tools used by the Working Group and little or no pressure towards implementation in cases where the Working Group members are resistant. Some members of the Working Group are still reluctant to use stronger measures, such as targeted sanctions, and prefer limiting the tools that can be used even against groups appearing on the Secretary-General's "list of shame" for many years.
- Political sensitivities and Council dynamics regarding country-specific issues are increasingly a factor in the Working Group's ability to reach agreement on its conclusions. This was clearly seen in the Myanmar discussions in 2008 and in the long stalemate over the Afghanistan conclusions in 2009.
- The time gap between the Working Group considering a report and issuing conclusions is still very wide.
- References to resolution 1882 began to be included in a number of resolutions after its adoption in August 2009, but it was too early to see any significant impact in resolutions or reports in the last few months of 2009.
- A significant development was that more attention was paid to issues of children's protection during the Security Council mission to Africa in 2009 compared with its visit in 2008.

Some of the findings from the case studies in this report include:

- Having the Council, the Secretary-General's Special Representative for Children and Armed Conflict and the

Working Group reinforcing the same message can have considerable impact, as seen in Nepal.

- There may be problems arising from viewing all situations through the strictly country-specific lens, as seen in the Lord's Resistance Army (LRA) case which could have benefited from a regional perspective and better exchange of information between the Council and the Working Group from the start.

2. Background and Normative Framework

Since 1999 the issue of children in war zones has been a significant theme on the agenda of the Security Council. Between 1999 and 2005 the Council adopted six resolutions, each one containing progressively more concrete provisions to protect children. Resolution 1612 of July 2005 was groundbreaking. It authorised the establishment of a monitoring and reporting mechanism first specified by the Secretary-General in his report (S/2005/72) to focus on six grave violations against children: recruiting and use of child soldiers; killing and maiming of children; rape and other grave sexual violence against children; attacks on schools and hospitals; abduction of children; and denial of humanitarian access to children. It also created the Security Council Working Group on Children and Armed Conflict. The most recent resolution was 1882 adopted in 2009. It expanded the criteria for listing parties as violators in the Secretary-General's report to include killing and maiming and/or rape and other sexual violence. (Regular Secretary-General's reports since 2002 have contained two annexes of parties to

armed conflict that recruit children: Annex I is made up of situations that are on the Council's formal agenda and Annex II are those not on the Council's agenda. Naming and shaming parties involved in the recruitment of children through including them in the annexes has been an effective tool in putting pressure on them to stop recruitment and release children.)

These seven resolutions and the structures set up by the Council have greatly reinforced the normative framework and established a practical role for the Council to address this issue in a substantive manner.

The underlying normative framework is set out in a range of international legal instruments, based on humanitarian and human rights law, which provide the legal framework for the six grave violations against children. They include:

- The Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966) and the International Covenant on Civil and Political Rights (1966);
- The Protocol Additional to the Geneva Conventions of 12 August 1949 (1977) and Relating to the Protection of Victims of International Armed Conflicts (Protocol 1), the Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977);
- The Convention on the Rights of the Child (1989) and its Optional Protocols on armed conflict and sex trafficking;
- The Rome Statute of the International Criminal Court (1998); and
- customary international humanitarian law.

3. Key Developments at the Thematic Level

3.1 Security Council Activity on Children and Armed Conflict in 2009

April Presidential Statement and Debate

On 29 April 2009 the Council held a day-long open debate on the report of the Secretary-General on children and armed conflict, presided over by the Mexican Foreign Minister Patricia Espinosa (Mexico held the Council presidency that month). Among the key recommendations from the Secretary-General's report were:

- expanding the criteria to include in the two annexes parties committing rape and other grave sexual violence, with the possibility of expanding the criteria in the future to include other violations, including intentional killing and maiming of children;
- continuing to insist on preparation and implementation of concrete time-bound action plans from parties listed in the annexes of the Secretary-General's report and to take measures against parties failing to comply;
- ensuring systematic communication between the Working Group and relevant sanctions committees and their experts groups; and
- ensuring specific provisions for the protection of children continue to be included in all peacekeeping operations and political missions, including through the deployment of child protection advisers.

At the end of the debate, the Council adopted a presidential statement (S/PRST/2009/9). This expressed the Council's strong condemnation of the continuing recruitment and use of children in armed conflict and, significantly,

also decided to recognise the importance of including killing and maiming and acts of rape and sexual violence that are prohibited under international law as criteria for listing of the parties in the annexes to the Secretary-General's report. The presidential statement also asked for the Council to take action on this decision within three months.

Other areas covered in the statement were the obligation of parties to armed conflict to comply with applicable international law and the reiteration of the need for parties to prepare and implement, without further delay, time-bound action plans.

The presidential statement also emphasised the need for concerned member states to take immediate action against perpetrators of serious violations against children and to bring them to justice through national justice systems and where applicable, international justice mechanisms and mixed criminal courts and tribunals.

The Council requested the Working Group to adopt timely conclusions, to continue its review of its working methods and to enhance its ability to follow-up the implementation of its recommendations, development and implementation of action plans and to react in a timely manner to situations of children and armed conflict.

Another aspect covered was the need for the Working Group to enhance its communication with relevant Security Council sanctions committees. The statement also reiterated its request to the Secretary-General to provide administrative support to the Working Group.

An Arria formula meeting with NGOs was held ahead of the debate. (Since 2000 such meetings have preceded the



majority of open debates on children and armed conflict.)

Adoption of Resolution 1882

Three months later, as decided in the April presidential statement, the Council held an open meeting on 4 August 2009 to adopt a new resolution on children and armed conflict, its first since 2005. The April presidential statement had already indicated that there was agreement in the Council on many of the elements that needed to be considered in a new resolution. The high level of interest in this issue from the larger UN membership was clear from the co-sponsorship of this resolution by 46 UN members.

The key achievement of resolution 1882 was the inclusion of killing and maiming and/or rape and other sexual violence against children as criteria for identifying state and non-state parties that could be included in the Secretary-General's "list of shame" in his reports. The resolution also called on parties (including non-state actors) engaged in killing and maiming and sexual violence against children to prepare action plans outlining steps to stop these crimes.

Other significant elements of resolution 1882 included:

- reaffirming the Council's intention to take action against persistent perpetrators;
 - requesting enhanced communication between the Working Group and relevant Security Council sanctions committees;
 - requesting the Secretary-General to include more systematically in his reports on children and armed conflict specific information regarding the implementation of Working Group recommendations;
- calling upon all member states to take decisive and immediate action against persistent perpetrators of violations and abuses committed against children in situations of armed conflict, and to bring them to justice; and
 - requesting the Secretary-General to provide administrative and substantive support for the Working Group on Children and Armed Conflict.

Council Consideration of the Working Group's Annual Report

Since the establishment of the Working Group in 2005, Council members had considered the Working Group's annual report in informal consultations under "other matters". Since 2009 the report has been submitted directly to the president of the Council without a discussion.

3.2 Office of the Special Representative of the Secretary-General for Children and Armed Conflict

The Office of the Special Representative of the Secretary-General for Children and Armed Conflict continued in 2009 to give the issue of protection of children a higher profile and to implement decisions of the Council and the Working Group. The Special Representative, Radhika Coomaraswamy, has played a significant role in moving the issue forward. Through her field visits the Special Representative has been able to directly convey the demands of the Working Group to the parties involved in recruiting children. This has been particularly important when dealing with non-state actors, given the problems with access and the sensitivity of governments towards UN agencies dealing directly with non-state actors. As Special Representative for Children and Armed Conflict, Coomaraswamy appears to have been accepted as an appropriate

representative and the access she has been given has allowed her to directly convey the Council's decisions to the leaders of these groups.

While in her earlier visits the Special Representative focused on setting up the monitoring and reporting mechanism and appointing focal points to coordinate issues on children and armed conflict and the release of children, more recent trips have involved a focus on the substantive issues including actual negotiations with group leaders.

In 2009 the Special Representative made four field trips: Gaza in February, DRC in April, Sudan in November and Nepal in December. In addition the Special Envoy of the Special Representative for Children and Armed Conflict to Sri Lanka, Patrick Cammaert, visited Sri Lanka in December. Since 2006 the Special Representative has made 16 country visits. Her briefings to the Working Group upon her return and the written reports from these visits provide information on the current state of protection of children and on the specific commitments from groups involved in recruiting children.

Increasing awareness of the existence of the Working Group's conclusions, combined with a reluctance to be under the scrutiny of the Council and the face-to-face pressure from a senior UN representative appear to have been key factors in applying leverage to offending groups and appear to have provided the impetus for action and yielded concrete results.

In December 2008 the Special Representative went to the Philippines and met the leadership of the Moro Islamic Liberation Front (MILF) in Mindanao. Once the MILF representatives

understood that they were listed in the Secretary-General's report to the Security Council and that targeted measures could be taken against them, they agreed to enter into an action plan with the UN and to release children into UN-sponsored programmes for relief and rehabilitation. The action plan was finalised and signed in July 2009.

The Special Representative visited Nepal in December 2009 to try and accelerate the release of the child soldiers who had been in camps since the signing of a peace deal three years prior. During her visit the UN, the Nepalese government and the Unified Communist Party of Nepal-Maoist (UCPN-M) signed an action plan for the release of the former child soldiers and the release was completed by February 2010.

In December 2009 the Special Representative briefed members of the Working Group on the criteria and procedures the Secretary-General was considering for listing and delisting parties to armed conflict in the Secretary-General's annexes as a follow-up to the request in resolution 1882. One of the key ideas for the threshold for inclusion in the Secretary-General's list for sexual violence and killing and maiming revolves around the notion of a "pattern" which would exclude single, isolated or random incidents. The specific listing and delisting criteria are included in the Secretary-General's 2010 report on children and armed conflict.

3.3 Application of International Norms in 2009

International Criminal Court

The International Criminal Court (ICC) has the power to investigate and try

three categories of crime: crimes against humanity, war crimes (including the use of child soldiers) and genocide. Of particular significance in the present context, it has taken up cases of war crime charges relating to the conscription, enlistment and active participation of children under the age of 15 in hostilities against members of armed groups in Uganda, DRC, the Central African Republic (CAR) and Sudan.

On 26 January 2009 the ICC began a landmark trial against Thomas Lubanga Dyilo for war crimes. Lubanga faces charges of recruiting, conscripting and using child soldiers during the conflict in the DRC's Ituri region between September 2002 and August 2003. Many see this trial as an important step in establishing responsibility for the use of children in military operations and in showing that the use of children in armed combat is a war crime that can be prosecuted at the international level. In January 2010 Special Representative for Children and Armed Conflict Radhika Coomaraswamy appeared as an expert witness at the trial.

The second case tried at the ICC is that of Germain Katanga, a commander of the *Forces de Résistance Patriotique d'Ituri* and Mathieu Ngudjolo Chui, the former head of the *Front des Nationalistes et Intégrationnistes* and a colonel in the *Forces Armées de la République Démocratique du Congo* (FARDC). Their joint trial began on 24 November 2009. Katanga and Ngudjolo are accused of war crimes and crimes against humanity, including using children to participate actively in hostilities and attacks against civilians, as well as murder, rape and sexual slavery. Their trial resumed in January 2010 and is still ongoing.

Another development in 2009 was General Laurent Nkunda's arrest in Rwanda on 22 January. He has now been under house arrest in Kigali for more than a year. The ICC has not yet moved to publicly indict him but has opened investigations into the actions of his militia. The report of the Group of Experts on the DRC, published in December 2008 (S/2008/773), found that Nkunda's party was complicit in human rights abuses, including sexual violence and recruitment of child soldiers during the five-year rebellion in eastern Congo.

The first Review Conference of the Rome Statute for the International Criminal Court is being held in Kampala, Uganda from 31 May to 11 June 2010. Child-focused NGOs are keen to find ways of strengthening the definitions of international crimes that specifically target children. There is also interest in establishing direct information sharing channels between the ICC and the Working Group on Children and Armed Conflict on situations being monitored or investigated by the ICC.

Special Court for Sierra Leone

In February 2009 the Special Court for Sierra Leone (SCSL) convicted three former commanders of the Revolutionary United Front (RUF) of war crimes and crimes against humanity involving conscription and enlistment of children under age of fifteen into a fighting force. Two of the commanders were convicted specifically of recruiting children to fight as soldiers. The statute establishing the SCSL includes a provision prohibiting conscription of children under the age of 15 punishable under article 4c. On 27 October 2009 the trial



convictions of the RUF leaders were upheld by the SCSL Appeals Chamber, making the SCSL the first court to recognise the use of child soldiers, forced marriage and sexual slavery as an international crime and to pronounce convictions on these crimes.

Charles Taylor's Trial

Resolution 1688 was passed on 16 June 2006 paving the way for Charles Taylor to be tried by the SCSL on the premises of the ICC in The Hague. Following the trial chamber dismissal of a motion for judgment of acquittal brought by the defence on 4 May 2009 the trial entered the defence phase on 13 July 2009 when Taylor took the stand in his own defence. Taylor's direct-examination lasted 13 weeks. Prosecutors concluded their cross-examination of Taylor in the first week of February. Since March, defence witnesses for Taylor have been taking the stand.

Optional Protocol to the Convention on the Rights of the Child

As of 26 April 2010, 132 countries had ratified the Optional Protocol on the Rights of the Child on the involvement of children in armed conflict.

4. Analysis of Council Action in Specific Cases

4.1 Working Group on Children and Armed Conflict

The Working Group met formally four times in 2009 on 24 February, 1 July, 12 October and 18 December. At formal meetings the Special Representative introduces the Secretary-General's reports and conclusions are adopted based on reports that were considered

previously. These are supplemented by numerous informal meetings where the reports are discussed in detail and draft working group conclusions are negotiated. In 2009, for each set of conclusions the Working Group held between four and eight meetings. More controversial conclusions, such as Afghanistan, resulted in 12 informal meetings in the first half of 2009. In addition there were also informal meetings to negotiate the April presidential statement and August resolution.

In 2009 the number of country-specific reports of the Secretary-General to the Working Group on Children and Armed Conflict were the same as 2008. The reports published in 2009 were on Burundi, CAR, Colombia, Myanmar, Sri Lanka, Sudan and Uganda.

Six sets of conclusions were issued in 2009 compared with eleven the previous year. (The high number of conclusions in 2008 was partly a result of backlog from 2007 and thus five of the eleven sets of conclusions for 2008 came from 2007 reports.) In 2009 the Working Group began its year with discussions on two reports from November 2008: Afghanistan and DRC. It was able to agree on conclusions for four reports published in 2009: Burundi, CAR, Myanmar and Sudan. The conclusions for two reports published in 2009—Uganda and Sri Lanka—were agreed on at the end of April 2010. In May 2010 the conclusions for Colombia were still being finalised (the Colombia report was published on 28 August 2009). (Please see Chart 1 for the timing between Secretary-General's reports and Working Group conclusions.)

The interval between the Working Group considering reports and issuing conclusions continued to be wide. When the Working Group was set up in 2005 the general understanding was that it would seek to issue conclusions no later than two to three months after considering a report. This has proved increasingly difficult. The Afghanistan conclusions took eight months from the time of the Secretary-General's report coming out on 10 November 2008 to conclusions being published on 13 July 2009. It was the first time Council members had considered the situation of children and armed conflict in Afghanistan. It took eight months to publish conclusions on the DRC and it took ten months for the Sudan case. This was the third round of reporting and conclusions for both DRC and Sudan.

One of the problems with the gap between reports and conclusions becoming longer and longer is that information becomes out-dated by the time the Council adopts the conclusions. The CAR report, for example, covered the period January 2007 to November 2008. Conclusions were adopted in July 2009. Similarly, the Sudan report covered the period August 2007 to December 2008 with the previous set of conclusions being published in February 2008. Sudan conclusions for this third report were only adopted in December 2009. The gap between the period being covered and conclusions could mean that the Working Group's recommendations no longer reflect the actual situation on the ground.

Chart 1: Timing between Secretary-General's Reports and Working Group Conclusions

Annex I Situations	Report	Conclusions	Interval
Afghanistan	10 November 2008	13 July 2009	8 months
Burundi	6 November 2006	13 February 2007	3 months
	28 November 2007	5 February 2008	2 months
	10 September 2009	21 December 2009	3 months
CAR	3 February 2009	13 July 2009	5 months
Chad	3 July 2007	24 September 2007	3 months
	7 August 2008	5 December 2008	4 months
Côte d'Ivoire (delisted in 2009)	25 October 2006	15 February 2007	4 months
	30 August 2007	1 February 2008 and 25 March 2008 (corrigendum)	5 months
DRC	13 June 2006	11 September 2006	3 months
	28 June 2007	25 October 2007	4 months
	10 November 2008	13 July 2009	8 months
Myanmar	16 November 2007	25 July 2008	8 months
	1 June 2009	28 October 2009	5 months
Nepal	20 December 2006	15 June 2007	6 months
	18 April 2008	5 December 2008	8 months
	13 April 2010		
Somalia	7 May 2007	20 July 2007	2 months
	30 May 2008	5 December 2008	6 months
Sudan/Darfur	17 August 2006	13 December 2006	4 months
	29 August 2007	20 February 2008	6 months
	10 February 2009	21 December 2009	10 months
Annex II Situations	Report	Conclusions	Interval
Colombia	28 August 2009		
Philippines	24 April 2008	3 October 2008	5 months
Sri Lanka	20 December 2006	15 June 2007	6 months
	21 December 2007	21 October 2008	10 months
	25 June 2009		
Uganda	7 May 2007	20 July 2007	3 months
	23 June 2008 (additional report)	5 December 2008	5 months
	15 September 2009		

The large gap has been attributed to several factors. Firstly, in some cases there has been a lack of political will to overcome political differences among some members and this increasingly played a role in slowing down agreement on conclusions. The Working Group faced a similar situation in mid-2008 with its negotiations over the Myanmar conclusions. In the case of Myanmar, the divide between Council members over how to approach the wider political situation in Myanmar was mirrored in the positions taken by members of the Working Group.

In 2009, on Afghanistan, there were differences between Russia and the US over whether the International Security Assistance Force had caused civilian casualties which violated international humanitarian law applicable to children and armed conflict. This was despite the fact that in the Council itself the US and Russia had been able to find middle ground on the issue of civilian casualties when adopting the UNAMA resolution during the same period of time. However, at a lower level in the Working Group, members did not appear to have the same political will to overcome their differences on this issue in relation to children and armed conflict.

The set of conclusions on Sudan in 2009 was delayed partly by the stand-off on the Afghanistan conclusions but also by differences over whether to include language on the need to implement international obligations that prohibit the death penalty for those under 18 years of age. Some members like Libya felt that this was unnecessary while other members felt strongly that some reference was needed. Eventually, following clarification of the national legislation on the death penalty, agreement was reached on including this issue.



A second factor may have been related to a number of internal changes to the Working Group. In January 2009 Mexico took over from France which had been the chair since the Group was set up in 2006. In addition the middle of 2009 saw personnel changes among a number of P5 members of the Working Group. The departure of experts with a historical perspective on child protection coupled with the arrival of experts from the five new elected members who came in at the start of 2009 resulted in a situation where, for the first time, the majority of experts were novices not familiar with the children and armed conflict framework. There was a particular lack of understanding of how the monitoring and reporting mechanism functioned on the ground.

Thirdly, negotiations for the presidential statement in April 2009 and the resolution in August 2009 distracted the experts from their children and armed conflict country-specific responsibility and meant putting the discussions on conclusions on hold for periods of time.

A fourth factor is the lack of capacity for many Council members and the difficulty of devoting sufficient time to this issue. This has been exacerbated by the ongoing lack of administrative support for the Working Group.

Fifthly, individual personalities have played a role too, in blocking smooth adoption of conclusions.

An important development in 2009 was an evolution in the Working Group's Working Methods. Resolution 1612 allowed the Working Group flexibility in devising its own working methods.

An important development in terms of transparency is that both formal and informal meetings of the Working Group are now listed in the UN Journal published by the Secretariat. In 2009 formal meetings

and some informal meetings began to be listed and by 2010 it had become standard practice for both formal and informal meetings to appear in the UN Journal (although no distinction is made between these types of meetings.) The Working Group's programme and agenda, however, continue to be unpublicised.

The use of email instead of meetings to manage initial rounds of negotiations of conclusions is another interesting development in the working methods of the Working Group. At the end of 2009 the chair of the Working Group sent out the first draft of conclusions on Burundi to members of the Working Group for comments through email. Members appear to feel that this could be a good innovation for situations that are relatively straight-forward but that more difficult negotiations will need to be done face-to-face from early on.

The Working Group has continued to use the tool-kit adopted in September 2006 as the basis for possible actions in response to violations. The categories in the tool-kit are: demarches; assistance; enhanced monitoring; improvement of mandates; and other measures including recommendations to the Council. Within these categories there are a total of 26 tools available to the Working Group. However, following the trend since 2005, the most commonly used tools in 2009 were letters and appeals to parties to the conflict, to UN bodies for technical assistance and to donors for contributions.

Public messages from the chair of the Working Group have become an established practice in conveying messages to all parties to the armed conflict listed in the Secretary-General's report. There are questions about how effective these messages were and even if the targeted groups were actually aware of the messages. The Working Group has had discussions on how to ensure public

messages are being received. Among the suggestions are requesting the Special Representative to deliver the public statements (for example, to representatives of the LRA) or to use local media.

A possible new tool that has not been agreed on is a visit of the Working Group or its chair to a situation on its work programme. In 2009 there were active discussions on this option. While there is general consensus for a Working Group visit, there are a number of areas that need to be resolved such as financing and the criteria to be used in deciding which country to visit.

In 2008 we noted the emerging practice of the chair of the Working Group, rather than the president of the Council, writing to governments informing them of the conclusions of the Working Group with the president of the Council then forwarding these letters. This practice came about as a result of some members wanting to draw a distinction between the Annex I situations (on the Council's formal agenda) and Annex II situations, with the president of the Council only transmitting, rather than writing letters in Annex II situations. However, it appears that the option of having the president of the Council write letters to governments in situations on its formal agenda was not used in 2009. (All six sets of conclusions in 2009 concerned situations on the Council's formal agenda and there were no recommendations for direct action by the president of the Council. However, this has the direct result of the Council itself being less obviously involved in following through on the recommendations of the Working Group.)

In comparison with the early conclusions of the Working Group, the 2009 conclusions are far more detailed, providing a much stronger basis for the communications to governments or public statements being asked for.

Marginally stronger language seems to be used in cases where there has been no response to previous demands. However, it appears that there is a reluctance to apply serious pressure through short deadlines for responses and the threat of further action. Sanctions appear to be less favoured as an option. Targeted sanctions were recommended twice in the early days of the Working Group— DRC in July 2006 and Côte d'Ivoire in February 2007. However, by 2008 resistance from some members, like China, seems to have brought such recommendations to a halt.

A new tool that was used in 2009 was recommending that the Council include the situation of children affected by armed conflict and the conclusions of the Working Group in the terms of reference for their next Council missions to the DRC, CAR and Afghanistan. The terms of reference for the Council's visit to Africa in May 2010 included a reference to the need to address sexual violence and child protection issues, as well as the DRC conclusions of the Working Group.

Another interesting addition was the request in the Burundi conclusions for the Secretary-General to prepare a follow-up report on implementation of the conclusions of the Working Group in 2010. This appears to be a new device to follow-up on a situation once it has been delisted.

Mexico, as chair of the Working Group, in early 2010 initiated a lessons learnt session where the Working Group discussed improvements that could be made. Areas covered included the need for more timely conclusions, better follow-up to the conclusions and greater transparency. One idea that has been floated is the idea of formal Working Group meetings being open. One suggested format is to have an open meeting

which would discuss the new reports of the Secretary-General and to hear comments from the permanent representative of the countries being discussed. This would be followed by closed consultations to discuss recommendations.

In order to ensure that newly elected members of the Council in 2010 were better aware of the children and armed conflict framework, Mexico organised an informal briefing by Watchlist on Children and Armed Conflict in early 2010. There are also plans for more interaction with the office of the Special Representative for Children and Armed Conflict and the UN Children's Fund (UNICEF), as well as with the Group of Friends on Children and Armed Conflict which is led by Canada.

4.2 Statistics: Country-Specific Decisions

Country-Specific Resolutions

The number of the 2009 Council resolutions which we have assessed as relevant to children's issues was 34. The number of resolutions with references to children was 19. Over 56 percent of relevant resolutions in 2009 therefore contained references to children's

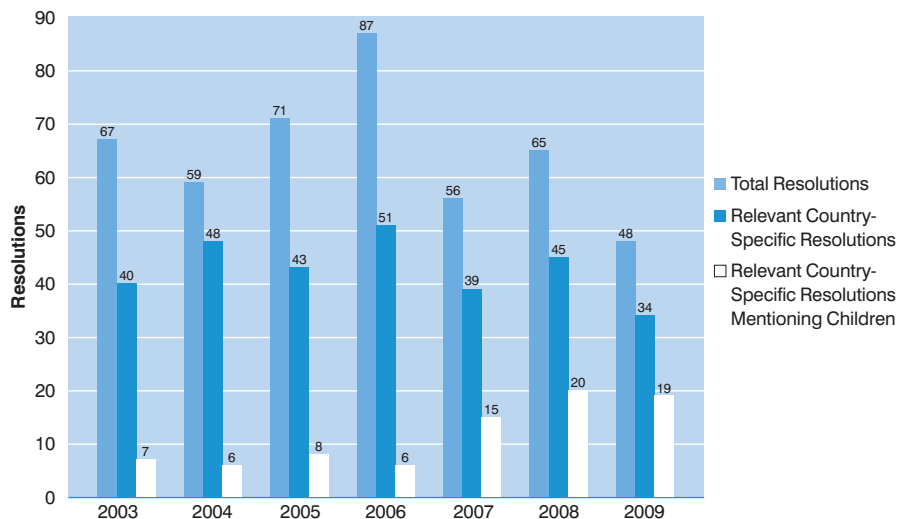
issues. (This is an improvement over 2008 when the figure was 48 percent.) Of these, 14 resolutions had substantive references to children (i.e. more than just recalling past resolutions).

It appears that the trend identified in our 2009 report of more consistent and substantive references to the protection of children strengthened during 2009. Another noteworthy development is that Council resolutions on all the situations being considered by the Working Group (with the exception of Somalia) had substantive references to concerns about children and armed conflict.

Analysis of references to children in the 2009 resolutions reveals the following.

Resolutions that contained references to children in previous years have added further relevant information. A number of Council resolutions on situations such as Côte d'Ivoire, the DRC, Nepal and Sudan, while repeating some of the same references and language from the 2008 resolutions, also added new details. In last year's cross-cutting report we pointed out that while the 2007 renewal of the UN Mission in Sudan

Country-Specific Resolutions



(UNMIS) in resolution 1755, for example, did not contain any reference to children, resolution 1812 renewing UNMIS in 2008 contained significant references and specific requests relating to protection, release and reintegration of children. In 2009 the UNMIS renewal resolution (S/RES/1870), included the 2008 references but also added the need for support for the reintegration of children with their families and the need to monitor the reintegration process.

Stronger language is also being seen in some resolutions where the situation has been particularly intransigent. In resolution 1864, after three years of not having former child soldiers released from cantonments in Nepal, the Council included specific language on the need for the government to implement its commitment to release children “as soon as possible”.

The December 2009 resolution renewing MONUC, with its protection of civilians focus, also paid particular attention to recruitment and disarmament, demobilisation and reintegration (DDR) issues related to children.

References to resolution 1612 are regularly included for situations being considered by the Working Group. This is now true for every situation that is in Annex I of the Secretary-General’s report and therefore on the Council’s formal agenda as well. References to resolution 1612 also appear regularly in resolutions on Haiti, which is not a situation that is in either of the Secretary-General’s annexes. Often references to resolutions on children and armed conflict are included together with other thematic resolutions such as women, peace and security and protection of civilians.

References to conclusions of the Working Group have become the norm in some relevant country-specific

resolutions but are still missing from others. In resolutions on Burundi, CAR, the DRC, Somalia and Sudan, references to the Working Group’s conclusions are far more consistent compared with 2008. Other resolutions, like those renewing UNAMA and UNMIN in Afghanistan and Nepal respectively, have not included references to the Working Group’s conclusions. It appears that once conclusions start appearing in resolutions they are likely to be kept, but having them included in the first place requires strong impetus from either members of the Working Group or the Secretariat.

References to children in some resolutions have diminished. One backwards trend in 2009 was resolution 1885 renewing the UN Mission in Liberia (UNMIL), it made no reference to resolution 1612 (unlike the previous year) and had less substantive references to issues concerning children. It did, however, contain references to resolution 1820 and sexual violence.

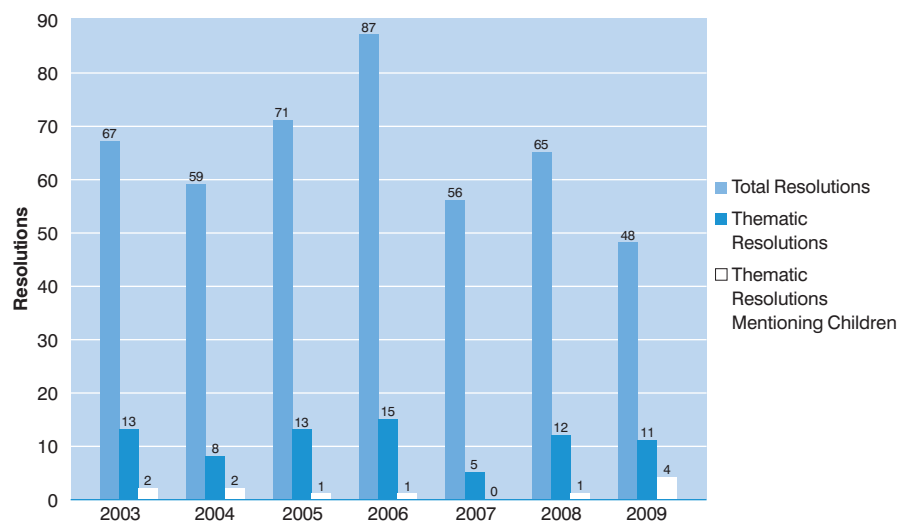
Greater awareness of the importance of the child protection component in political missions is seen in specific

references for the need for child protection advisers. The 23 March 2009 resolution (S/RES/1868) on UNAMA and the 7 August 2009 resolution on UNAMI (S/RES/1883) both mentioned the need to appoint child protection advisers.

Thematic Resolutions

Generally, references to children and armed conflict are rarely found in thematic resolutions. However, in 2009 the number of references in thematic resolutions was unusually high. This was perhaps due to the larger than usual number of thematic resolutions adopted on areas that have a potential link to children and armed conflict. Out of the 11 thematic resolutions in 2009, four contained significant references to children including protection of civilians; women, peace and security; sexual violence; and one on children and armed conflict itself. The others were on subjects that are unlikely to have a child protection element such as international tribunals, terrorism and non-proliferation. The growing overlap between the area of children and armed conflict and some of the other thematic issues is clearly seen in resolution 1894 on protection of civilians and resolution 1888 on sexual violence which

Thematic Resolutions



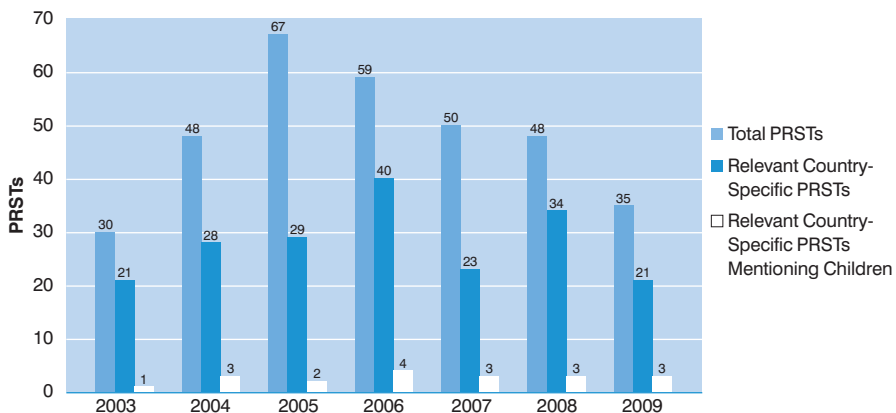
pays particular attention to the needs of women and children in these contexts.

Presidential Statements

In 2009 there were 35 presidential statements versus 48 in 2008. This corresponds with an overall reduction in Security Council decision making in 2009.

The number of country-specific presidential statements that we assessed as having potential relevance to children and armed conflict was 21, and of those, three had some reference to children. Therefore, 14 percent of the relevant country-specific presidential statements contained references to children in 2009 as compared to 9 percent in 2008. However, the quality of the references in the presidential statements on Iraq and Chad/CAR were not substantive. The Iraq statement simply offers “full support” to the Special Representative and talks about promoting the protection of children while the Chad/CAR statement cites the need to abide by international obligations to respect the protection of civilians, including women and children. The presidential statement setting up the UN Integrated Peacebuilding Office in CAR (BINUCA), however, contained detailed references to the recruitment and use of children and tasks of BINUCA related to child protection.

Country-Specific Presidential Statements



There were several presidential statements where references to children and armed conflict might have been expected but were absent, such as the 15 May 2009 presidential statement on the fighting in Somalia and the 5 May 2009 presidential statement on Nepal.

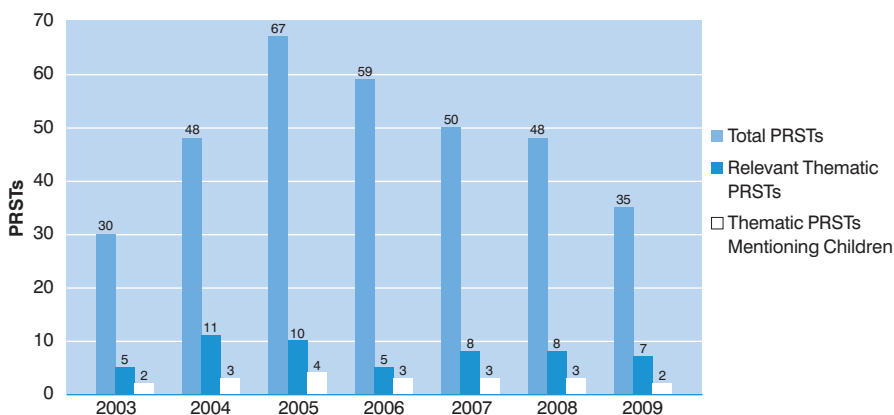
Perhaps one of the reasons for low numbers of child protection references in country-specific presidential statements is that often the Council is reacting to a specific event or development and its focus is on the immediate message rather than the larger situation.

In general, however, while it seems that in the case of resolutions there is an emerging pattern of including more refer-

ences to children and armed conflict, in country-specific presidential statements the trend appears to be the opposite.

In 2009 there were 7 relevant thematic presidential statements, slightly fewer than in 2008 when there were 8. Out of the seven relevant thematic presidential statements in 2009 only two had references to children. One was the presidential statement on children and armed conflict which obviously focused totally on the issue and the other was the statement on protection of civilians in January 2009 which contained many references and a specific section on protection concerns arising from Council discussions on children affected by armed conflict.

Thematic Presidential Statements



Among the presidential statements that might have been expected to contain references and did not were the statements on peacekeeping (S/PRST/2009/24), post-conflict peacebuilding (S/PRST/2009/23), mediation and settlement of disputes (S/PRST/2009/9) and the Prodi Report which focused on the cooperation between the UN and the AU in peacekeeping (S/PRST/2009/3). The growing awareness of the need to consider child protection in post-conflict situations and the importance of child protection activi-



ties in peacekeeping does not appear to be translated into actual Council decisions on these thematic issues.

Secretary-General's Reports

In 2003 resolution 1460 requested that all the Secretary-General's reports to the Council on country-specific situations include the protection of children. (Please see Annex II for more background on Security Council resolutions on children and armed conflict.)

In 2009 there were 98 Secretary-General's reports. Of these, 75 were country-specific reports which, if resolution 1460 were strictly implemented, should include information on protection of children. Of these reports only 37 had references to protection of children for a total of 49 percent. This seems like poor implementation of resolution 1460 but is a continuation of an improving trend detected in 2008. In 2005 43 percent of Secretary-General's reports contained references to children. But a drop to 38 percent occurred in 2006 and 2007. This was reversed in 2008 when the percentage increased to 46 percent. In 2009 there appears to be a further upward movement with protection of children now being incorporated into about half the country-specific reports. It is still difficult to understand why after seven years there is still only a 50 percent compliance with a clear Security Council decision.

Further analysis of the references revealed the following.

Separate sections on child protection are the norm for a few country-specific reports but many still do not have separate sections on child protection. Reports on Nepal, Sudan, the DRC, and Burundi all consistently included a section on protection of children. Côte d'Ivoire which was taken off the list last year continued to have good reporting on child

protection. (In 2009 Côte d'Ivoire had all its parties removed from the list of situations of parties that recruit or use children in situations of armed conflict on the Secretary-General's annexes, thus effectively delisting it.)

However, other situations do not have a separate section on child protection, for example Somalia which was considered in 2006, the first year the Working Group was set up. Neither does UNAMID in Darfur.

A child protection section is not yet a consistent feature of the Chad/CAR report. The July and October reports had a section, while the April one did not.

Two situations, which appeared more recently on the Secretary-General's lists, Afghanistan and Iraq, also did not have a section on child protection.

While it is difficult to determine exactly what has led to this pattern, some observers believe that an important factor is whether there are child protection advisers within the peacekeeping mission. MONUC (DRC), UNMIS (Sudan) and UNMIN (Nepal) all have well-established child protection units. UNAMA (Afghanistan) has had a child protection adviser only since March 2009 and UNAMI (Iraq) has yet to get one.

Being under the scrutiny of the Working Group on Children and Armed Conflict may also lead to higher awareness in peacekeeping and political missions of the need to have clearer child protection sections in the Secretary-General's country-specific reports. Burundi, Côte d'Ivoire, the DRC and Sudan were among the earliest situations considered by the Working Group while Afghanistan and Iraq only came on the Secretary-General's annexes in 2008.

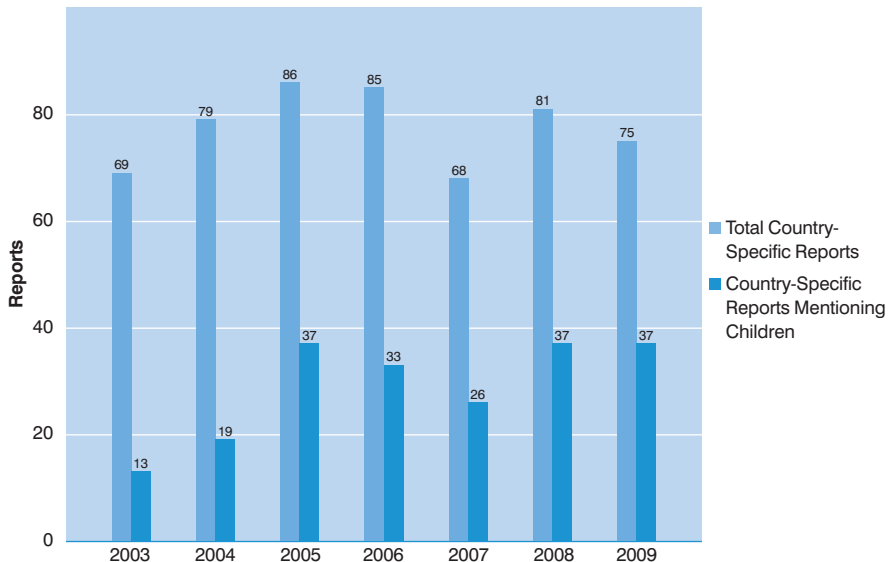
Protection of children issues featured more often in the Secretary-General's

"observations" section. In 2008 only the Burundi report's "observations" section included references to children. However, in 2009 reports on Burundi, Côte d'Ivoire, the DRC and Somalia, as well as BINUCA (Central African Republic) had issues related to protection of children in the "observations" section. This is significant as often this is the section senior diplomats are most likely to focus on.

While the quality of information on child protection in country-specific reports has generally improved there were no references to follow-ups to the conclusions of the Working Group in any of the reports. The quality of the reporting showed particular improvement in those reports with separate child protection sections. In these reports the information given was pertinent to issues involving child recruitment or release, as well as DDR activities. While this information could be relevant to some of the Working Group's recommendations on these situations none of the reports made a direct reference to the conclusions of the Working Group or tied-in information in a way that directly shows how these conclusions have been taken up in the field.

Haiti again had good sections on child protection. In spite of not being in the Secretary-General's annexes, reporting on Haiti continued to include children's issues. It was, however, less consistent with having a separate child protection section. The March and September reports both included a section on child protection. As we previously noted, references to children's issues in the Haiti reports have been attributed to a strong Group of Friends on Haiti ensuring that these references are included. With the changed situation in Haiti since the earthquake in January 2010 it remains to be seen if the mission's possible new priorities will incorporate children's issues.

Secretary-General's Country-Specific Reports



Peace Agreements

Since 2001, Council resolutions on children and armed conflict have asked for protection of children to be factored into peace agreements, including provisions relating to disarmament, demobilisation, reintegration and rehabilitation. Resolutions adopted since 2003 have called upon parties to conflict to ensure that protection and rights of children were integrated into peace processes, peace agreements and post-conflict recovery and reconstruction phases.

In 2009 there were no peace agreements signed.

4.3 Reports of Security Council Visiting Missions

The Security Council visited Haiti from 11 to 14 March 2009 and the AU, Rwanda, the DRC and Liberia from 14 to 21 May 2009.

There were no references to child protection issues in either the terms of reference for the Haiti visit or for the report.

The terms of reference for the Africa mission included the need to raise awareness for child protection issues to be addressed in the Great Lakes Region. Specifically tied to the DRC, was the need to enhance child protection, bearing in mind the conclusions of the Security Council Working Group on Children and Armed Conflict. The report of the Council's visit to Africa included information on humanitarian issues, including protection of civilians but there was no mention of a more focused discussion on children's issues in a situation of armed conflict or of the conclusions of the Working Group. There may have been some discussions on sexual violence against girls during the briefing from the Minister on Family and Gender who provided information on measures being taken to combat sexual violence. In its recommendations on eastern DRC the Council said the DRC armed forces should take measures, with support from MONUC, to ensure separation of children from armed groups.

The terms of reference for the Liberia visit talked about the importance of promoting and protecting the rights of civilians, in particular women and children, and assessing progress in combating violence against children and women including sexual and gender-based violence and sexual exploitation and abuse. While there was no specific reference in the report on child protection issues, the discussions on sexual violence against women are likely to have included the efforts being made to protect girls in this context.

4.4 Progress on Dialogue, Action Plans, DDR, Convictions and National Legislation

Among the developments in 2009 are:

Afghanistan

On 18 October 2009 the government appointed a high-level focal point to interact with the country task force on monitoring and reporting. In December the government agreed to establish an inter-ministerial Steering Committee on Children and Armed Conflict tasked with developing an action plan.

Burundi

The *Forces Nationales de Liberation* (FNL) nominated eight focal points to facilitate the separation of children associated with its group. By June 2009 380 children had been formally released and reunified with their families and there are no known children now associated with groups in Burundi. The FNL was delisted from the Secretary-General's annexes in the 2010 report.

The National Assembly adopted a revised penal code on 22 April 2009 prohibiting the enlistment of children into the national defence force and stipulating 18 years as the age of conscription.



Chad

The government is discussing the development of an action plan with the UN.

CAR

An action plan for the *Armée populaire pour la restauration de la République et de la démocratie* has been put on hold as the government wants other parties to the conflict listed in the annexes of the Secretary-General's report to be included in the action plan.

Côte d'Ivoire (delisted in 2009 and still being monitored)

A draft national action plan on sexual violence is under discussion. On 19 January the *Force de défense et sécurités des forces nouvelles* signed a programme of action to address sexual violence against children in areas under their control. Militia groups operating in western Côte d'Ivoire have committed to work with the UN to prevent sexual violence.

Colombia

Between January and December 2009 the Colombian Institute of Family Welfare (ICBF), which implements reintegration programmes, indicated that 218 children have been separated from the *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*, 74 from *Ejército de Liberación Nacional* and one from the *Ejército Popular de Liberación*. During that period, 22 children have also been separated from illegal armed groups formed out of the demobilised former United Self-Defence Forces of Colombia units.

DRC

A draft action plan has been submitted to the government. The minister of defence and the FARDC chief of staff are apparently willing to cooperate with the UN although there have been no formal discussions with the government.

During the "Fast Track Integration" carried out in North and South Kivu, 2,672 children were separated from armed forces and groups or had escaped during the reporting period. Another 640 children were separated from the newly integrated FARDC units once the integration process was completed.

The DRC government passed a new law on child protection on 10 January 2009 prohibiting the recruitment and use of children under the age of 18 by armed forces, the police and armed groups.

The Haut-Katanga military court convicted Mai-Mai commander Gedeon Kyunga Mutanga of crimes against humanity on 5 March 2009. The Kasangani military tribunal sentenced four members of a Mai-Mai group to life imprisonment and one to thirty years of imprisonment for crimes against humanity. In South Kivu six FARDC elements were convicted of crimes against children.

Myanmar

The Myanmar government's Working Committee on the Monitoring and Reporting Mechanism is discussing a draft action plan with the UN. The government has agreed to take some of the steps identified in the plan.

According to the Myanmar government, 87 children were released through government mechanisms between January and December 2009.

Nepal

The UN, the Government of Nepal and the UCPN-M signed an action plan on 16 December 2009. On 8 January 2010 the discharge of almost 3,000 former combatants verified as children in 2007 began. It was completed within the promised time-frame by 9 February 2010.

The Ministry of Women, Children and Social Welfare initiated a draft of the Child Rights Protection and Promotion bill in early 2009 but the draft has been on hold since the change in government in May 2009.

Philippines

An action plan was signed between UN and the MILF on 30 July 2009.

Somalia

UNICEF is assisting the Transitional Federal Government in preparing an action plan that would include measures to screen its troops, as well as establish mechanisms to prevent further child recruitment.

Sri Lanka

Steps are being taken to implement the action plan signed by the Tamil Makkal Viduthalai Puligal (TMVP).

Five hundred and sixty "surrendee" children (those who surrendered at the end of the conflict in May 2009) were identified through screening former Liberation Tigers of Tamil Eelam (LTTE) combatants and transferred to rehabilitation centres.

The LTTE will be taken off the Secretary-General's list in a technical delisting. The group has ceased operating following its defeat by the Sri Lankan army in May 2009.

Sudan

An action plan was signed between the UN and the Sudan People's Liberation Army (SPLA) on 20 November 2009.

The Sudan Armed Forces (SAF) agreed to consider the adoption of an action plan that extends to pro-government militia in Darfur. Commitments were also received from the Sudan Liberation Army (SLA)/Abu Ghasim (Mother Wing), SLA/Free Will and Justice and Equality Movement (Peace Wing).

SLA/Minni Minnawi continued to give unhindered access to their military camps for verification by the UN as stipulated in their 2007 action plan.

In North Sudan 739 children associated with SPLA, Eastern Front Movement and Justice and Equality Movement, SLA/Peace Wing and other groups associated with the SAF registered for the DDR process and have all been released. In South Sudan 56 children associated with the SPLA have been demobilised since August 2009 and 35 children have registered for demobilisation. Three hundred and eighty-seven children from the SLA/Free Will and SLA/Abu Ghasim (Mother Wing) have been disarmed and demobilised.

The Sudan People's Liberation Army Act of 2009 adopted on 10 February explicitly establishes 18 years as a minimum age for enrolment into the SPLA. On 9 April 2009 President Salva Kiir of South Sudan inaugurated the Child Act of Southern Sudan which criminalises the recruitment and use of child soldiers. The Sudan National Assembly ratified the Federal Child Act on 29 December 2009 bringing Sudan's legislation in line with international standards, including the Convention on the Rights of the Child and its two optional protocols.

Uganda

The Uganda government signed an action plan with the Uganda Task Force on Monitoring and Reporting in January 2009. Upon verification that there were no more children present in their ranks the Uganda People's Defence Force (UPDF) and the Local Defense Units (LDUs) were delisted from the eighth report of the Secretary-General (S/2009/158).

4.5 Issues Involving Peacekeeping

There are currently more than sixty child protection advisers and officers in seven peacekeeping missions. One of the political missions, UNAMA, has had a child protection advisor since March 2009 and UNAMI is in the process of hiring one. Their role is to ensure that all components of peacekeeping operations adopt a child-conscious approach in their work and that these concerns are reflected in the overall strategy of the mission. Child protection advisers assist in the monitoring and reporting on grave violations and engage in dialogue with parties to conflict to develop action plans. In countries where there is a peacekeeping mission DPKO and UNICEF co-chair the country task forces on monitoring and reporting.

On 1 June 2009 DPKO and the Department of Field Support adopted the child protection policy directive on mainstreaming the protection, rights and well-being of children affected by armed conflict within UN peacekeeping operations. As part of this policy, missions should ensure that the protection of children affected by armed conflict is systematically addressed throughout all stages of mission planning, mission design and mission implementation.

Besides having child protection advisers in peacekeeping operations, resolution 1882 encouraged the deployment of child protection advisers to relevant peacebuilding and political missions. In the past it has been a struggle to get child protection advisers into political missions which are run by the DPA. It remains to be seen whether DPA will now give greater attention to child protection issues and whether the issues will be given greater weight by the Peacebuilding Support Office and the peacebuilding architecture in post-conflict situations.

5. Case Studies

5.1 Nepal

Background to the Conflict

The conflict between Nepal's government and Maoist insurgents lasted ten years, killing approximately 13,000 and displacing up to 150,000. Two attempts at peace negotiations between the government and the CPN-M after the 2001 and 2003 ceasefires were unsuccessful. The human rights records of both sides have been subject to significant criticism. Abuses included attacks on civilians, the killing of surrendered combatants, arbitrary arrests, disappearances and torture. The Maoists were notorious for using child soldiers. They have also been accused of abducting several thousand children since 2002.

On 1 February 2005 King Gyanendra staged a coup against the civilian government, using the Maoist insurgency as rationale. By September 2005, dissatisfaction with his rule produced a political partnership between former foes, the Seven Party Alliance, or SPA (a coalition of the main political parties) and the CPN-M. By April 2006 the Maoists and the SPA were working together to organise street demonstrations that led to the king relinquishing power on 24 April 2006 and agreeing to reinstate parliament.

On 8 November 2006 the Maoists and the SPA signed a peace agreement, including a process leading to elections for a Constituent Assembly in mid-2007. This was consolidated into a Comprehensive Peace Agreement (CPA) on 21 November 2006. On 28 November 2006 the two sides signed the Agreement on Monitoring of the Management of Arms and Armies (AMMAA), which was also signed by the Secretary-General's Personal Representative for Support to



the Peace Process, Ian Martin, on 8 December 2006.

The CPA signed between the SPA and the CPN-M, as well as the AMMAA, prohibits both parties from recruiting or using persons under the age of 18. It also sets out phased plans for the registration of Maoist combatants and the discharge of persons born after 25 May 1988 from the Maoist army (i.e. those under 18 at the time of recruitment). There are also provisions committing the parties to reintegrating children associated with armed groups into their families.

Council Involvement in Nepal

On 9 August 2006 identical letters were sent to the Secretary-General by the SPA and the Maoists asking the UN to continue providing human rights monitoring (the Office of the High Commissioner for Human Rights had been in Nepal since 2005) to assist in monitoring the ceasefire code of conduct; provide assistance in monitoring arms and armies; and provide observation of the constituent assembly election.

On 1 December 2006 the Council took up Nepal for the first time. It supported the Secretary-General's proposal to send a technical assessment mission to Nepal to assess the number of UN personnel, logistical support and resources required for a special political mission. This mission was to be a new hybrid composed of monitors with military backgrounds and civilian personnel involved in human rights and electoral processes.

UNMIN was established on 23 January 2007 by resolution 1740. The mandate covered the monitoring and management of arms and armed personnel of the Nepal and Maoist armies, the assisting in the monitoring of ceasefire arrangements and the providing of technical assistance for the Constituent Assembly. While it recognised the

need to pay special attention to the needs of women, children and traditionally marginalised groups in the peace process it did not spell out clearly how child protection issues would be handled in the mission.

UNMIN has now been renewed six times: on 23 January 2008 (S/RES/1796), 23 July 2008 (S/RES/1825), 23 January 2009 (S/RES/1864), 23 July 2009 (S/RES/1879), 21 January 2010 (S/RES/1909) and most recently on 12 May (S/RES/1921) when the Council extended UNMIN until 15 September 2010.

Nepal and Children and Armed Conflict

The CPN-M, which had conducted a ten-year insurgency against the Nepal government, has been included in the Secretary-General's "list of shame" in his reports on children and armed conflict since 2003, the first year situations not on the Council's formal agenda began to be listed. In the Secretary-General's 2002 report, Nepal was mentioned as a situation of concern following reports of forced and involuntary recruitment by the CPN-M. From 2003 until 2006 it was listed in Annex II as Nepal was not a situation on the Council's agenda. In 2007 the Secretary-General's report on children and armed conflict listed it under Annex I when Nepal became a formal agenda item of the Council in January 2007.

In 2004 the UN country team in Nepal had initiated contacts with the CPN-M commanders to discuss issues concerning women and children, including under-age recruitment. However, there was no commitment to an action plan or establishment of DDR programmes.

In June 2006 the UN country team met with the government and the CPN-M and asked for focal points to be nominated to discuss monitoring and reporting on grave violations affecting

children within the framework of resolution 1612 which had been adopted the previous year. At that point the CPN-M had not engaged in serious dialogue on the release of children.

The Secretary-General's first report on children and armed conflict in Nepal was published on 20 December 2006 (S/2006/1007) and covered the period 1 August to 30 September 2006. The report noted that although many of the reported violations took place before the May 2006 ceasefire, there were still serious abuses being perpetrated against children including recruitment, and use and abductions of children by the CPN-M. Among its recommendations was that the CPN-M immediately end the recruitment and use of children and discuss an action plan with the UN for the release of children. The report also said the mandate of any future UN mission should "explicitly incorporate child protection issues" and include a specific child protection capacity within the mission. It encouraged the Government of Nepal to invite the Special Representative for Children and Armed Conflict to visit Nepal. The Working Group met on 9 February 2007 to discuss this report. It was the first report on an Annex II situation (i.e. a situation not on the Council's formal agenda) considered by the Working Group. However, by the time the conclusions of the Working Group came out in June 2007 (S/AC.51/2007/8), with the January 2007 establishment of UNMIN, Nepal had become part of the formal agenda of the Council.

In its conclusions the Working Group recommended that the president of the Council write to the Nepalese government, requesting it to urge the CPN-M leadership to honour its commitment by immediately ending the recruitment and use of children, separating children from their ranks and engaging with the UN

country team on an action plan. It also welcomed the intention of the Special Representative to visit Nepal.

Between January and February 2007 the UN verified the ages and recruitment of 31,318 Maoist army personnel in cantonments. The second stage of the registration process was conducted from June 2007 to December 2007. During this phase the UN verified the ages and date of recruitment of all personnel in the cantonment. This registration was expected to lead to the automatic discharge of all those under 18 years at the time of the May 2006 ceasefire.

The UN completed verification on 23 December 2008. There were 4,008 individuals verified: 2,973 were assessed to be under the age of 18 years on 26 May 2006 and 1,035 were assessed to have been recruited after that date. Although they should have been discharged immediately after the verification process was completed this did not happen.

On 10 April 2008 Nepal held Constituent Assembly elections with the Maoists emerging as the single largest party. UNMIN was asked by the Nepal government at the time of its mandate renewal in July to continue on a "smaller scale" now that its role of assisting in the elections was over.

The Secretary-General's second report on Nepal was issued on 18 April 2008 (S/2008/259). It noted that no progress had been made in securing the formal discharge of those in the cantonments. Among its recommendations was that the CPN-M agree to a concrete, time-bound action plan to implement its commitment to release children still in the Maoist army. The Working Group discussed this report on 20 June 2008 and published its conclusions on 5 December 2008 (S/AC.51/2008/12). This time the Working Group recommended that

the Council president transmit letters from the chair of the Working Group to the Nepalese government requesting it to honor its commitments. Using stronger language, it recommended that the CPN-M immediately and unconditionally release children in the cantonments and put an end to all obstacles to the reintegration of cantoned children by delinking the release of children from the question of payment of government allowances to personnel in the cantonments. It also addressed the emerging concern of recruitment of children by armed groups in the Terai region of southern Nepal. In addition it asked the Secretary-General to ensure that child protection is preserved even as UNMIN phases out in order to facilitate the discharge of all children in the camps. The Working Group also agreed to take direct action by addressing a letter from its chair to the Special Representative of the Secretary-General to Nepal asking him to continue to allocate the resources needed to ensure that all children are covered by the monitoring and reporting mechanism and to advocate for greater protection of children.

This second set of conclusions provided more explicit instructions to the various parties and addressed emerging concerns about children in Nepal. Special Representative for Children and Armed Conflict Radhika Coomaraswamy was able to use these conclusions when she visited Nepal from 1 to 6 December 2008. During her visit then Prime Minister of Nepal, Pushpa Kamal Dahal, made a commitment to move forward on the discharge of the 2,973 former combatants assessed as minors who were in the Maoist cantonments.

On 5 February 2009, following the commitment given to the Special Representative in December 2008, the Army Integration Special Committee, set up to

supervise the integration and rehabilitation of former Maoist combatants with the Nepalese army, requested that the children immediately be released from the cantonments.

At about the same time the Council also took up the issue of the minors in the cantonments. The 23 January 2009 resolution (S/RES/1864) extending UNMIN's mandate for six months for the first time included language on the need to release minors in cantonment sites. It welcomed the government's commitment to discharge minors without further delay and called upon it to implement this commitment as soon as possible and for continued reporting under resolution 1612. This was a significant issue for UNMIN as the release of the minors was closely linked to the completion of UNMIN's mandate.

Resolution 1879, which renewed UNMIN for another six months from 23 July 2009, stressed the need to implement the discharge and rehabilitation process for disqualified Maoist army personnel including minors as fully and expeditiously as possible.

By May 2009 a series of events had led to Dahal's resignation as the Nepalese prime minister on 4 May and the withdrawal of the Unified Communist Party of Nepal (Maoist) or UCPN-M (as the CPN-M was now called). With the UCPN-M now a minority in parliament most aspects of the peace process came to a standstill.

The Special Representative for Children and Armed Conflict continued to press the Nepal government on this issue and following phone conversations with the current Nepali Prime Minister Madhav Kumar Nepal and Dahal in his capacity as UCPN-M Chairman, she appealed on 13 October 2009 for the swift and orderly release of the Maoist army personnel



identified as minors during the verification process completed in 2007. At this point the discharge and rehabilitation process for Maoist army personnel identified as minors was relaunched but there was little real movement and none of the minors were released.

Coomaraswamy made her second visit to Nepal from 14 to 17 December 2009. Intense discussions between the UCPN-M and the government and the Special Representative resulted in the Nepal government, the UCPN-M and the UN signing an action plan on 16 December. This marked the first step to being removed from the Secretary-General's list.

The discharge of almost 3,000 former combatants verified as children in 2007 began on 7 January 2010. It was completed within the promised time-frame by 9 February 2010.

By the time UNMIN's mandate was renewed by resolution 1909 in January 2010, the Council was able to welcome the signing of an action plan and called upon the parties to implement the process as fully and expeditiously as possible.

This case study clearly shows that having the main UN actors acting in concert on an issue related to children can be a highly effective way of pressuring parties to act on commitments to children in armed conflict. While the personal pressure of the Special Representative appears to have provided the final impetus to get the parties to sign the action plan, the ammunition provided by the decisions of both the Working Group and Council were key to her ability to apply pressure.

However, it took two years for the Working Group, the Special Representative, the Secretariat and the Council to begin

to work in a seriously coordinated manner. Between January 2007 when UNMIN was set up and January 2009 the Council did not directly address the issue of former combatants in the cantonments in its resolutions, although it had established that this issue was a key element of UNMIN's mandate. During that same period the Working Group regularly called for the release of children from the cantonments. It would appear that there was little connection between members of the Working Group and their colleagues dealing with the political issues in the Council. This silo effect was eventually overcome, but it is curious that the Working Group was unable to get the Council to include the release of children from the cantonments in its resolutions early on.

5.2 Uganda

Background to the Conflict

Uganda has been involved in armed conflict, particularly in the north, since 1986, when Yoweri Museveni became president of Uganda. By 1987 the LRA, a rebel group operating mainly in northern Uganda and led by Joseph Kony, had become the main opponent to Museveni's government. Some reports indicate that 85 percent of the LRA's ranks are made up of abducted children where they are used as soldiers and sex slaves. The LRA has also been accused of lootings, killings, beatings and rape.

The UPDF in March 2002 sent troops into South Sudan in an attempt to eradicate the LRA. The offensive failed and the conflict inside Uganda intensified and spread to eastern Uganda.

In December 2003 the Uganda government referred the "situation concerning the Lord's Resistance Army" to the ICC. An official investigation into the situation in northern Uganda was opened on 29 July 2004. In 2005 the court issued

warrants for the arrest of five LRA leaders: Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya and Dominic Ongwen. Lukwiya was killed in 2006 and Otti was reportedly killed in 2007.

In 2005 the LRA was pushed out of Uganda. It now operates in the border areas between South Sudan, DRC and CAR.

A peace process with the LRA was eventually signed in February 2008. It was meant to lead to the signing of a final overall peace accord involving the LRA and the Ugandan government. However, Kony refused to sign the deal insisting among other things that the ICC remove warrants against the LRA leadership. Kony did not turn up for the signing of the permanent truce scheduled for 10 April 2008 on the Sudan-DRC border. In early December 2008, after seven failed attempts to get Kony to sign the peace agreement, the peace process was suspended.

On 14 December 2008 the governments of Uganda, the DRC and South Sudan launched a military campaign (Operation Lightning Thunder) against the LRA bases in eastern DRC. The main objective of the offensive was to put pressure on Kony to sign the final peace agreement.

The operation failed to achieve its goal. In retaliation the LRA attacked villages and towns in northern DRC and southern Sudan. The operation ended in March 2009 but the Congolese army continued its campaign against the LRA with the support of MONUC and Ugandan advisers.

Council Involvement in the LRA issue

The Council began to focus on the LRA in 2005 when the then Under-Secretary-General for Humanitarian Affairs, Jan Egeland, urged member states to reinforce mediation efforts to end the conflict

between the Ugandan government and the LRA. The November 2005 Council mission to Africa gave Council members a chance to discuss the LRA situation with President Museveni in Entebbe. During the meeting Museveni informed Council members that the LRA had been defeated although small remnant LRA groups were still active. Council members encouraged the Ugandan government to expedite the implementation of the ICC arrest warrants for the five LRA leaders while not excluding the possibility of finding a peaceful solution for other elements in the LRA and urged the government to further extend the amnesty for rank-and-file LRA combatants and assist in their integration.

In 2006 the Council paid closer attention to the LRA situation and its activities in the region through more regular briefings on the situation. In January 2006 after eight MONUC peacekeepers were killed by the LRA in the DRC, the Council held a meeting on the Great Lakes and passed resolution 1653 asking the Secretary-General to make recommendations on how best to support efforts by states in the region to end the activities of illegal armed groups. In March that year, in resolution 1663, the Council further specified that the report should include recommendations on dealing with the LRA.

In mid-November 2006 Egeland had a meeting with Kony where reportedly the LRA committed to present measures to address the issue of women, children and non-combatants within one month. These commitments were not followed up.

On 30 November 2006 the Secretary-General appointed Joaquim Chissano as his Special Envoy for the LRA-affected areas with a mandate to search for a comprehensive political solution to the

conflict in northern Uganda and to look into the implications of LRA activities in the region. However, by May 2009 the Secretary-General decided to suspend Chissano's assignment in view of the state of negotiations between the Ugandan government and the LRA.

By 2009 the Council had recognised the growing regional threat posed by the LRA. It met in November 2009 in informal consultations to discuss LRA attacks on civilians in the DRC, CAR and South Sudan.

Council decisions on the LRA have generally been in the form of presidential statements. In 2006 the Council's presidential statement on the LRA demanded that the LRA immediately release all women, children and other combatants in accordance with resolution 1612. A 2007 presidential statement used similar language but urged rather than demanded their release. In October 2008, after LRA attacks in eastern DRC, the Council's presidential statement condemned the attacks by the LRA including the abduction of school children. It also recalled the ICC indictments of LRA members on charges of war crimes for the enlistment of children through abduction. In another presidential statement in December 2008 the Council condemned LRA attacks in both DRC and South Sudan and demanded the release of women and children. Once again the ICC indictment was mentioned but with stronger language on the charges of war crimes and crimes against humanity. On 16 January 2009 the Council issued a press statement condemning recent LRA attacks and reiterating its December 2008 statement.

By 2008 references to the LRA and its use of children began to emerge in country-specific resolutions like resolution 1856 renewing MONUC on 22

December 2008. It demanded that all armed groups, in particular the LRA, immediately stop recruiting and release all children associated with them. This was reinforced by regional resolutions like 1653 and 1663 on the Great Lakes.

A significant development in Council efforts relating to the LRA came in resolution 1698 in 2006 which extended sanctions on groups in the DRC to political or military leaders using or recruiting children in armed conflict, as well as to individuals involved in targeting children in areas of killing and maiming, sexual violence, abduction and forced displacement. Although so far no LRA names have been added, three of the four individuals added to the DRC sanctions list in March 2009 from the Democratic Forces for the Liberation of Rwanda's (FDLR) armed branch were accused of recruiting children, as well as abductions and sexual abuse of girls.

Uganda and Children and Armed Conflict
Uganda has been listed in the Secretary-General's annexes since the 2003 report which was the first in which situations not on the Council's agenda were included. In his 2002 report (S/2002/1299) the LRA and its child abductions and use of children were featured under situations of concern not on the list. From 2003 to 2009 there were three parties in Uganda listed in the Secretary-General's reports: the LRA, the UPDF and its associated LDUs. In 2009 the UPDF and the associated LDUs were delisted.

Special Representative for Children and Armed Conflict Radhika Coomaraswamy visited Uganda from 3 to 10 June 2006. This was her first visit to any of the situations listed in the Secretary-General's report and took place just weeks after she took up her post. During her visit President Museveni agreed to strengthen



implementation of the legal and policy frameworks on the recruitment and use of children in armed conflict.

The Secretary-General's first report on children and armed conflict in Uganda came out on 7 May 2007. The report covered the establishment of the monitoring and reporting mechanism in Uganda and the preliminary steps taken by the Ugandan government to address violations against children. The report noted that the LRA was then not active in Uganda and that the Uganda based monitoring and reporting mechanism was unable to monitor, verify or report on allegations of abuses against children by the LRA in the DRC or South Sudan. It noted, however, that the violations committed in Sudan would be in the report on children and armed conflict in Sudan.

The Working Group considered the Secretary-General's first report on children and armed conflict in Uganda on 10 May 2007 and issued its first set of conclusions on 20 July 2007. Among the recommendations was that the president of the Council address a message to the head of the LRA delegation to the Juba peace talks through a public statement of the chair of the Working Group. The public statement was to be transmitted by the Special Envoy for LRA-affected areas.

Issuing public statements was a tool developed by the Council as a way of sending a message to non-state actors. The 2007 message to the LRA strongly condemned the continuous recruitment and use of child soldiers and asked for the immediate release of children. It also noted the ICC indictments against members of the LRA on charges, among other things, of the enlistment of children through abduction as a war crime. Furthermore, it asked the LRA to respond positively to the message and take serious follow-up actions. In a somewhat

unusual move the Working Group asked the Secretary-General for a follow-up report and suggested further steps might be taken. (The only other situation where this has been done is Sri Lanka.) Recommendations to the Ugandan government focused on the need to prepare and implement action plans and release any children in the LDU.

The additional report was published on 23 June 2008 and considered by the Working Group on 25 July 2008. However, conclusions were only published on 5 December 2008. Difficulty in reaching conclusions on Myanmar in the first half of 2008 led to a backlog which resulted in increased intervals between the Working Group considering reports and issuing conclusions. A key recommendation in the additional report was that UN Task Forces on Monitoring and Reporting in CAR, the DRC, Sudan and Uganda develop a strategy for increased regional joint capacity to monitor and report on cross-border recruitment and use of children by the LRA. The Working Group again recommended a public statement transmitted by the Special Representative of the Secretary-General again strongly condemning the recruitment and use of child soldiers and asking for their immediate release. An additional request was for a list of names and ages for complete verification as the LRA had claimed that it had released all children and women some time ago and that those remaining were related to LRA members. It also asked the LRA to respond positively within one month of receipt. Taking up the Secretary-General's suggestion, the Working Group also requested that, working with MONUC and UNMIS, the Task Forces based in CAR, DRC, Sudan and Uganda develop a regional joint monitoring capacity strategy. This set of conclusions made no reference to the ICC indictments.

The third report on children and armed conflict in Uganda was published on 15 September 2009. By this time the UPDF and its auxiliary forces, the LDU, had been delisted from the annexes of the Secretary-General's 2009 report. In 2009 the country Task Force on Monitoring and Reporting carried out on-site visits to UPDF facilities in northern Uganda to verify recruitment policies, as part of the terms of the action plan signed by the government in January 2009. It was able to confirm that the age criteria for recruitment into the UPDF was being strictly observed and that there had been no evidence of recruitment of children by UPDF since August 2007. It also assessed the UPDF and its auxiliaries as having shown full commitment towards the implementation of the action plan.

The report also highlighted the regional dimension of LRA activities and the move towards establishing a sub-regional strategy to monitor and report on grave child rights violations committed by the LRA. The fact that there was a total lack of response of the LRA to the public statements from the Working Group was not taken up in the report.

The Working Group began discussing the third report at the end of 2009 and agreed on its conclusions in May 2010. A significant shift is now being seen towards a regional approach in these conclusions with the Secretary-General being asked to prepare a comprehensive report in 2010 on the situation of children affected by the LRA, paying particular attention to cross-border issues.

The Council has long been criticised for not acting quickly or decisively enough on the LRA situation. When it did take up the issue it chose to use only presidential statements which had little, if any, impact on LRA activities. Sensitivity about issues in the DRC or related to

peace negotiations appears to have been a factor in the Council's timid approach on this issue. Reluctance on the part of Uganda to any external oversight of the issue was also a factor.

While the UN children and armed conflict machinery was successful in persuading the UPDF and LDUs to stop recruiting and using children it failed to make any inroads with the LRA.

The Working Group on its part has not shown an inclination to pursue stronger measures against the LRA. This may partly be due to the situation being considered an Annex II situation which is not on the Council's agenda.

In addition, the gap between reports and conclusions on this issue may have affected the credibility of the Working Group.

The Uganda/LRA case involving children and armed conflict was approached by the Working Group through a country-specific lens which was not very effective for what was essentially a regional problem by the time the Working Group took it up. It took several years for the Working Group to seriously adapt its thinking so that this issue could be considered regionally.

Another weakness in the handling of this issue was the lack of coordination between the Council and the Working Group. A silo approach resulted in neither body seeming to see the problems of situations being discussed under different headings by the Working Group and the Council. The LRA situation was being considered under "Uganda" by the Working Group and therefore was placed in Annex II (since Uganda was not on the Council's formal agenda) while the Council was covering the same ground either under the agenda item "the situation in Africa" or during

discussions on the "Great Lakes". With more foresight this issue could have been treated from the outset as a regional issue by the Working Group following the example of the Council. This might have allowed it to be considered under Annex I, opening up the possibility of stronger recommendations.

In addition, the different approaches to this issue meant that the possibility of coordinated action was very slim and there is little evidence of the Council using the conclusions of the Working Group in its discussions.

Since the beginning of 2009 Uganda has been an elected member of the Council. By the time it was elected to the Council the UPDF and the LDU were no longer listed. Uganda took the firm position that because the LRA was not operating in Uganda therefore this should be treated as a regional issue. This no doubt helped the shift taking place in the Working Group's perception of this issue. This appears to have allowed Uganda to contribute actively and constructively.

6. Council Dynamics

There have been considerable changes in 2009 for the members of the Working Group. In January the chair changed for the first time with Mexico taking over from France. France had held the chair since the start of the Working Group in 2005.

Mexico has worked at being inclusive and transparent in its chairmanship of the Working Group. It has also tried to improve communication between the Working Group and the Secretariat, as well as with UNICEF and the Group of Friends on Children and Armed Conflict.

The departure in 2009 of a number of experts from permanent members who had been involved with the Working Group since its early days also brought about changes and a new mix of both elected and permanent members. The dynamic in 2008 was affected by the sharp differences among some of the members over key issues. In 2009 the atmosphere improved but there were still differences that made some negotiations difficult. In the first half of the year the Working Group became stalemated for half a year on the negotiations on the conclusions for Afghanistan. This was largely due to the differences between just two members, Russia and the US, over the issue of whether the International Security Assistance Force had violated international humanitarian law as a result of civilian casualties.

On balance however, the dynamics in the Working Group improved during 2009 to the extent that there was sufficient political will among members to successfully negotiate both a substantive presidential statement (S/PRST/2009/9) and a significant resolution (S/RES/1882). In 2008 it had seemed unlikely that members would be able to agree on expanding the criteria for groups to be included in the Secretary-General's list. However, by early 2009 Russia—which had previously wanted any expansion to include all six criteria—was willing to compromise on a progressive approach starting with two additional criteria as long as one of them was killing and maiming. The language on the two new triggers needed lengthy discussions. Another difficult area was whether to include more specific language on stronger action against persistent violators.

China in 2009 proposed setting clear priorities for the Working Group so that it might be able to decrease its workload.

It was also concerned about the listing and delisting criteria and was keen for the Working Group to gain some control over this area.

At the start of the year France worked closely with Mexico in transferring its institutional memory and continues to be an involved player. In some ways not having the chairmanship has freed France to push harder on some issues as was seen during the negotiations on resolution 1882. It has also spoken out frankly about the need for the Working Group to follow up conclusions more effectively, to be more responsive to new crises and to be more transparent.

The UK and the US continued to play an active and supportive role on this issue in 2009. However, both countries saw personnel changes during the year, as did Russia. As a result there is now little human memory of the genesis of the Working Group and institutional memory has considerable gaps.

Many of the elected members have been very active and were generally very involved in the big decisions made in 2009. Austria, Croatia and Costa Rica were particularly committed to this issue and played an important role in the discussions of the Working Group. Some elected members in 2009 like Turkey and Viet Nam, have had some issues with the modes of interactions with non-state actors. Turkey prefers that dialogue with non-state actors should be left to the UN country teams. Another area where Turkey has had some issues is in endorsing the Paris Commitments and the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups in the Working Group's conclusions as it is neither a negotiated nor a UN document. (These are a set of guidelines on the DDR of children associated with armed groups. Since 2007 when it

was introduced at the Free Children from War Conference—more commonly known as the Paris Conference—76 member states have committed to the principles and guidelines.)

With Uganda joining the Council in January 2009, the Working Group for the first time had a member directly interested in an issue on the work programme. Uganda appears to have been a constructive player in discussions on the LRA.

7. Future Options

Options for the Council include:

- establishing a practice for the chair of the Working Group to brief the experts drafting resolutions on all country-specific situations with a children and armed conflict angle ahead of renewing mission mandates or adopting a new resolution;
- the president of the Council writing to the Secretary-General reminding him of the request for administrative and substantive support in resolution 1882 and asking for him to act on it within a specific time-frame; and
- requesting the Secretary-General to report fully on the effects on child protection issues in Chad and CAR before the mandate terminates.

Areas of possible focus of the Council in the next open debate, expected in June, include the following.

- The problems of interacting with non-state actors. This has arisen as an issue of concern in other thematic issues like protection of civilians. The Council could consider follow-up to the Arria formula meeting in connection with the debate on protection of civilians that has been suggested for July relevant to children and armed conflict.
- A discussion on the overlap of the dif-

ferent thematic issues and new ways of working that would allow for more effective Council oversight of these issues. The increasing convergence with children and armed conflict and sexual violence could require a rethinking of how these issues are being handled by the Council.

- The need to include protection of children more concretely in future Council outcomes on peacekeeping and peacebuilding. It is becoming clear that the protection needs of children do not end once the conflict is over.
- Request a review of the children and armed conflict infrastructure by June 2011 to coincide with the sixth anniversary of the setting up of the Working Group and the monitoring and reporting mechanism.

Options for improving the impact of the Working Group include the following.

- Requesting the Secretary-General to provide the Working Group with a mid-term review of the conclusions of each situation. For easy comprehension the review could be set out in a chart which clearly shows what has been asked for and action taken by the responsible parties.
- Including more systematic follow-up information in the so called horizontal note presented at the formal Working Group meetings by UNICEF and the Special Representative's office. (The horizontal note provides an overview of conflicts not in the Secretary-General's annexes, as well as an update of some situations on the annexes.)
- Revisiting the possibility of targeted sanctions in cases of persistent non-compliance.
- Requesting the Working Group chair to share, on a regular time-table, information collected and reported through the monitoring and reporting mechanism as background information for the ICC.

- Initiating visits of the chair of the Working Group (or the full Working Group) to some situations on the annexes.
- Agreeing on having Arria formula meetings if there is a crisis with protection of children's issues so that NGOs can brief members.
- Requesting that the overview presented at each formal meeting by UNICEF and the Special Representative contains substantive information on a current crisis. The Working Group could use this as the basis for possible action.
- Considering ways of making the Working Group's work programme more flexible so that it can take up fast changing situations ahead of what may be on the agenda.
- Following resolution 1882's request for enhanced communication between the Working Group and relevant Security Council sanctions committees, an option is to first establish a clear channel of communication between the Working Group and relevant sanctions committees. One possible device to achieve this might be to have the Special Representative brief the sanctions committees regularly. The Special Representative briefed the DRC Sanctions Committee on 21 May but this appears to be a one-off briefing. Other than the DRC, other sanctions committees that are relevant to the situations on the Secretary-General's annexes are those on Sudan and Somalia.
- Streamlining information between the Working Group and sanctions committees and ensuring that child recruitment and its use becomes a regular feature of the mandate of sanctions committees. An option to help establish this link is having the chairs of the relevant committees attend Working Group meetings.
- Increasing transparency of the work of the Working Group by opening up part of its formal meetings. The Working Group has discussed the possibility of having the presentation of the new report and remarks by the representative of the situation be held as an open meeting. Having the work programme of the Working Group published as a public document would also be a step towards greater transparency.
- Improving information flowing to the Working Group through greater interaction with NGOs and the Canadian-led Friends on Children and Armed Conflict. One possibility would be to start regular briefings with these groups as the Working Group considers conclusions to situations on its agenda.
- Improving efficiency and transparency and keeping track of documents over the years by issuing all Working Group-related correspondence, including follow-up correspondence, as UN documents (under the S/AC.51 document heading). Currently letters from the president of the Council to the Secretary-General are occasionally issued as a UN document but this is not being done consistently. This has become all the more urgent as it looks like the chair will now rotate among non-permanent members every two years. (By the end of 2010 the chairmanship will need to rotate from Mexico, who will be leaving the Council, to another non-permanent member.)
- Requesting the Secretary-General to provide an assessment of the impact of different recommendations since 2006 and using this as a basis for a review of the options in the tool-kit and updating it with new tools and additional information capturing developments in the use of the tools over the years.

8. UN Documents

Security Council Resolutions

- S/RES/1921 (12 May 2010) renewed UNMIN till 15 September 2010.
- S/RES/1909 (21 January 2010) renewed UNMIN for four months.
- S/RES/1894 (11 November 2009) was on protection of civilians
- S/RES/1889 (5 October 2009) was on women, peace and security.
- S/RES/1888 (30 September 2009) was on sexual violence.
- S/RES/1885 (15 September 2009) renewed UNMIL.
- S/RES/1883 (7 August 2009) was on UNAMI.
- S/RES/1882 (4 August 2009) was the latest children and armed conflict resolution which expanded the trigger to include killing and maiming and sexual violence.
- S/RES/1879 (23 July 2009) renewed UNMIN for a year, welcomed the decision to formally launch the discharge and rehabilitation process for disqualified army personnel and called on all parties to implement the process fully and expeditiously.
- S/RES/1870 (20 May 2009) renewed UNMIS for a year and stressed the need for support for reintegration of children with their families and the need to monitor the reintegration process.
- S/RES/1868 (23 March 2009) renewed UNAMA.
- S/RES/1864 (23 January 2009) extended UNMIN's mandate for six months and for the first time included language on the need to release former child soldiers in cantonment sites.
- S/RES/1857 (22 December 2008) renewed the arms embargo in the DRC and travel and financial measures against individuals targeting children in armed conflict.



- S/RES/1856 (22 December 2008) renewed MONUC for one year and demanded that all armed groups, in particular the LRA, immediately stop recruiting and release all children associated with them.
- S/RES/1820 (19 June 2008) stressed that sexual violence as a tactic of war can significantly exacerbate situations of armed conflict; demanded all parties to immediately protect civilians from all forms of sexual violence; and affirmed its intention to consider targeted sanctions against perpetrators.
- S/RES/1812 (30 April 2008) reauthorised UNMIS until 30 April and contained significant references and requests relating to the protection, release and reintegration of children.
- S/RES/1825 (23 July 2008) renewed UNMIN.
- S/RES/1796 (23 January 2008) renewed UNMIN.
- S/RES/1755 (30 April 2007) renewed UNMIS.
- S/RES/1740 (23 January 2007) established UNMIN.
- S/RES/1698 (31 July 2006) renewed sanctions and extended them to political and military leaders responsible for recruiting children and individuals who use children in armed conflict in the DRC
- S/RES/1688 (16 June 2006) requested the Secretary-General to assist in the transfer of former Liberian President Charles Taylor to the Hague.
- S/RES/1663 (24 March 2006) specified that the 1653 report should include recommendations on dealing with the LRA and should be issued by 24 April 2006.
- S/RES/1612 (26 July 2005) requested the Secretary-General to implement a monitoring and

reporting mechanism and set up a working group on children and armed conflict.

- S/RES/1539 (22 April 2004) asked for an action plan for a systematic and comprehensive monitoring and reporting mechanism on recruitment and use of child soldiers.
- S/RES/1460 (30 January 2003) requested specific proposals to ensure more efficient and effective monitoring and reporting on children and armed conflict. It also asked the Secretary-General to include this issue in his country-specific reports.
- S/RES/1379 (20 November 2001) requested the Secretary-General to attach to his annual children and armed conflict report a list of parties to armed conflict that recruit or use children.
- S/RES/1314 (11 August 2000) urged member states to sign and ratify the Optional Protocol on the Rights of the Child on the Involvement of Children in Armed Conflict.
- S/RES/1261 (30 August 1999) condemned the targeting of children in situations of armed conflict, urged parties to armed conflict to take into consideration protection of children and requested states to facilitate DDR.

Selected Presidential Statements

- S/PRST/2009/30 (16 November 2009) was on UNAMI's role in Iraq and condemned the recent terrorist attacks in Baghdad.
- S/PRST/2009/24 (5 August 2009) was on peacekeeping.
- S/PRST/2009/23 (22 July 2009) was on post-conflict peacebuilding.
- S/PRST/2009/15 (15 May 2009) was on the fighting in Somalia.
- S/PRST/2009/12 (8 May 2009) was on the situation in Chad and CAR.

- S/PRST/2009/12 (5 May 2009) was on the political situation in Nepal.
- S/PRST/2009/8 (21 April 2009) was on mediation.
- S/PRST/2009/9 (29 April 2009) was on children and armed conflict.
- S/PRST/2009/5 (7 April 2009) set up BINUCA.
- S/PRST/2009/3 (18 March 2009) was the Prodi Report, focusing on cooperation between the UN and the AU in peacekeeping.
- S/PRST/2009/1 (14 January 2009) was on protection of civilians.
- S/PRST/2008/48 (22 December 2008) condemned Joseph Kony's repeated failure to sign the Final Peace Agreement, strongly condemned the recent attacks by LRA in the DRC and southern Sudan, recalled the ICC arrest warrant for certain LRA leaders, welcomed the joint efforts made by countries in the region to address the security threat posed by LRA and welcomed the reestablishment of peace and security in northern Uganda.
- S/PRST/2008/28 (17 July 2008) reiterated the need for stronger focus by all parties concerned on the long-term effects of armed conflict on children and the impediments to their rehabilitation and reintegration.
- S/PRST/2008/38 (21 October 2008) strongly condemned the attacks by the LRA in the DRC and recalled the ICC indictments against members of the LRA leadership.
- 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 of 1612.
- S/PRST/2007/6 (22 March 2007) urged the LRA to release all women, children and other

non-combatants.

- S/PRST/2006/48 (28 November 2006) was on children and armed conflict.
- S/PRST/2006/45 (16 November 2006) was on the LRA, demanding the immediate release of women, children and other combatants in accordance with 1612.
- S/PRST/2006/33 (24 July 2006) was on children and armed conflict.
- S/PRST/2005/8 (23 February 2005) was on children and armed conflict.
- S/PRST/2002/12 (7 May 2002) was on children and armed conflict.
- S/PRST/1998/18 (29 June 1998) was the first presidential statement on children and armed conflict by the Council.

Selected Secretary-General's Reports on Children and Armed Conflict

- S/2010/181 (13 April 2010) was the ninth report.
- S/2010/183 (13 April 2010) in Nepal
- S/2010/36 (21 January 2010) in the Philippines
- S/2009/462 (15 September 2009) in Uganda
- S/2009/450 (10 September 2009) in Burundi
- S/2009/434 (28 August 2009) in Colombia
- S/2009/325 (25 June 2009) in Sri Lanka
- S/2009/278 (1 June 2009) in Myanmar
- S/2009/158 (26 March 2009) was the eighth annual report.
- S/2009/84 (10 February 2009) in Sudan
- S/2009/66 (3 February 2009) in CAR
- S/2008/693 (10 November 2008) in the DRC
- S/2008/695 (10 November 2008) in Afghanistan
- S/2008/532 (7 August 2008) in Chad
- S/2008/409 (23 June 2008)

in Uganda

- S/2008/352 (30 May 2008) in Somalia
- S/2008/272 (24 April 2008) in the Philippines
- S/2008/259 (18 April 2008) in Nepal
- S/2007/758 (21 December 2007) in Sri Lanka
- S/2007/757 (21 December 2007) was the seventh annual report.
- S/2007/686 (28 November 2007) in Burundi
- S/2007/666 (16 November 2007) in Myanmar
- S/2007/515 (30 August 2007) in Côte d'Ivoire
- S/2007/520 (29 August 2007) in Sudan
- S/2007/400 (3 July 2007) in Chad
- S/2007/391 (28 June 2007) in the DRC
- S/2007/260 (7 May 2007) in Uganda
- S/2007/259 (7 May 2007) in Somalia
- S/2006/1007 (20 December 2006) in Nepal
- S/2006/1006 (20 December 2006) in Sri Lanka
- S/2006/851 (27 October 2006) and Corr. 1 (6 November 2006) in Burundi
- S/2006/835 (25 October 2006) in Côte d'Ivoire
- S/2006/826 (26 October 2006) and Corr. 1 (5 December 2006) was the sixth annual report.
- S/2006/662 (17 August 2006) in Sudan
- S/2006/389 (13 June 2006) in the DRC
- S/2005/72 (9 February 2005) was the fifth annual report which contained the details of a monitoring and reporting mechanism and a working group for children and armed conflict.
- S/2003/1053 (10 November 2003), Corr 1 (20 February 2004)

- and Corr 2 (19 April 2004) was the fourth annual report and suggested that six egregious violations against children should receive priority in monitoring operations. It also attached for the first time a list of other parties to armed conflict that recruit or use children in Annex II.
- S/2002/1299 (26 November 2002) was the third annual report and called for a move towards an "era of application" and included a list of parties to armed conflict that recruit or use children in situations on the Council's agenda.
 - S/2001/852 (7 September 2001) was the second annual report and reported on the implementation of resolution 1314 and covered the measures needed to protect children during and after armed conflict.
 - S/2000/712 (19 July 2000) was the first report of the Secretary-General on children and armed conflict to the Council.

Selected Secretary-General's Country-Specific Reports

- S/2009/623 (4 December 2009) was on the DRC.
- S/2009/611 (30 November 2009) was on Burundi.
- S/2009/553 (26 October 2009) was on Nepal.
- S/2009/545 (21 October 2009) was on Sudan.
- S/2009/535 (14 October 2009) was on Chad/CAR.
- S/2009/495 (29 September 2009) was on Côte d'Ivoire.
- S/2009/472 (18 September 2009) was on the DRC.
- S/2009/362 (20 August 2009) was on sexual violence.
- S/2009/359 (14 July 2009) was on Chad/CAR.
- S/2009/357 (14 July 2009) was on Sudan.
- S/2009/351 (13 July 2009) was



on Nepal.

- S/2009/335 (30 June 2009) was on the DRC.
- S/2009/270 (22 May 2009) was on Burundi.
- S/2009/211 (17 April 2009) was on Sudan
- S/2009/201 (14 April 2009) was on UNAMID.
- S/2009/199 (14 April 2009) was on Chad/CAR.
- S/2009/196 (13 April 2009) was on Côte d'Ivoire.
- S/2009/160 (27 March 2009) was on the DRC.
- S/2009/135 (10 March 2009) was on Afghanistan.
- S/2009/132 (9 March 2009) was on Somalia.
- S/2009/129 (6 March 2009) was on Haiti.
- S/2009/83 (10 February 2009) was on UNAMID.
- S/2009/61 (30 January 2009) was on Sudan.
- S/2009/1 (2 January 2009) was on Nepal.
- S/2008/662 (20 October 2008) on Sudan contained a child protection section.
- S/2008/454 (10 July 2008), S/2008/313 (12 May 2008) and S/2008/5 (3 January 2008) on Nepal included a section on "Gender, Social Inclusion and Child Protection" and within this section is the mention of children in Maoist cantonments.
- S/2008/451 (10 July 2008) on Côte d'Ivoire contained a separate section on child protection.
- S/2008/433 (3 July 2008) mentions reports of child soldiers among armed groups and contains a section on child protection.
- S/2008/330 (15 May 2008) on Burundi contained a child protection section and mentioned the successful separation of children

from FNL sites in its "Observations" section.

- S/2008/218 (2 April 2008) on the DRC contained a separate section on children in armed groups.
- S/2008/202 (26 March 2008) on Haiti contained a child protection section and voiced concern over the kidnapping and trafficking of children and rape of girls.
- S/1999/836 (30 July 1999) on Sierra Leone highlighted the need for UNAMSIL to address the needs of children and sought approval for child protection advisers to be part of the mission.

Security Council Debates on Children and Armed Conflict

- S/PV.6176 (4 August 2010)
- S/PV.6114 and res. 1 (29 April 2009)
- S/PV.5936 and resumption 1 (17 July 2008)
- S/PV.5834 (12 February 2008)
- S/PV.5573 (28 November 2006)
- S/PV.5494 (24 July 2006)
- S/PV.5129 (23 February 2005) and resumption 1 (23 February 2005)
- S/PV.4948 (22 April 2004) and resumption 1 (20 January 2004)
- S/PV.4898 (20 January 2004)
- S/PV.4695 (30 January 2003)
- S/PV.4684 (14 January 2003)
- S/PV.4528 (7 May 2002)
- S/PV.4423 (20 November 2001)
- S/PV.4048 (24 September 1999)
- S/PV.3896 (29 June 1998)

Conclusions of the Working Group

- S/AC.51/2009/6 (21 December 2009) on Burundi
- S/AC.51/2009/5 (21 December 2009) on Sudan
- S/AC.51/2009/4 (28 October 2009) on Myanmar
- S/AC.51/2009/3 (13 July 2009) on the DRC
- S/AC.51/2009/2 (13 July 2009) on CAR
- S/AC.51/2009/1 (13 July 2009)

on Afghanistan

- S/AC.51/2008/15 (5 December 2008) on Chad
- S/AC.51/2008/14 (5 December 2008) on Somalia
- S/AC.51/2008/13 (5 December 2008) on Uganda
- S/AC.51/2008/12 (5 December 2008) on Nepal
- S/AC.51/2008/11 (21 October 2008) on Sri Lanka
- S/AC.51/2008/10 (3 October 2008) on the Philippines
- S/AC.51/2008/8 (25 July 2008) on Myanmar
- S/AC.51/2008/5 (1 February 2008) and Corr. 1 (25 March 2008) on Côte d'Ivoire
- S/AC.51/2008/6 (5 February 2008) on Burundi
- S/AC.51/2008/7 (5 February 2008) on Sudan
- S/AC.51/2007/17 (25 October 2007) on the DRC
- S/AC.51/2007/16 (24 September 2007) on Chad
- S/AC.51/2007/14 (20 July 2007) on Somalia
- S/AC.51/2007/12 (20 July 2007) on Uganda
- S/AC.51/2007/9 (13 June 2007) on Sri Lanka
- S/AC.51/2007/8 (12 June 2007) on Nepal
- S/2007/93 (13 February 2007) on Côte d'Ivoire
- S/2007/92 (13 February 2007) on Burundi
- S/2006/971 (1 December 2006) on Sudan
- S/2006/724 (8 September 2006) on the DRC and the tool-kit

Public Statements by the Working Group

- S/AC.51/2007/15 (20 July 2007) was the statement by the chair addressed to all the parties to the conflict in Somalia.
- S/AC.51/2007/13 (20 July 2007)

was the message to the head of the LRA delegation to the Juba peace talks through a public statement by the chair to be transmitted by the Special Envoy for the areas affected by the LRA.

- S/AC.51/2007/11 (13 June 2007) was the statement by the chair addressed to the leadership of the TMVP and its military wing, the Karuna faction.
- S/AC.51/2007/10 (13 June 2007) was the statement by the chair addressed to the leadership of the LTTE.

Selected General Assembly Documents

- A/63/227 (6 August 2008); A/62/228 (13 August 2007); A/61/275 (17 August 2006); A/60/335 (7 September 2005) and Corr. 1 (23 November 2005); A/59/426 (8 October 2004); A/58/328 (29 August 2003) and Corr. 1 (16 January 2004); A/57/402 (25 September 2002); A/56/453 (9 October 2001); A/55/442 (3 October 2000); A/54/430 (1 October 1999); and A/53/482 (12 October 1998) were the reports by the Special Representative to the Secretary-General for Children and Armed Conflict
- A/RES/51/77 (20 February 1997) recommended that the Secretary-General appoint for a period of three years a Special Representative for the impact of armed conflict on children.
- A/51/306/Add.1 (9 September 1996) was the Machel Report on children and armed conflict.
- A/RES/48/157 (20 December 1993) recommended the Secretary-General appoint an independent expert to study the impact of armed conflict on children.
- A/44/736 (17 November 1989) adopted and opened for signature,

ratification and accession the Convention on the Rights of the Child.

Selected Letters

- S/2009/378 (20 July 2009) was from the chair of the Working Group submitting his report on its activities from 1 July 2008 to 30 June 2009.
- S/2008/455 (11 July 2008) was from the chair of the Working Group submitting his report on its activities from 1 July 2007 to 30 June 2008.
- S/2009/243 (12 May 2009) contained the terms of reference for the 14-21 May Council mission to Africa.
- S/2009/139 (10 March 2009) contained the terms of reference for the 11-14 March Council mission to Haiti.
- S/AC.51/2008/4 (14 January 2008) was from the president of the Council following up the recommendations of the Working Group to write to the chair of the DRC sanctions committee.
- S/AC.51/2008/3 (14 January 2008) was from the president of the Council following up the recommendations of the Working Group to write to the permanent representative of Rwanda welcoming the government's cooperation and inviting it to help further in addressing the issue of protection of children.
- S/AC.51/2008/2 (14 January 2008) was from the president of the Council following-up recommendations from the Working Group to welcome the cooperation of the Government of the DRC.
- S/AC.51/2008/1 (14 January 2008) was from the president of the Council following up recommendations from the Working Group to remind the Secretary-General of MONUC's mandate to protect

children and to invite him to call on the international community to increase funding for reintegration programmes.

- S/2007/423 (16 July 2007) was from the chair of the DRC Sanctions Committee submitting the report of the Group of Experts. The report discussed child recruitment and protection of children in combat zones.
- S/2007/428 (10 July 2007) was from the chair of the Working Group submitting a report on its activities since July 2006.
- S/2007/189 (4 April 2007) was from the Permanent Representatives of Myanmar, Nepal, the Philippines, Sri Lanka, Sudan and Uganda urging the Secretary-General to ensure the monitoring and reporting mechanism on children and armed conflict abided by the provisions of resolution 1612.
- S/2007/79 (9 February 2007) was from Rwanda objecting to the late receipt of a letter by the Council president on the Working Group concerning the movements of Congolese rebel leader General Laurent Nkunda.
- S/2006/1048 (28 December 2006) was from the chair of the DRC Sanctions Committee transmitting its report which described the extension of sanctions to individuals targeting children in conflict situations.
- S/2006/920 (22 November 2006) contained the 9 August letters to the Secretary-General by the SPA and Maoists asking for continued human rights monitoring in Nepal.
- S/2006/497 (10 July 2006) was from the chair of the working group submitting a report on its activities since the adoption of resolution 1612.

Other

- S/2009/303 (11 June 2009) was the report of the Council trip to the AU, Rwanda, the DRC and Liberia.
- S/2008/773 (12 December 2008) was the Group of Experts on DRC report that found Nkunda's party complicit in human rights abuses.
- S/2008/442 (7 July 2008) was the concept paper by Viet Nam for a Council debate on children and armed conflict.
- S/PV.5576 (1 December 2006) was the meeting in which the Council took up Nepal for the first time.
- S/2006/275 (2 May 2006) set out the terms of reference for the Working Group on Children and Armed Conflict.
- S/2005/716 (14 November 2005) was the report of the Security Council mission to Central Africa, 4-11 November 2005.
- S/2005/659 (20 October 2005) was a note announcing the election of France as the chair of the working group.
- A/CONF./183/9 (1 July 2002) was the Rome Statute for ICC (entered into force 1 July 2002).
- A/RES/54/263 (16 March 2001) was the Optional Protocol to the Convention on the Rights of the Child.
- Convention 182 (17 June 1999) was the convention on the worst forms of child labour.

9. Useful Additional Sources

- *Mainstreaming the protection rights, and well-being of children affected by armed conflict within UN Peacekeeping Operations*, DPKO and DFS, 1 June 2009
- *UN Security Council Resolution 1612 and Beyond: Strengthening Protection*

for Children in Armed Conflict, Watchlist on Children and Armed Conflict, May 2009

- *Machel Study 10-year strategic review, Children and Conflict in a Changing World*, UNICEF, April 2009
- *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, Independent Study Commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, November 2009

10. Annexes

10.1 Methods of Research

Our first cross-cutting report in 2008 focused on the five years from 2003 through 2007 in an attempt to assess the impact of resolution 1612 and the level of success in mainstreaming children's issues into the Council's activities across the range of issues and situations on its agenda. The second report followed-up by assessing key developments in 2008. Comparisons were made between the findings for 2008 and previous years to try and establish Council trends in the protection of children. This third report continues the series by assessing developments in 2009 and analysing statistical information on this thematic issue in country-specific decisions of the Council. (Please see the Annex II for historical and background information.)

Information was obtained through research interviews with members of the Working Group on Children and Armed Conflict, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, members of the Group of Friends of Children and Armed Conflict and NGOs, as well as from publicly available documents.

Statistical data was obtained from documents of the Council and international legal documents. In analysing Council statistics, only those decisions deemed relevant (decisions that could reasonably be expected to include some consideration of child protection issues) were assessed—rather than the total number of Council decisions adopted. As a result, several technical and other decisions not relevant to children's issues were excluded from the comparison. In the case of Secretary-General's country-specific reports and peace agreements, because the Council had made a decision that children's issues should be included in all reports and all peace agreements, our analysis is based on the total number of these reports and agreements.

The relatively small number of relevant decisions made in the period studied does not allow for accurate statistical conclusions. Rather, the study uses the numerical data to establish possible evolving patterns in the work of the Council on children and armed conflict.

Our report does not attempt to delve into the success of the monitoring and reporting mechanism on the ground. This is an aspect that has been well covered elsewhere. Several NGOs with extensive field experience are involved in researching this issue and have published significant reports.

10.2 Background Information

Historical Development of the Issue of Children and Armed Conflict

From the late 1990s the Council started to pay sustained attention to the issue of children in war zones. Members expressed concern about the huge rise in the numbers of displaced families and communities, refugee flows across borders and the use of child soldiers—conditions conducive to long-term regional and international instability.

The protection of war-affected children was first spotlighted at the World Summit for Children in 1990. In the follow-up to the World Summit, the General Assembly debates on children and armed conflict continued to draw international attention to the fate of children in war-torn areas.

In 1993, the General Assembly asked the Secretary-General to undertake a study of the impact of armed conflict on children. The Secretary-General appointed Graça Machel, a former Minister of Education in Mozambique, to conduct it. Her 1996 report, *Impact of Armed Conflict on Children*, laid the foundation for a comprehensive international agenda for action. Among her recommendations was that:

The Council should therefore...be kept continually and fully aware of humanitarian concerns, including child-specific concerns in its actions to resolve conflicts, to keep or to enforce peace or to implement peace agreements. (A/51/306, para.282)

The Machel Report led to the creation of the post of the Special Representative of the Secretary-General for Children and Armed Conflict and the appointment in September 1997 of Olara Otunnu as the first executive. In June 1998, he was invited to brief the Security Council in what was the Council's first open debate on the subject. The debate gave rise to the first Council decision on the issue, a presidential statement adopted on 29 June 1998, which placed this issue squarely on the international security agenda.

Since 1999, the Council has been actively seized of this issue. In recent years this topic has emerged as the most developed and innovative of the thematic issues. Regular Council

debates are held, seven resolutions have been adopted and a working group and monitoring and reporting mechanism have been created to provide regular country-specific reports and recommendations.

Security Council Resolutions on Children and Armed Conflict

The first two resolutions, 1261 of 1999 and 1314 of 2000, identified areas of concern such as the protection of children from sexual abuse; the linkage between small arms proliferation and armed conflict; and the inclusion of children in DDR initiatives. At this early stage, the resolutions contained essentially generic statements and had a limited impact.

From 2001 onwards the resolutions included concrete provisions. One of the most groundbreaking and controversial was the request in resolution 1379 of November 2001 for the Secretary-General to attach to his report: *a list of parties to armed conflict that recruit or use children in violation of the international obligations applicable to them, in situations that are on the Security Council's agenda or that may be brought to the attention of the Security Council by the Secretary-General, in accordance with Article 99 of the Charter of the United Nations, which in his opinion may threaten the maintenance of international peace and security...*

Nevertheless, there was little evidence on the ground that these measures were successful in getting armed groups and governments to stop violations of international norms. In light of this, in 2003 in resolution 1460, the Council endorsed the Secretary-General's call to move into an "era of application". The Secretary-General was asked:

- to report on the progress made by parties in stopping the recruitment or

use of children in armed conflict;

- to develop specific proposals for monitoring and reporting on the application of international norms on children and armed conflict; and
- to include protection of children in armed conflict as a specific aspect of all his country-specific reports.

A further decision in 2004, in resolution 1539, requested that the Secretary-General "devise urgently" an action plan for a comprehensive monitoring and reporting mechanism that could provide accurate and timely information on grave violations against children in war zones. The resolution asked for parties listed in the Secretary-General's reports to prepare concrete plans to stop the recruitment and use of children in armed conflict.

A major breakthrough came the following year in resolution 1612 with the establishment of a formal monitoring and reporting mechanism and a Security Council Working Group on Children and Armed Conflict. The Council agreed to set up a mechanism to report on killings, abduction, abuse and sexual exploitation of children in armed conflict, the recruiting of child soldiers and attacks on schools and hospitals. The resolution was partly a response to the lack of accurate information and action plans requested in resolution 1539 and aimed at stopping the use of child soldiers and the exploitation of children in war zones by governments and insurgent armed groups.

Negotiations, led by France and Benin, took months with many states wary about targeting individual countries. The resolution also reaffirmed the Council's intention to consider imposing targeted sanctions, including arms embargoes, travel bans and financial restrictions, against parties that continued to violate



international law relating to children in armed conflict.

Resolution 1882 was adopted on 4 August 2009. It expanded the criteria for identifying state and non-state parties that could be included in the Secretary-General's annexes to include killing and maiming and/or rape and other sexual violence against children. The resolution also called on parties engaged in killing and maiming and sexual violence against children to prepare action plans outlining steps to stop these crimes.

Secretary-General's Reports on Children and Armed Conflict

The Secretary-General's reports have played a key role in the conceptual development of this issue in partnership with the Council. The early reports began by documenting the problem and describing situations where children were affected by armed conflict. But beginning in 2002, the reports of the Secretary-General began to call for a strengthened framework and a move towards action. This sought to address the lack of real progress in stopping groups from recruiting and using children in armed conflict. In 2003, the Council in resolution 1460 endorsed the Secretary-General's call for an "era of application". This was the first step towards a system that could afford a higher degree of accountability for those committing crimes against children.

A controversial aspect of the Secretary-General's reports had been the proposal for "naming and shaming" annexes, lists of parties to armed conflict that recruit or use children in violation of international obligations. The Council accepted the challenge and in 2001, in resolution 1379, requested the Secretary-General to create two sets of lists: one for situations on

the Council's agenda, and one for situations that could be brought to the attention of the Security Council by the Secretary-General in accordance with article 99 of the UN Charter. (The latter provision allows the Secretary-General to refer to the Council a situation that may threaten international peace and security.) Having a list, identified by the Secretary-General and endorsed by the Council, that actually named parties was significant. It was the first step towards putting pressure on those concerned to stop abusing children, or at minimum, devising plans to reach this goal.

In 2002, the Secretary-General provided the first list of parties involved in recruiting

and using children in armed conflict. It was a relatively conservative list and attached only an annex of parties involved in conflict situations that were already on the agenda of the Council. In that report conflict situations not on the agenda of the Council were mentioned in the body of the report but not listed separately. The following year the Secretary-General's report began the practice of having two annexes, Annex I listing the situations of armed conflict where parties recruit or use children on the Council's agenda, and Annex II listing situations not on the agenda of the Council.

The situations listed in Annex I and Annex II in the Secretary-General's reports since 2002 are tabulated below.

Reports	Situations of Armed Conflict where Parties Recruit or Use Children	
	Annex I (situations on the agenda of the Council)	Annex II (situations not on the agenda of the Council)
3 rd Report (26 November 2002)	Afghanistan, Burundi, DRC, Liberia, Somalia	
4 th Report (10 November 2003)	Afghanistan, Burundi, Côte d'Ivoire, the DRC, Liberia, Somalia	Chechnya, Colombia, Myanmar, Nepal, Northern Ireland, Philippines, Sri Lanka, Sudan, Uganda
5 th Report (9 February 2005)	Burundi, Côte d'Ivoire, the DRC, Somalia, Sudan	Colombia, Myanmar, Nepal, Philippines, Sri Lanka, Uganda
6 th Report (26 October 2006)	Burundi, Côte d'Ivoire, the DRC, Myanmar, Somalia, Sudan	Chad, Colombia, Nepal, Philippines, Sri Lanka, Uganda
7 th Report (21 December 2007)	Afghanistan, Burundi, CAR, the DRC, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Chad, Colombia, Philippines, Sri Lanka, Uganda
8 th Report (26 March 2009)	Afghanistan, Burundi, CAR, Chad, the DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Colombia, Philippines, Sri Lanka, Uganda
9 th Report (13 April 2010)	Afghanistan, CAR, Chad, the DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Colombia, Philippines, Sri Lanka, Uganda

The Council's Tools

The Council has developed a systematic framework and a concrete set of tools to enable the Council to pay serious attention to children and armed conflict.

The Council has:

- a Working Group on Children and Armed Conflict;
- a monitoring and reporting mechanism;
- support from a task force made up of UN agencies including UNICEF, the UNDP and the DPKO focused on gathering information on violations against children in armed conflict; and
- regular Secretary-General's reports containing two annexes of parties to armed conflict that recruit children: Annex I is made up of situations that are on the Council's formal agenda and Annex II are those not on the Council's agenda.

These tools were developed as a result of resolution 1612 adopted on 26 July 2005. It established the monitoring and reporting mechanism—a procedure for collecting data from the field, organising and verifying information on violations

against children in armed conflict and monitoring progress being made on the ground in complying with international norms by groups listed in the Secretary-General's annexes, which feed into his reports on children and armed conflict.

The Working Group was set up to consider the regular reports by the Secretary-General for each situation in the annexes.

Six criteria, or types of violations, are used for monitoring and reporting:

- recruiting and use of child soldiers;
- killing and maiming of children;
- rape and other grave sexual violence against children;
- attacks on schools and hospitals;
- abduction of children; and
- denial of humanitarian access to children.

The monitoring and reporting mechanism has now been established in all the conflicts listed in Annex I (those on the Council agenda): Afghanistan, Burundi, CAR, Côte d'Ivoire, the DRC, Myanmar, Nepal, Somalia, Southern Sudan and Darfur (which are considered together); and Annex II situations (those not on the

Council's agenda): Chad, Colombia, Philippines, Sri Lanka and Uganda.

The recruitment of children was the original trigger for placing a group on the Secretary-General's annexes. With the adoption of resolution 1882 in August 2009 two additional triggers were added: parties that engage in patterns of killing and maiming of children and/or rape and other sexual violence against children in situations of armed conflict.

The Working Group original aim was to meet every two to three months to consider two situation-specific reports from the Secretary-General and to adopt its conclusions on the last two reports considered. In the last two years it has found it difficult to keep to this schedule, particularly for the issuing of conclusions. Since being established in 2005 the Working Group has considered 31 reports and adopted 27 sets of conclusions. During its meetings it also reviews a "horizontal note" presented by UNICEF or the Secretariat which provides an overview of conflicts not on the Secretary-General's annexes and an update of some situations on the annexes.

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