



SECURITY COUNCIL REPORT

CROSS-CUTTING REPORT

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Children and Armed Conflict

On 4 February 2008 Security Council Report published its first *Cross-Cutting Report on Children and Armed Conflict*. It was designed to provide a benchmark to assess the extent to which the Council applied in practice, in concrete country-specific situations, the norms and principles developed in its thematic decisions addressing the impact of violence on children in armed conflict. The second cross-cutting report allows readers to assess what has been achieved over the 12 months since that 2008 benchmark report was published.

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1. Executive Summary and Conclusions

The 2008 *Cross-Cutting Report on Children and Armed Conflict* demonstrated that for more than a decade the issue of children and armed conflict was firmly entrenched as a significant thematic issue on the agenda of the Security Council. Since the late 1990s the Council had been paying close attention to the issue of children in war zones. Between 1999 and 2005 the Council adopted six resolutions, each one containing more concrete provisions to protect children. Its resolution 1612 of July 2005 was groundbreaking. It authorised the establishment of a monitoring and reporting mechanism at the field level and created the Security Council Working Group on Children and Armed Conflict.

Resolution 1612 provided the Council with new practical tools to potentially influence the impact of the country-specific work of the Council. This report focuses on developments in 2008 and again seeks to answer the question whether, in practice, in the work of the Council in country-specific situations on its agenda, it is incorporating the discussions, principles and norms developed at the thematic level.

Our 2008 report examined relevant data from 2003 to 2007 in resolutions, presidential statements, visiting missions, Secretary-General's reports, peace agreements and peacekeeping mandates. In this report we again look at the data from those same areas for 2008 and compare the results with those of our report of last year and give an updated assessment of the impact of the monitoring and reporting mechanism and the Council's Working Group on the mainstreaming of the issue of

children and armed conflict into the Council's overall work.

Among the findings:

- The recommendations of the Working Group generally are being integrated into the Council's country-specific resolutions and presidential statements. The quality of the references in the country-specific resolutions has improved, moving from only references to resolution 1612 to more substantive content, such as specific references calling for continued monitoring and reporting of the situation of children and attention to be paid to their protection, release and reintegration.
- Despite the fact that the Working Group's output in the first half of 2008 was greatly reduced (due to a lack of consensus on recommendations for Myanmar and differences over its working methods), references to children and armed conflict have continued to be included in the Council's country-specific decisions. This suggests the practice of including references to protection of children in the Council's country-specific work is gathering a momentum of its own.
- While in 2008 the Council's use of Working Group conclusions has become more detailed, Council actions seem to have become increasingly cautious. Some members appear reluctant to use stronger action against violators. Increasingly this is becoming, in practice, an obstacle to applying the full range of the Working Group's tool-kit.
- The Secretary-General's reports are paying slightly more attention to the issue of protection of children, but rarely in a separate section or with reference to the Working Group on



Children and Armed Conflict. There is still no systematic inclusion that reflects ongoing activities on protection of children arising from the monitoring and reporting mechanism or the output of the Working Group.

- Armed groups are increasingly committing to action plans and releasing children more readily. However, actual implementation has not accelerated. In the last three years since the Working Group began its work in earnest, only one situation (Côte d'Ivoire) has 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 annexes (effectively delisting it).
- Security Council missions in 2008 paid little attention to the issue of protection of children. This was clear from the Council's visit to Africa which covered Chad, Somalia and Sudan, all of which have parties on the Secretary-General's annexes and yet there appears to have been little discussion of the issue within the three countries.
- There is an increasingly longer gap between the release of the Secretary-General's children and armed conflict reports and the Working Group's conclusions. Parties on the Secretary-General's annexes may begin to feel less pressure to respond promptly.
- The Working Group may soon face hard choices on how to ensure the effectiveness of its recommendations, particularly in dealing with persistent violators.
- Transparency of the Working Group's actions and responses from parties is a growing issue. Documentation of actions taken and responses from parties is not systematic and not easily available to guide the Working Group's future work.

2. Methods of Research

Our 2008 study 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. This report follows up by assessing key developments in 2008. Comparisons are made between the findings for 2008 and previous years to try and establish Council trends in the protection of children. (Please see the annex 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 Secretary-General's Special Representative for Children and Armed Conflict and NGOs as well as from publicly available documents.

Statistical data was obtained from documents of the Council, international legal documents and peacekeeping mandates. In analysing Council statistics, only those decisions deemed relevant (decisions that could reasonably be expected to include some consideration of children's 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 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 also does not attempt to delve into the success of the monitoring and reporting mechanism on the ground. Several NGOs with extensive field experience are involved in researching this issue and have published significant reports.

3. The Council's Tools

Over the last decade since the issue of children and armed conflict came into the Council (please see the annex for a detailed description of the historical development of this issue) it has developed a systematic framework and a concrete set of tools to enable the Council to pay serious attention to the issue.

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 the UN Children's Fund (UNICEF), the UN Development Fund and the Department of Peacekeeping 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's agenda): Afghanistan, Burundi, the Central African Republic (CAR), Côte d'Ivoire, the Democratic Republic of the Congo (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 is the trigger for placing a group on the Secretary-General's annexes.

The Working Group aims to meet every two to three months, considers two situation-specific reports from the Secretary-General and adopts its conclusions on the last two reports considered. Since being established in 2005 the Working Group has considered 22 reports and adopted twenty conclusions. During its meetings it also

reviews a "horizontal note" presented by UNICEF or the Secretariat which provides an overview of other conflicts and an update of some situations on the annexes.

4. The Application of International Norms In 2008

Over the last year there were significant developments in the application of the international norms against individuals that recruit children. (More detailed information on the evolution of international standards for protecting children in armed conflict is contained in our *Cross-Cutting Report* of 4 February 2008.)

The International Criminal Court (ICC)—which has the power to investigate and try three categories of crime: crimes against humanity, war crimes (including the use of child soldiers) and genocide—has brought war crimes charges relating to the conscription, enlistment and active participation of children under the age of 15 in hostilities against members of armed groups in the DRC and Uganda

Thomas Lubanga from the DRC, the founder and former leader of the *Union des patriots congolais*, had been charged with the conscription and use of children under the age of 15. In November 2008 the ICC authorised proceedings to resume and the trial began on 26 January 2009. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict submitted an amicus curiae brief during the course of the proceedings in 2008 which was accepted by the Court. This trial is seen by many observers as significant in showing that the use of children in armed combat is a war crime that can be prosecuted at the international level.

5. Progress in the Application of Resolution 1612 in 2008

5.1 Monitoring and Reporting Mechanism

The monitoring and reporting mechanism has now been set up in all situations listed in the annexes of the Secretary-General's last report on children and armed conflict, including the Central African Republic which came onto Annex I only in 2007 and Afghanistan which came back onto Annex I in 2007 after an absence of about four years.

In 2008 there was a greater acceptance of the monitoring and reporting mechanism in Annex II situations compared to the end of 2007 when only Sri Lanka, Chad and Uganda had voluntarily agreed to set up the mechanism. During the year the mechanism was implemented in the Philippines and Colombia.

5.2 Security Council Working Group on Children and Armed Conflict

In 2008 the number of reports of the Secretary-General to the Working Group on Children and Armed Conflict dropped from nine to seven compared to the previous year.

In 2008, the interval between the Working Group considering reports and issuing conclusions increased considerably, from two to four months in 2007 to four to ten months in 2008. For example, Myanmar, which was considered in December 2007, had its conclusions published only in July 2008.

The Working Group's programme of work, which is usually adopted after the latest Secretary-General's annual report on children and armed conflict is published, continues to be a confidential



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

Annex I Situations	Report	Conclusions	Interval
Afghanistan	10 November 2008		
Burundi	6 November 2006	13 February 2007	3 months
	28 November 2007	5 February 2008	2 months
CAR	3 February 2009		
Côte d'Ivoire	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		
Myanmar	16 November 2007	25 July 2008	8 months
Nepal	20 December 2006	15 June 2007	6 months
	18 April 2008	5 December 2008	8 months
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	5 February 2008	5 months
Annex II Situations	Report	Conclusions	Interval
Chad	3 July 2007	24 September 2007	2 months
	7 August 2008	5 December 2008	4 months
Colombia			
Philippines	24 April 2008	3 October 2008	6 months
Sri Lanka	20 December 2006	15 June 2007	6 months
	21 December 2007	21 October 2008	10 months
Uganda	7 May 2007	20 July 2007	2 months
	23 June 2008 (additional report)	5 December 2008	5 months

document. While this has given the Working Group flexibility to adapt its work programme, it has led to criticism over a lack of transparency.

In 2008, the Secretary-General's reports on children and armed conflict included Nepal, Philippines, Somalia, Uganda, Chad, Afghanistan and the DRC. Of these, the Philippines and Afghanistan were first reports, Nepal and Somalia were on the second reporting cycle and the DRC on its third. Uganda was an additional report on the activities of the

Lord's Resistance Army (LRA) requested by the Working Group in its July 2007 conclusions.

During 2008 the Working Group considered all reports published in 2008 plus Sri Lanka, which had been left over from the end of 2007. Other than Sri Lanka, which was taken up in February, the others were considered between May and December. This gap seems to be due to some disagreement over the Working Group's working methods. Difficulty in reaching agreement on

conclusions on the Secretary-General's report on children and armed conflict in Myanmar, which had first been discussed in November 2007, seems also to have contributed to the gap.

Conclusions were issued for ten reports in 2008 compared with eight sets in the previous year. The higher number in 2008 was partly the result of clearing a backlog from 2007. Five of the ten conclusions issued concerned reports considered in 2007. For example, the Côte d'Ivoire report was published in

August 2007 and discussed by the Working Group on 18 September, yet the conclusions came out only in February 2008, five months after the release of the Secretary-General's report. It took the Working Group seven months from consideration to agree on conclusions to the Myanmar report. It was published in November 2007 and considered by the Working Group in December, but the conclusions were issued only in late July 2008. This was due largely to opposition from China which wanted the discussion on Myanmar conclusions moved to a later date because of the Council's frequent focus on Myanmar in late 2007 as a result of the government's crackdown on protesting monks. The difficulty over Myanmar's conclusions was largely the reason for the delay in issuing conclusions on many other reports in 2008 which were put on hold as the Working Group struggled to find consensus over the Myanmar report. The deadlock in the Working Group was so severe that—for the first time—it came close to being referred to the Council for a solution.

The other reason for the delay in consideration of reports and adoption of conclusions was an internal debate over the working methods of the Working Group.

On 25 January 2008 experts met informally to address the issue of the Working Group's working methods at the urging of Council members including China and Indonesia. This matter was further discussed at the Working Group's 5 February 2008 meeting. It was decided that the chair of the Working Group should address a letter to the chair of the Security Council Informal Working Group on Documentation and Other Procedural Questions to inform him of the issues and questions raised by the

Working Group on Children and Armed Conflict in connection with its working methods. After further discussion over the next four months, a consensus was reached in June on the content of the letter to be addressed to the chair (at the time Panama) of the Working Group on Documentation and Other Procedural Questions. The letter contained three annexes:

- a general summary of the informal meeting of the experts held on 25 January 2008;
- guidelines regarding the Group's working methods; and
- a list of questions concerning the practice of the Council and its subsidiary bodies, particularly on support by the Secretariat to other working groups and subsidiary bodies including:
 - whether notes are taken by the Secretariat;
 - whether summaries are negotiated or adopted automatically;
 - how to communicate with governments about situations in the Secretary-General's annexes in order to engage in a consultative process; and
 - if there were any frameworks or practices which could be a guide for working methods of the Working Group on Children and Armed Conflict.

The chair of the Working Group on Documentation and Other Procedural Questions replied on to the chair of the Working Group on Children and Armed Conflict on 17 December 2008.

5.3 The Tool-Kit

In September 2006 the Working Group agreed on a document which became known as the "tool-kit" containing the range of possible actions in response to violations (S/2006/724). This tool-kit has

been used as a guide for the Working Group's conclusions. The actions in the tool-kit are divided into the following categories: demarches; assistance; enhanced monitoring; improvement of mandates; and other measures.

Within these categories are 26 possible tools that could be used. However, those most commonly used since 2006 have been letters and appeals to parties to the conflict, to UN bodies for technical assistance and to donors for contributions.

In June 2007, with the first conclusions on Sri Lanka, the Working Group implemented a new tool—public statements. This was a response to the need to have a more effective way to reach out to non-state actors. As a result, a practice emerged where the chair of the Working Group issues public statements when it wants to send a message to non-state actors. In 2008 this was used in conclusions for all the situations considered except Myanmar (where there was no recommendation for a public statement) and Côte d'Ivoire (which was in the process of being removed from Annex I). While this has been an innovative and potentially effective way of engaging with non-state parties, concerns remain about its effectiveness and that some groups may not actually receive these messages.

Another emerging new practice is having the chair of the Working Group write letters which are then forwarded by the president of the Council. This has come about as a result of some members wanting to draw some distinction between the Annex I situations which are on the Council's formal agenda and Annex II situations which are not. In examining the recommendations in conclusions issued in 2008 the following pattern emerges.



- The Working Group recommended in conclusions to the Philippines (S/AC.51/2008/10) and Sri Lanka (S/AC.51/2008/11) (neither on the Council's agenda) that the Council president write to the Governments of the Philippines and Sri Lanka.
- In the case of Somalia (S/AC.51/2008/14) and Chad (S/AC.51/2008/15), (both on the Council's agenda), the Working Group recommended that its chair write to the government and that the president only transmit the letters.
- In the case of Burundi, Sudan and Côte d'Ivoire, all on the Council's agenda, the recommendation was for the Council president to address letters to the respective governments.
- The conclusions on Myanmar asked the chair to address letters to the Myanmar government to be transmitted by the president of the Council.

Actions in the tool-kit which have still not been used include field trips followed by a report; demarches to draw attention to the full range of justice and reconciliation mechanisms; letters to relevant justice mechanisms with information on violations or a request for a specific resolution or presidential statement from the Council. Targeted sanctions have not been suggested since the conclusions on Côte d'Ivoire in February 2007. (The only other time targeted sanctions were recommended was for the DRC in July 2006.) The strongest action seen in 2008 has been the suggestion in public statements of "further steps" being considered if groups do not abide by their obligations. This was used in the case of Sudan and also in the case of Sri Lanka in relation to the Liberation Tigers of Tamil Eelam (LTTE). However, in the case of Uganda where there has been no reaction by the LRA to either the

Working Group's first report or its additional report, the strongest suggestion was that the LRA should respond positively to the request to release all children and cooperate with the UN.

5.4 Office of the Special Representative on Children and Armed Conflict

In 2008 the Special Representative of the Secretary-General on Children and Armed Conflict, Radhika Coomaraswamy, continued to play a leading role in the implementation of resolution 1612. Besides involvement in all the Secretary-General's reports, the Special Representative has conveyed the Council's decisions and the Working Group's recommendations directly to parties, particularly non-state actors through field visits. Since 2006 she has made 12 country visits which have resulted in a range of commitments including setting up the monitoring and reporting mechanism in several locations and appointments of focal points within the government to coordinate issues on children and armed conflict and the release of children. In 2008 she visited Afghanistan, CAR, Chad and Iraq. The Special Representative has found in her meetings with non-state actors that citing the consequences of resolution 1612, including targeted sanctions can be a highly effective tool in obtaining commitments as she found on her visit to CAR in May 2008 when she met Commandant Laurent Djim Wei of the *Armee populaire pour la restauration de la Republique et de la democratie*, or APRD. The Commandant had been unaware that he was in the Secretary-General's annexes but upon understanding the consequences, he agreed to hand over children. At the time of writing he had not met this commitment.

The Special Representative's field visits have been welcomed by the Working Group and were mentioned in all the country-specific Secretary-General's reports of the places she visited in 2008.

Regular press releases from the Special Representative's office have also helped to spotlight the issue of protection of children in armed conflict. In 2008 the office of the Special Representative issued press releases on the situation of children in Gaza and southern Israel and the DRC when these conflicts escalated.

6. Security Council Meetings on Children and Armed Conflict in 2008

In 2008 there were two open debates on children and armed conflict. On 12 February 2008 the Council discussed the Secretary-General's seventh annual report on children and armed conflict under the Panama presidency. In this report the Secretary-General asked the Council to consider targeted and concrete measures against the 16 persistent violators on the Secretary-General's list for four consecutive years. The report also recommended the Council give equal care and attention to children affected by armed conflict (by doing away with the distinction between Annex I and II) and give equal weight to all grave violations against children (including, besides recruitment of children, killing and maiming; rape and other grave sexual violence; attacks against schools and hospitals; abduction; and denial of humanitarian access to children).

The debate saw active participation from 58 countries and one NGO. The presidential statement issued at the end of the debate acknowledged the progress in the implementation of resolution

1612 (S/PRST/2008/6). It also strongly condemned the continuing recruitment and use of children in armed conflict, expressing:

- concern over the widespread use of rape and sexual violence against children;
- concern over persistent disregard of its resolutions on children and armed conflict by parties to armed conflict identified in the reports of the monitoring and reporting mechanism and reaffirmed its intention to make use of all tools provided in resolution 1612; and
- readiness to build on resolution 1612 in order to further strengthen the comprehensive framework of the protection of children in armed conflict.

Four months later, on 17 July the Council held an open debate initiated by Viet Nam. The concept paper (S/2008/442) circulated by Viet Nam suggested the use of the development approach to the issue of children and armed conflict focusing particularly on:

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

The presidential statement issued at the end of the July debate reiterated the need for a stronger focus on the long-term effects of armed conflict on children and encouraged the Working Group to further improve its transparency and efficiency while welcoming its efforts to improve its working methods (S/PRST/2008/28). Unlike the February presidential statement, there was no reference this time to persistent violators, the need for time-bound action plans or reviewing provisions of its resolutions given the changing nature of armed conflicts.

7. Statistics

7.1 Resolutions

The number of Council resolutions assessed as relevant for children in 2008 was 39, the same as in 2007.

There was an increase in the number of resolutions with references to children from 15 to 19. Overall, 48 percent of relevant resolutions in 2008 contained references to children's issues. It appears that since resolution 1612 was adopted and the Working Group became fully operational, references to children in country-specific resolutions are becoming more frequent and consistency is improving. Resolutions on situations also being considered by the Working Group such as the DRC, Sudan, Côte d'Ivoire, Burundi, Somalia and Afghanistan all now include some reference to either 1612, the conclusions of the Working Group or the need to the protect children in armed conflict.

Analysis of the references to children in the 2008 country-specific resolutions reveals the following.

More detailed references over time

Resolutions on the DRC and Sudan, the first two situations considered by the Working Group in 2006, have more specific and detailed references to children than in previous years. The 2007 renewal of the UN Mission in Sudan (UNMIS) in resolution 1755, for example, did not contain any reference to children while resolution 1812 renewing UNMIS in 2008 contained significant references and specific requests relating to protection, release and reintegration of children.

The effects of being newly listed on the Secretary-General's annexes

In previous years, resolutions on Afghanistan did not contain any references to children and armed conflict. Between

2003 and 2007 there was no reference to children in either the UN Assistance Mission in Afghanistan (UNAMA) resolution or the resolution reauthorising the International Security Assistance Force (ISAF). At the end of 2007, the Taliban were included in Annex I of the Secretary-General's annual report, after an absence of about four years. (The Taliban were last listed in 2002 and 2003.) This appears to have led to greater awareness of the issue as seen in the two resolutions on Afghanistan in 2008. Resolution 1806 of March 2008 renewing UNAMA expressed concern about and condemnation of the recruitment and use of children by Taliban forces. This resolution also expressed concern over the killing and maiming of children and made references to resolution 1612 and the December 2007 Secretary-General's report. It also requested the Secretary-General to strengthen the child protection component of UNAMA. The September resolution reauthorising ISAF mentioned resolution 1612 and the threat to children from Taliban activities. There appears to have been an immediate impact on the country-specific consideration of Afghanistan once the Taliban was listed in the Secretary-General's annexes. At the time the two resolutions were adopted the first report on children and armed conflict in Afghanistan had not come out. A similar effect is seen with Darfur. In the last annual report of the Secretary-General on children and armed conflict, groups recruiting children in Darfur were listed separately (although the situation is considered under Sudan). The resolution renewing UN/AU Mission in Darfur (UNAMID) in July 2008 also contained more detailed references, including a request to the Secretary-General to ensure continued monitoring of and reporting on the situation of children and a request for

continued dialogue with the parties to the conflict on action plans.

References to children may continue after a delisting

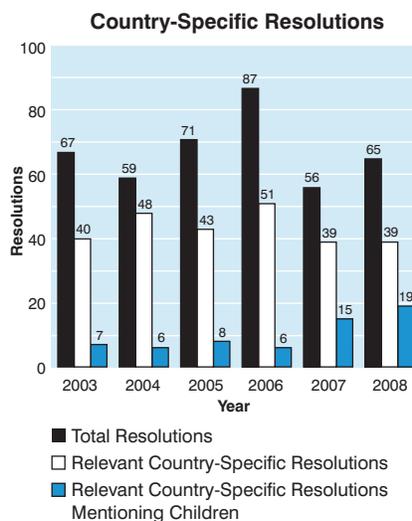
Resolutions on Côte d'Ivoire, which had its armed groups delisted from the Secretary-General's annexes in early 2008, continued to contain references to resolution 1612 and conclusions of the Working Group on Children and Armed Conflict. This appears to be an example of continuing the focus on the issue of children and armed conflict even after a situation has been taken off the Secretary-General's annex and may be influenced by the fact that there continues to be active monitoring and reporting on groups that have been delisted at the country level.

The presence of a UN peacekeeping mission may focus Council attention on the protection of children in deteriorating situations

This can be seen in the cases of Somalia (where there is no UN peacekeeping mission) and the DRC (where there is). While the number of resolutions on Somalia doubled as the situation worsened, references to children did not increase. In fact they went down. In the first half of 2008, there were two resolutions on Somalia mentioning resolution 1612 and the conclusions of the Working Group (resolutions 1801 and 1814). However, the 19 August resolution reauthorising the AU Mission in Somalia (AMISOM) did not contain any references to children. This can be contrasted to similar resolutions in February 2008 (1801) and August 2007 (1772) reauthorising AMISOM which had such specific references. Less surprising is the fact that none of the five piracy resolutions on Somalia in 2008 mentioned children. In contrast, as the situation in eastern DRC deteriorated, there was routine reference to protection of

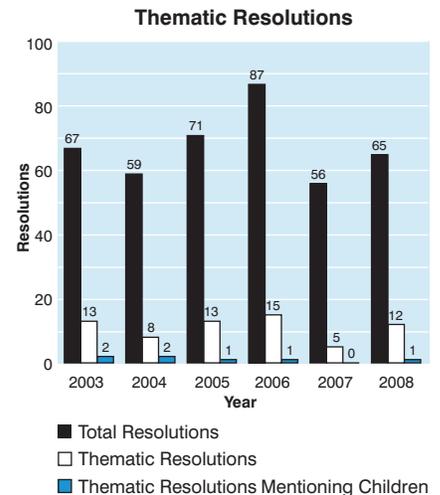
children in resolutions 1856 and 1857, adopted in the latter part of 2008, renewing sanctions and the mandate of the UN Mission in the DRC (MONUC).

Consistent references in some situations not on the Secretary-General's annexes
Resolutions on Haiti (1840) and Liberia (1836) continued to include references to children, even though neither country is in the annexes.



Continuing the trend seen in previous years, the number of references in thematic resolutions in 2008 was low. This can be accounted for by the fact that most thematic resolutions are on areas such as international tribunals, terrorism, sanctions and non-proliferation. In 2008, out of the 12 thematic resolutions, five were on additional judges for either the ICTY or ICTR, three on non-proliferation and two on terrorism subsidiary bodies. The other two were on UN/AU cooperation and sexual violence. The sexual violence resolution (which comes under the larger thematic umbrella of women, peace and security) contained references to children, usually coupled with mention of protection of women (S/RES/1820). The resolution on UN/AU

cooperation was a thematic resolution which might have been expected to contain references to children given the increasingly important role of regional organisations in the protection of children.



7.2 Presidential Statements

In 2008 there were 48 presidential statements versus 50 in 2007. The number of relevant country-specific presidential statements (those we assess to have potential relevance to children and armed conflict) rose from 23 in 2007 to 34 in 2008.

In previous years the number of relevant country-specific presidential statements tended to number in the twenties with 2006 seeing a high of forty. There were the same number of country-specific presidential statements mentioning children in 2008 as in 2007, but the number of references to children's issues dropped as a proportion. In 2007 13 percent of country-specific presidential statements mentioned children but only 9 percent in 2008.

Nevertheless, over the years the quality of the content in presidential statements mentioning children has

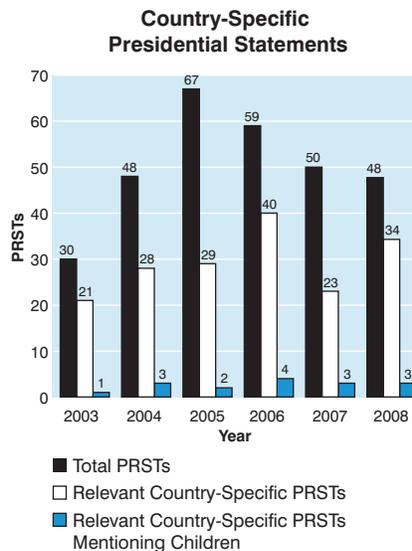
continued to improve. One example is the 22 December 2008 presidential statement on the Great Lakes Region which demanded “that the LRA cease its recruitment and use of children” and that it release all women and children in accordance with resolution 1612 (S/PRST/2008/48). It also made reference to the ICC warrants for LRA leaders on charges, among other things, for the enlistment of children.

However, there were also indications that making references to children cannot yet be considered as an established practice in presidential statements on country-specific situations of armed conflict which involve children. For example, the Council statement on 21 October 2008 on the situation in the DRC condemned “the continuing recruitment and use of children by armed groups as well as the continued prevalence of sexual and gender based violence” in eastern DRC (S/PRST/2008/38). Yet a presidential statement a week later, on 29 October, also on the DRC, failed to mention children (although it condemned an offensive by the *Congrès national pour la défense du peuple* and the humanitarian consequences of the fighting).

Other presidential statements in 2008 which might have been expected to mention children, but did not, include the statement on Somalia on 4 September welcoming the signing of the Djibouti Agreement, and statements on Sudan on 24 June on the displacement of civilians in Sudan as a result of fighting in Abyei and on 13 May condemning the Justice and Equality Movement (JEM) attacks.

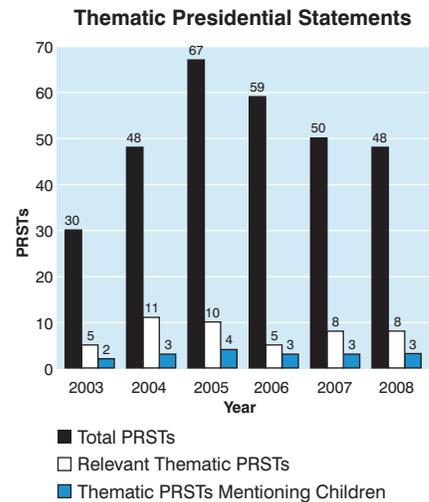
In 2008, none of the country-specific presidential statements made reference to the corresponding conclusions of the Working Group, unlike in 2007

when the 30 May 2007 presidential statement on Burundi referred to the February 2007 conclusions of the Working Group on the situation in Burundi (S/PRST/2007/16).



There were 14 thematic presidential statements, more than customary (from 2003 to 2007 the number of thematic presidential statements ranged from five to 11). Of the 14 thematic presidential statements in 2008, only eight were assessed to be relevant to children. Out of the eight relevant presidential statements, only three made references to children.

Generally thematic presidential statements have contained few references to children as they deal mostly with matters not directly relevant to the issue of children and armed conflict. However, in 2008 there were statements on post-conflict peacebuilding, security sector reform and mediation which might have been expected to contain some references to children. In particular, these post-conflict thematic issues might have been expected to highlight the needs of former child soldiers.



7.3 Secretary-General’s Reports

The first three resolutions on children and armed conflict requested that the Secretary-General include in his reports recommendations for the protection, welfare and rights of children when “taking action aimed at promoting peace and security” (resolutions 1261, 1314 and 1379). In 2003, resolution 1460 also requested that the Secretary-General ensure that all his reports to the Council on country-specific situations include the protection of children. (Please see the annex for more background on Security Council resolutions on children and armed conflict.)

In last year’s cross-cutting report we noted that there appeared to be a downward trend in references to children in Secretary-General’s reports. While 43 percent of Secretary-General’s reports contained references in 2005, in 2006 and 2007 the number had fallen to 38 percent. In 2008 this position improved. Substantive references were found in 46 percent of Secretary-General’s reports. Of note is the fact that the references have continued the trend seen in 2006 and 2007 of becoming more relevant to the protection of

children in armed conflict rather than general references to children lumped together with women or protection of civilians. The Secretary-General's country-specific reports on situations being discussed by the Working Group generally included substantive references to children. The exceptions were the 18 August Darfur and 16 July Somalia reports.

Analysis of the references revealed the following.

Separate sections on child protection are still not the norm. In 2008 the Secretary-General's reports on Sudan, Burundi and Nepal had separate sections on child protection and the 2 April DRC report had a separate section titled "children in armed groups". However, in many other instances references continue to be included in the human rights or disarmament, demobilisation and reintegration (DDR) sections.

Impact of being on the list varies. For Afghanistan, which was once again listed on Annex I of the Secretary-General's report in late 2007 after an absence of four years, it appears to have had the immediate effect of spotlighting the issue of children in considering UNAMA and highlighting resolution 1612. (There were no references in 2003 when Afghanistan was last listed in the annex.) The two UNAMA reports were published ahead of the first report on children and armed conflict in Afghanistan which came out in November 2008. But on Darfur, which has been included in the Secretary-General's list since 2007, the references to children in the regular reports on Darfur did not become any more substantial than before its inclusion in the annex. As noted in the analysis of resolutions above, the UNAMID renewal resolutions contained substantive references. It

appears that concerted coordination between experts on children and armed conflict and country experts in missions in New York has led to a more systematic process of including references to protection of children in resolutions while the lack of regular interaction among experts on children and armed conflict and those in the field has meant that references in Secretary-General's reports are likely to be less predictable.

Inclusion of protection of children issues in the Secretary-General's section on observations at the end of his reports continues to be rare. In 2008 this was seen only for Burundi (S/2008/330). This is significant since there is strong anecdotal evidence that many senior diplomats read only the "observations" section of reports.

Haiti continued to have relatively well developed sections on child protection which can be traced to an active Group of Friends, led by Canada as well as energetic child protection advisers in the UN Stabilization Mission in Haiti (MINUSTAH). This highlights the importance of having interested parties actively lobby to include child protection in country-specific reports.

7.4 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 since 2001 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."

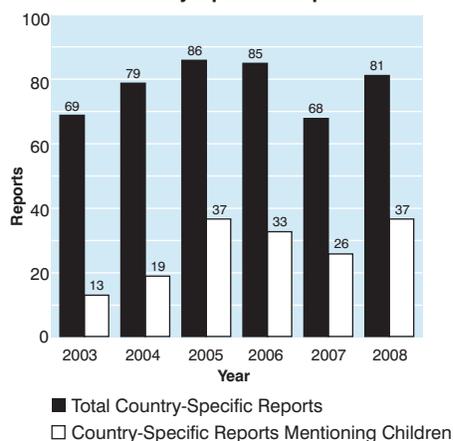
Our report in 2008 showed that compliance had been poor between 1999 and 2007. There were three peace agreements on situations with Council involvement that were signed in 2008:

- the Goma Agreement signed on 23 January between the DRC government and rebel groups in the DRC;
- the Dakar Agreement signed between Sudan and Chad on 13 March 2008 (to defuse tensions and stop mutual support for rebels); and
- the Djibouti Agreement of 18 August 2008 between the Transitional Federal Government and the Alliance for the Reliberation of Somalia.

Only the Goma Agreement made specific reference to children calling for a stop to acts of violence toward the civilian population, particularly women and children. It also included a significant reference prohibiting the recruitment of children and the need to promote children's rights in the conflict zone.

This suggests a need for involvement of the Department of Political Affairs in implementing Council decisions on children and armed conflict and perhaps the establishment of a focal point as has been done in the Department of Peacekeeping.

Secretary-General's Country-Specific Reports



7.5 Peacekeeping Missions

In 2008 no new peacekeeping missions were established so it is unclear whether the trend towards paying more attention to children and armed conflict as seen in recent peacekeeping mission mandates, such as UNAMID in Darfur and the UN Mission in CAR/Chad, is continuing.

There appears to be an increasing awareness of the key role child protection advisers could play in strengthening the monitoring and reporting of children affected by armed conflict. The first resolution on children and armed conflict, 1261, requested the Secretary-General to ensure that “personnel involved in United Nations peacemaking, peacekeeping and peace-building activities have appropriate training on the protection, rights and welfare of children.” In 1999 the Secretary-General highlighted the need for UNAMSIL in Sierra Leone to address the needs of children and sought approval for child protection advisers to be part of the mission (S/1999/836). Shortly thereafter a child protection officer was deployed to UNAMSIL. Currently there are over sixty child protection advisor posts across seven peacekeeping operations with the largest concentrated in MONUC (17) and UNMIS (34). The child protection advisers also train military and civilian staff at the missions on children’s rights.

In his December 2007 report to the Council the Secretary-General recommended that all future peacekeeping missions and relevant political missions include child protection advisers within their mandates. The Council in its February 2008 presidential statement said that it will consider including or enhancing the presence of child protection advisers in the mandates of all relevant peacekeeping missions operations and political missions (S/PRST/2008/6).

Following a study in 2007 for the Department of Peacekeeping’s Best Practices Section, by Dr. Funmi Olonisakin, on the impact of child protection advisers on UN peacekeeping operations, a child protection focal point was appointed within the Department of Peacekeeping at the headquarters level to develop child protection policy and interact with child protection advisers in the field and other key stakeholders. The Department of Peacekeeping is currently developing a policy directive on mainstreaming the protection of children affected by armed conflict within UN peacekeeping that will provide guidance on the role and function of child protection advisers.

7.6 Security Council Visiting Mission Reports

In 2008 there were two Security Council field visits to Africa and Afghanistan. From 31 May to 10 June the Council visited Djibouti (with a focus on Somalia), the Sudan, Chad, DRC and Côte d’Ivoire. The report of the Council following this mission showed that the issue of children involved in armed conflict was discussed in considerable detail during the DRC leg of the visit (S/2008/460). The Council expressed concern over the recruitment of children in the DRC and was briefed by the government on its commitment to addressing the plight of child victims of sexual and gender-based violence. Child soldiers were also brought up in discussions with the DRC president. In Goma the issue of sexual violence against women and children by armed groups was raised. Notably, in its report on the DRC leg the Council recommended that the government and the judiciary take appropriate measures against armed groups that prey on the population and “perpetuate acts of sexual violence”. It also recommended that the government take steps to “put an end to the recruitment of children, in

particular by armed groups.” In the recommendations on the Côte d’Ivoire leg, the Council urged Ivorian parties to ensure the protection of civilians, particularly women and children. Despite Chad, Somalia and Sudan being on the list of situations of children and armed conflict considered by the Working Group the Council did not appear to focus on the issue when visiting these places during their visiting mission.

From 21 to 28 November there was a Council mission to Afghanistan. In the report following this visit, there was one passing reference to children (S/2008/782). The mission urged Afghan authorities “to uphold human rights, in particular those of women and children.” However it seems no specific reference was made to the issue of children and armed conflict in spite of the Taliban being listed as a group involved in recruiting children in a situation of armed conflict and despite the fact that Afghanistan had been recently reinstated in the Secretary-General’s annex.

8. Results in 2008

In 2008 there continued to be progress in the release of child soldiers and commitment to action plans. There were also some important developments in accountability for crimes against children. Studies of the impact of the monitoring and reporting mechanism by NGOs also indicate that Council decisions and Working Group recommendations have been useful tools in illustrating the possible repercussions of continued use of children in armed conflict.

Among the results so far are:

DRC

From mid-2003 to December 2006, about 30,000 children were released from armed forces and groups through

a DDR process within an operational framework adopted in 2004. The final DDR phase failed to take place in 2008 but 1,098 children were separated from or escaped from armed groups.

The government brought to trial former Mai-Mai commander Kyungu Mutanga for war crimes and crimes against humanity, including recruitment of 300 children in Katanga Province from 2002 to 2006. He was sentenced to death on 5 March 2008. The Working Group had recommended appropriate legal measures against members of armed groups accused of grave crimes against children. However, so far the DRC Sanctions Committee has taken no decision on individuals and entities directly involved with the abuse of children. (For more of the history of the DRC case study please see our 4 February 2008 *Cross-Cutting Report*.)

Côte d'Ivoire

The *Forces de défense et sécurités des forces nouvelles* (FDS-FN) and all four pro-government militia groups in Côte d'Ivoire stopped recruitment and have taken measures to identify and release all remaining children and to implement the action plans. They were delisted from the annexes of the Secretary-General's 2007 report.

Chad

A total of 555 children have been demobilised. During the Special Representative's visit in May 2008, the Chadian government committed to allow UN teams to verify the presence of children in military camps, instruction centers and detention facilities. (It had signed an agreement on 9 May 2007 with UNICEF to demobilise child soldiers from its armed forces and release children associated with armed forces held in detention.)

Burundi

In May 2008, 232 child soldiers were released as a result of six months of negotiations between the government, civil society, UN agencies and other players with dissident faction of the Palipehutu-National Liberation Front.

There has been progress on action plans with the armed forces and groups in the following places:

Myanmar

The Karen National Union/Liberation Army in Myanmar signed a deed of commitment on 6 April 2007 and the Karenni National Progressive Party signed a deed of commitment on 13 April 2007.

The Myanmar government has produced an action plan but it did not meet international standards.

Sri Lanka

The *Tamil Makkal Viduthalai Pulikal* (TMVP)/Karuna faction signed an action plan with UNICEF on 1 December 2008 laying out a three month process for the TMVP to stop the recruitment of children and release all children in its ranks. A total of 555 children have been demobilised.

CAR

In the CAR, the leader of the APRD committed to prepare a list and release all children in his armed group once proper arrangements are made for protection and reintegration into communities. On 20 October 2008 the APRD gave UNICEF a list of 105 children to be released.

The *Forces démocratiques pour la rassemblement* signed a tri-partite agreement in June 2007 between the CAR government and UNICEF agreeing to separate and release all children in its group.

9. Case Studies

9.1 Côte d'Ivoire

The conflict between the government and the rebel *Forces nouvelles* began in 2002 with a military coup. The fighting that followed left thousands of children orphaned and large numbers were recruited into the FDS-FN and pro-government militia groups. More than a half a million people were displaced. The south of the country is under the control of the government while the north is ruled by the opposition *Forces nouvelles*. The two territories were separated by a "zone of confidence" under the authority of the UN Operation in Côte d'Ivoire (UNOCI) and the French forces, Licorne. In 2006 when the Working Group first looked at children and armed conflict in Côte d'Ivoire it was estimated that there were 3,000 children associated with *Forces nouvelles* and 1,000 with militia groups.

In November 2005 the *Forces nouvelles* submitted an action plan to the UN taskforce in Côte d'Ivoire committing to end the use of child soldiers. The Office of the Special Representative of the Secretary-General on Children and Armed Conflict deemed this action plan to have met the minimum standards set by the Special Representative's office, a crucial step toward the delisting of any group from the Secretary-General's annexes.

In April 2006 the *Forces nouvelles* issued a command to end the illegal detention of children. By September 2006 the national task force on the monitoring and reporting mechanism was set up. Four militia groups agreed on action plans. These were the first action plans to be negotiated under the framework established by resolution 1612.

In October 2006 the first report on children and armed conflict in Côte d'Ivoire was published (S/2006/835). The report highlighted progress made in dialogue with parties to the conflict and outlined action plans submitted so far. It also recommended targeted action and measures against parties and individuals that had systematically committed grave violations against children.

The Working Group issued its conclusions on the first report on children and armed conflict in Côte d'Ivoire in February 2007 (S/2007/93). Among the recommended actions were letters from the president of the Council to the prime minister and president of Côte d'Ivoire asking for concrete commitments to halt and prevent grave violations against children as well as a letter from the Council president to the Secretary-General asking for a list of individuals for possible consideration by the Council for future targeted measures to be included in his next report on children and armed conflict in Côte d'Ivoire.

By the next report in August 2007 there had been significant progress made in dialogue with the parties to the conflict and in the implementation of the action plans although sexual violence remained an issue of concern (S/2007/515). The Secretary-General's seventh annual report in December 2007 noted that there were no new cases of recruitment by the groups and that the action plan was being fully implemented. This allowed the *Forces nouvelles* and the four militia groups to be removed from the Secretary-General's annexes, effectively delisting all the parties to the conflict. In its conclusions to the second report on children and armed conflict in Côte d'Ivoire in February 2008, the Working Group recommended that letters be sent from the president of the Council to the president and prime minister urging

them to monitor measures taken by armed groups in implementing the action plans. A letter to the Secretary-General was also recommended requesting effective follow-up to the conclusions of the Working Group. In addition the president of the Council was to address a message to the parties through a public statement to the *Forces nouvelles* and other militia groups to be transmitted by the Special Representative of the Secretary-General on Children and Armed Conflict. Among the points made was that compliance with resolution 1612 would continue to be systematically monitored and reported on and that due attention will be given to the commitments made to the UN.

The case of Côte d'Ivoire has been the sole one that can be deemed a success story so far, since the monitoring and reporting mechanism was set up. UNOCI began dialogue in 2006 with parties to conflict. By end of 2007, 1400 children were released from armed groups.

In 2008 there was no evidence of use of child soldiers. The Côte d'Ivoire government continued to engage with UNOCI on this issue and in 2008 asked for a draft proposal on the creation of a national commission for children affected by armed conflict and the establishment of a national action plan to combat sexual violence.

Among the criteria that appear to have contributed to success in this case were:

- Unlike in some cases where it is difficult to identify leaders of armed groups, in Côte d'Ivoire there were clear interlocutors.
- The presence of a UN peacekeeping mission has been an important factor, especially in establishing dialogue with the militias and being a voice on the ground for the Working Group.

- Strong support from the UNOCI's child protection officers appears to have played a key role. This corresponds to the growing sense that a peacekeeping mission staffed with dedicated child protection advisers is a significant factor in advancing this issue.

- Although it is difficult to measure the exact effect, it seems that the threat of targeted sanctions on individuals recruiting children contained in the Working Group's February 2007 recommendations may have contributed to the ending of recruitment of children and development of viable action plans.

- A conscious decision by the Office of the Secretary-General's Special Representative on Children and Armed Conflict to devote extra high-level attention to Côte d'Ivoire.

9.2 Sri Lanka

For the last 25 years the Sri Lankan government and the Tigers of Tamil Eelam (LTTE) have been engaged in an at times very violent conflict. By the end of 2008 over 67,000 civilians had been killed and over 800,000 people displaced. The LTTE is believed to have recruited over 6,000 children since January 2002. More recently, LTTE recruitment has decreased significantly. The 2008 *Child Soldiers Global Report* records about 125 new recruits in the first nine months of 2007 (the number in 2002 was 1500). In 2007 it was estimated that 1,500 people recruited as children remained in the ranks of the LTTE. It is not known if the intensified fighting in early 2009 has led to increased efforts to recruit children.

In February 2002 the government and LTTE signed a ceasefire agreement brokered by Norway. The Sri Lanka Monitoring Mission made up of members from the five Nordic countries (Denmark, Finland, Iceland, Norway and



Sweden) was formed to monitor the ceasefire agreement. In February 2008 the agreement collapsed following a resumption of violence and numerous ceasefire violations by the LTTE. In early 2009 the conflict appeared to be moving towards a decisive phase. In the process, the humanitarian crisis escalated as an estimated 150,000 to 190,000 civilians were trapped in the conflict zone. According to UN agencies, by March 2009, there have been 2,300 civilian deaths, including 500 children, during the escalation of the conflict this year.

The other group in Sri Lanka on the Secretary-General's list is the TMVP and its military arm, the Karuna group, which broke away from the LTTE in March 2004. By September 2007 the Karuna group appeared to have recruited at least 400 children.

The LTTE has been listed as a party to recruiting and using children in hostilities in Annex II of four consecutive Secretary-General's annual reports between 2003 and 2007. The TMVP/Karuna group was listed in the 2006 and 2007 Secretary-General's reports.

In June 2003 the government and LTTE endorsed an action plan for children affected by the conflict. Under this action plan, the LTTE committed to cease all recruitment of children and release all children already in its ranks. Although originally the rate of recruitment slowed, the LTTE did not keep the commitment to release all children and release all underage recruits.

The Sri Lankan government allowed the UN task force on monitoring and reporting to be set up by 26 July 2006 (some Annex II situations were held up by governments that were reluctant to allow the monitoring and reporting mechanism to be set up). The first report of Secretary-General on children and

armed conflict in Sri Lanka was published on 20 December 2006 (S/2006/1006). In November 2006 the Special Adviser to the Special Representative for Children and Armed Conflict, Allan Rock, visited Sri Lanka. During his visit the LTTE agreed to increase dialogue with UNICEF on the release of children and officially designated a child protection authority of LTTE as the interlocutor on child recruitment issues.

The Working Group's first conclusions on Sri Lanka, issued on 13 June 2007, recommended a public statement by the chair conveying messages to the LTTE and TMVP/Karuna condemning the recruitment and use of child soldiers and other violations against children while urging the leadership of both groups to end abducting, recruiting and using children under 18. The statement also asked the LTTE to share information with UNICEF and provide it with access to LTTE military camps. The statement also emphasised that if the LTTE did not respond positively to the message in the coming months, further steps would be taken. The Council was also asked to request the Secretary-General to report to the Council on children and armed conflict in Sri Lanka by 31 October 2007, paying attention to the follow-up by the parties to the messages addressed to them.

The next report on Sri Lanka came out in December 2007 (S/2007/758). In the intervening period the LTTE and TMVP/Karuna made limited progress in the release of children. There had been a decrease in the past six months in the number of cases of recruitment by the LTTE. The TMVP had also released 39 children and taken steps to issue internal regulations prohibiting recruitment of children. However, both groups continued to recruit children and failed

to allow the UN task force on monitoring and reporting full access to military locations and to finalise action plans. The Working Group's conclusions regarding the Secretary-General's second report on children and armed conflict in Sri Lanka were issued only in October 2008, about ten months after the report came out. (This was a result of the backlog following the stalemate, described earlier, over securing consensus on the Myanmar conclusions which were being discussed at about the same time.) This second set of conclusions reaffirmed the requests in the last public statement and expressed deep concern that both groups had continued to recruit and use child soldiers during the reporting period. In addition the chair's new public statement asked both parties to proceed within thirty days from the publication of the public statement with the release of all remaining children and to develop a time-bound action plan within ninety days. In addition the public statement to the LTTE again emphasised that if it did not respond positively to the requests, further steps might be taken. The statement to TMVP/Karuna emphasised that the trigger for being delisted from the annexes to the report of the Secretary-General was full implementation of an action plan, with Côte d'Ivoire cited as an example. The Secretary-General was also asked to follow-up with updates during the formal meetings of the Working Group in the "horizontal note" which allows for UNICEF and the Office of the Special Representative to provide an overview of situations not covered in the annexes and updates during the meetings of the Working Group.

The issue of children and armed conflict in Sri Lanka presented some procedural difficulties for the Working Group. Given that the LTTE had been on the Secretary-General's annexes since 2003, the idea

of targeted sanctions was discussed. A key problem, however, for some members was that Sri Lanka was not on the Council's agenda and therefore they were reluctant to discuss targeted sanctions as an option. Although not impossible, some in the Working Group felt that the process of imposing and monitoring sanctions on either the LTTE or TMVP/Karuna would be difficult as there was no existing Council sanctions committee on Sri Lanka. As a result the strongest action the Working Group appeared willing to use was the threat of "future steps". However there may be innovative solutions to such problems including mandating the Working Group to undertake the role performed by sanctions committees. Moreover it is already clear from Council practice that formal sanctions committees are not always essential. The case of the arms embargo on Lebanon's non-state forces imposed by 1701 (which does not have a sanctions committee) is one such example. The key obstacle here appears to be agreement on placing sanctions on a situation not on the Council's formal agenda. Again there may be room for innovations in this regard which would be of assistance to the Council on children's issues and in facilitating its ability to respond positively to requests from regional organisations such as the recent AU Peace and Security Council (PSC) request for sanctions to support AU sanctions against Mauritania.

It appears that in the case of the two groups in Sri Lanka, the Working Group's public statements over time may have had some effect on one group but not the other. By November 2008 they both should have released all children and developed time-bound action plans by January 2009. TMVP/Karuna signed an action plan on 1 December that set out a three month process by which it would

stop the recruitment of children and release all children in its ranks. There was no reaction from the LTTE and no follow-up by the Working Group on the missed deadlines.

10. Council Dynamics

The adoption of resolution 1612 in July 2005 came after many months of difficult negotiations. (For more details about the history of Council dynamics on this issue please see our 12 July 2006 *Profile on Children and Armed Conflict* and 4 February 2008 *Cross-Cutting Report*.) However, setting up the Working Group in November 2005 and its first two years of operation were relatively smooth, prompting suggestions that it could be a model for other thematic issues such as women, peace and security or protection of civilians. In this first phase members of the Working Group were brought together by a common desire to create an effective monitoring and reporting mechanism and put aside differences as they focused on the task at hand. However, over time the dynamics began to change. In part this may be due to new Council members with perhaps less of a personal stake and ownership. By early 2008 divisions and concerns had resurfaced.

The issue of how to handle an Annex II situation (one not on the Council's formal agenda) came up in the Working Group's consideration of recommendations for children and armed conflict in Myanmar. (Myanmar was not on its agenda at the time resolution 1612 was adopted in July 2005 although it became a formal Council agenda item in September 2006.) A possibility of having situations that were not on the Council's agenda (Annex II situations) discussed by the Working Group had

been a hotly debated issue in the lead-up to resolution 1612.

Members of the Working Group were also divided over how to handle formalising its working methods. This was raised by Indonesia and China and took up a great deal of the Working Group's energy and time in the first half of 2008. The resulting backlog led to a decline in the productivity of the Working Group and an ever-increasing time gap between considering reports and issuing conclusions. While this issue appears to have been settled for now, it is unclear whether it may emerge again.

At the end of 2008, France gave up its chairmanship which it had held since the start of the Working Group in 2005. France played a significant role in this issue from the beginning and its leadership in shaping the tools provided by resolution 1612 was instrumental in giving the issue its present high profile. However, it is unusual for a permanent member to assume the chair of a Working Group and for there to be no rotation of the position. Accordingly, France chose to step down at the end of 2008 and Mexico became the new chair in January 2009. With this position now likely to rotate every two years there are new issues to consider such as the best way of keeping track of documents over the years and maintaining an institutional memory.

The issue of a new resolution in 2009 has emerged. Most members feel that this should be done only if the new resolution improves significantly on resolution 1612. Among the possible areas for inclusion in a new resolution might be whether to expand the listing criteria so that the use of child soldiers is not the only trigger for including groups or states in the annexes of the Secretary-General's report. There are some clear



divisions that need to be bridged before agreement is reached. While some members and the Office of the Special Representative of the Secretary-General on Children and Armed Conflict are keen to see sexual violence be a second trigger, others like Russia feel that it would not be right to include sexual violence without also having killing and maiming as a trigger. Russia in the past has argued that due attention needs to be paid to all six categories of violations. It appears now that it may be willing to accept having fewer than six as long as killing and maiming is included. China, too, is unlikely to accept just sexual violence without some of the other categories. A key consideration for members will be how many more new situations get on the Secretary-General's annexes and therefore on the work programme of the Working Group if all six criteria were to be used as the basis for inclusion.

The Council also continues to be divided over action against persistent violators. In 2008 the US, UK, France and Belgium were open to the use of sanctions. China has been firmly opposed, in part reflecting a consistent overall reluctant position on sanctions. As a result the Working Group has been unable to suggest anything more than a vague warning that further steps would be considered in any of its conclusions since early 2007.

There have also been suggestions that some members are comfortable with retaining the issue's present profile. They feel that some dimensions of the issue belong more correctly in the General Assembly or the Human Rights Council. This is consistent with a more generalised debate about the Security Council's "encroachment" on other bodies' purview. As a result there has

been some tendency to downplay the role of the Council, for example by insisting that the Working Group chair issues letters, rather than the president of the Council. It has also led to a tendency to focus on the effectiveness of the structures set up following resolution 1612, rather than encourage similar developments in other thematic issues on the Council's agenda such as protection of civilians and women, peace and security.

11. Future Options

Options for the Council include:

- leaving the monitoring and reporting mechanism as is for a further period;
- requesting the Secretary-General to provide an indicative assessment of how many new groups would be placed on the annexes of the Secretary-General's report if the criteria were expanded to include some or all six major violations;
- deciding to add some additional violations which could be used as triggers for inclusion in the Secretary-General's annexes but leaving the other violations for consideration at a later time;
- deciding to formally evaluate the work of the monitoring and reporting mechanism at regular intervals; and
- requesting the Secretary-General to consider how the Secretariat could provide greater support for the Working Group, keeping in mind the need for transparency and institutional memory.

Options for the Working Group and the reporting by the Secretary-General include the following.

- Requesting the Secretary-General to consider how the Secretariat could provide greater support for the Working

Group, keeping in mind the need for transparency and institutional memory.

- Decide to issue all Working Group correspondence, including follow-up correspondence, as UN documents (under the S/AC.51 document heading) to create an institutional memory and promote transparency.
- Develop other possibilities for applying pressure on persistent violators in addition to the threat of targeted sanctions. One possible example is recommending that the Council refer cases to the ICC. On a case by case basis this possibility could be referred to in letters to parties or press statements. Another possibility for intensifying leverage on persistent violators would be to consider a visit of the Working Group (or a subgroup) to such situations on the annexes.
- Request the Secretary-General to establish a focal point for children and armed conflict in the Department of Political Affairs with responsibility for a closer working relationship with those involved in peace negotiations to ensure there are strong provisions on child soldiers in all relevant peace agreements.
- Develop innovative and systematic systems for ensuring that the conclusions of the Working Group and any Council decisions are effectively disseminated to all parties included in the Secretary-General's annexes. This could include specific requests to the relevant Special Representatives, Special Envoys and UN agencies with effective field presences in the countries in question and to UN member states or NGOs actually engaged in relevant mediation processes.
- Adjust the work programme of the Working Group to be able to respond to a fast changing situation such as the deterioration in the DRC at the end

of 2008. In that case, by the time the November 2008 DRC report was discussed by the Working Group in December, much of the information was out of date. One possibility would be to agree that the chair may convene Working Group meetings at short notice in such situations. Another may be to agree to targeted briefings from NGOs (in the past, a key avenue for such briefings was the Arria formula and between 2000 and 2008 a majority of Council open debates on children and armed conflict were preceded by an Arria briefing).

- Establish a systematic channel of communication between the Working Group and existing sanctions committees for situations being considered by the Working Group that have a sanctions regime (i.e., DRC, Somalia and Sudan). This could be done by requesting the chair to be active in this regard.
- Review the working methods and output of the Working Group to ensure that it is functioning as effectively as possible. Among the possible areas for consideration would be whether to change the format of the conclusions and whether there is a need to develop a mechanism to take up fast changing situations ahead of more stable ones.
- Increase dialogue with governments that have parties listed in the Secretary-General's annexes which are active within their national territories, perhaps mandating the chair to be active in this regard.
- Ensure input to the Council's terms of reference ahead of Council visiting missions so that the Council can focus on possible follow-up to Working Group recommendations when visiting countries that are on the Secretary-General's annexes.

Options regarding Annex II situations follow.

- The Council could signal in a new resolution that it is willing, on a case by case basis, to consider recommendations from the Working Group on targeted measures in situations not on the Council's agenda.
- Signal that if targeted measures were applied in Annex II situations, the mandate of the Working Group could be expanded to allow it to identify individuals for targeted measures and to oversee implementation of such measures.
- The Secretary-General could request the Security Council to provide the Working Group with a more formal Secretariat assistance for reports and meeting arrangements.

12. UN Documents

Security Council Resolutions

- 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) on the DRC paid attention to the need to release children and stop recruitment of children as the situation deteriorated in eastern DRC.
- S/RES/1840 (14 October 2008) extended MINUSTAH's mandate and condemned grave violations against children affected by armed violence.
- S/RES/1836 (29 September 2008) renewed UNMIL and called on Liberian authorities to cooperate with the UN in combating violence against children.
- 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. The resolution also requested the Secretary-General to develop guidelines to enhance peacekeeping operations' ability to protect civilians from sexual violence and systematically include recommendations in this regard in written reports to the Council, as well as to submit a report by 30 June 2009 with information on the systematic use of sexual violence in conflict areas and strategies to minimise the prevalence of such acts with benchmarks for measuring progress.

- S/RES/1814 (15 May 2008) on Somalia reaffirmed resolution 1612 and the conclusions of the Working Group on Somalia.
- S/RES/1812 (30 April 2008) reauthorised UNMIS until 30 April 2009 and contained significant references and requests relating to the protection, release and reintegration of children.
- S/RES/1806 (20 March 2008) renewed UNAMA and expressed concern about and condemnation of the recruitment and use of children by Taliban forces.
- S/RES/1801 (20 February 2008) reauthorised AMISOM for six months and reaffirmed resolution 1612.
- S/RES/1794 (21 December 2007) renewed MONUC until 31 December 2008 and demanded that the FDLR immediately stop recruiting children and called on the DRC to put an end to the practice.
- S/RES/1780 (15 October 2007) extended the mandate of MINUSTAH and condemned grave violations against children affected by armed violence.



- S/RES/1772 (20 August 2007) reauthorised AMISOM till 20 February 2008 and reaffirmed resolution 1612.
- S/RES/1771 (10 August 2007) renewed the DRC sanctions regime, with some modifications to the arms embargo, and the mandate of the Group of Experts until 15 February 2008 and reaffirmed resolution 1612 and condemned the recruitment and use of child soldiers.
- S/RES/1769 (31 July 2007) created UNAMID and called on all parties to ensure protection of children addressed in the Darfur Peace Agreement and requested the Secretary-General to ensure continued monitoring and reporting.
- S/RES/1756 (15 May 2007) extended the deployment of MONUC till 31 December 2007 and set out its mandate, including calling for the release of children from armed groups and for assistance towards their reintegration.
- S/RES/1719 (25 October 2006) set up the UN Integrated Office in Burundi and called for protection of human rights and building institutional capacity for women, children and other vulnerable groups.
- S/RES/1706 (31 August 2006) expanded the mandate of UNMIS and called for reintegration of women and children associated with combatants.
- S/RES/1704 (25 August 2006) set up the UN Integrated Mission in Timor-Leste. The mandate included assistance to displaced women and children and the promotion of children's rights.
- S/RES/1698 (31 July 2006) extended sanctions to individuals recruiting or targeting children in situations of armed conflict in the DRC.

- 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/1565 (1 October 2004) strengthened and renewed MONUC and decided to assist in promotion and protection of human rights for women and children.
- S/RES/1542 (30 April 2004) set up MINUSTAH and decided to assist the government of Haiti in DDR of women and children.
- 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/2008/48 (22 December 2008) was the presidential statement on the Great Lakes region and the LRA and demanded the LRA cease its recruitment of children and called for their immediate release.
- 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/2008/6 (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/2007/16 (30 May 2007) on Burundi made reference to the conclusions of the Working Group on Children and Armed Conflict on the situation in Burundi.
- S/PRST/2006/48 (28 November 2006) was on children and armed conflict.
- S/PRST/2006/33 (24 July 2006) was on children and armed conflict.
- S/PRST/2005/20 (26 May 2005) was on post-conflict peacebuilding and stressed the importance of DDR and reintegration of child soldiers.
- 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/2009/84 (10 February 2009) in Sudan
- S/2009/66 (3 February 2009) in the 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/2008/670 (24 October 2008) on Nepal had a separate child protection section.
- 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". Within this section is the mention of the 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/2008/202 (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/2008/218 (2 April 2008) on the DRC contained a separate section on children in armed groups.
- 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.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)
- S/PV.4948 (22 April 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.51/2008/15 (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 Lord's Resistance Army 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 Lord's Resistance Army.
- 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 on 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 on the impact of armed conflict on children.
- A/51/306/Add1 (6 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/2008/455 (11 July 2008) was the letter from the chair of the Working Group submitting his report on its activities from 1 July 2007 to 30 June 2008.
- 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 the letter 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 the letter 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 the letter 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 the letter 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 the letter from the chair of the Working Group submitting a report on its activities since July 2006.
- S/2007/189 (4 April 2007) was the letter 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 the letter 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 the letter 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/2006/497 (10 July 2006) was the letter from the chair of the working group submitting a report on its activities since the adoption of resolution 1612.

Other

- S/2008/782 (12 December 2008) was the report of the Security Council mission to Afghanistan from 21 to 28 November 2008 and encouraged Afghan authorities to reinvigorate efforts to uphold rights of children.

- S/2008/460 (15 July 2008) was the report of the Security Council mission to Djibouti (on Somalia), the Sudan, Chad, the DRC and Côte d'Ivoire from 31 May to 10 June 2008. The report expressed concern about the recruitment of children in the DRC and called on the Governments of Rwanda and the DRC to take steps to end this practice.
- S/2008/442 (7 July 2008) was the concept paper by Viet Nam for a Council debate on children and armed conflict.
- S/2006/275 (2 May 2006) set out the terms of reference for the Working Group on children and armed conflict.
- S/2005/659 (20 October 2005) was a note announcing the election of France as the chair of the working group.
- A/CONF./831/9 (1 July 2002) was the Rome Statute for ICC.
- 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.

Annex

Historical Background

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 Office of the UN High Commissioner for

Refugees puts children at half the total population of refugees and internally displaced people.

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. He 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 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 on 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, six 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 international obligations in situations which were already on the Council’s agenda or could be brought to its attention as a matter which in his opinion may threaten the maintenance of international peace and security, in accordance with Article 99 of the Charter.”

Nevertheless, there was little evidence on the ground that these measures were successful in getting armed groups and governments to comply. As a result, in 2003, the Council endorsed the Secretary-General’s call to move into an “era of application” in resolution 1460. 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.

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 Secretary-General’s call for an “era of application” was endorsed by the Council in resolution 1460. This was the first step towards a system that could better afford a 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.

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, DRC, Liberia, Somalia	Chechnya, Colombia, Myanmar, Nepal, Northern Ireland, Philippines, Sri Lanka, Sudan, Uganda
5 th Report (9 February 2005)	Burundi, Côte d'Ivoire, DRC, Somalia, Sudan	Colombia, Myanmar, Nepal, Philippines, Sri Lanka, Uganda
6 th Report (26 October 2006)	Burundi, Côte d'Ivoire, DRC, Myanmar, Somalia, Sudan	Chad, Colombia, Nepal, Philippines, Sri Lanka, Uganda
7 th Report (21 December 2007)	Afghanistan, Burundi, CAR, DRC, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Chad, Colombia, Philippines, Sri Lanka, Uganda

Useful Additional Sources

- *Full of Promise: How the UN's Monitoring and Reporting Mechanism can Better Protect Children*, Save the Children, February 2009
- *Child Soldiers Global Report 2008*, Coalition to Stop the Use of Child Soldiers, May 2008
- *No Safety No Escape: Children and the Escalating Armed Conflict in Sri Lanka*, Watchlist on Children and Armed Conflict, April 2008
- *Getting it Done and Doing it Right, Implementing the Monitoring and Reporting Mechanism on Children and Armed Conflict in: Sri Lanka, the DRC, Colombia, Uganda*, Watchlist on Children and Armed Conflict, January 2008
- *Getting It Done and Doing It Right, A Global Study on the United Nations-led Monitoring and Reporting Mechanism on Children and Armed Conflict*, Watchlist on Children and Armed Conflict, January 2008
- *Lessons Learnt, Child Protection, The Impact of Child Protection Advisors on UN Peacekeeping*, Peacekeeping Best Practices Section, May 2007

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