

Summary Report



LIECHTENSTEIN INSTITUTE
ON SELF-DETERMINATION
AT PRINCETON UNIVERSITY

Priorities for the UN's Children and Armed Conflict Agenda

INTRODUCTION

The Liechtenstein Institute on Self-Determination at Princeton University (LISD) and the non-governmental organization Watchlist on Children and Armed Conflict convened a workshop, “Priorities for the UN’s Children and Armed Conflict Agenda,” on December 12-13, 2016, at Princeton University. The workshop brought together representatives of United Nations Member States, including members of the Security Council, the UN Office of the Special Representative for Children and Armed Conflict (OSRSG-CAAC), Department of Peacekeeping Operations (DPKO), UNICEF, academics, and NGOs to discuss priorities for the UN’s Children and Armed Conflict (CAAC) agenda in 2017 and 2018.

The workshop began with informal discussions among participants in advance of the working sessions on December 12, and closed with a public session on December 13, to introduce a wider audience to the plight of children caught in the crossfire of armed conflict, particularly in the context of attacks on schools and hospitals. The working sessions of the workshop consisted of three closed sessions on December 13.

During the first working session the OSRSG-CAAC, DPKO, and UNICEF introduced several initiatives and topics with an outlook to 2017, reflecting on the current status of the CAAC agenda. The second session focused exclusively on the Security Council Working Group, and was framed around its working methods. The third session was thematic in nature, focusing on the challenge of protecting schools and hospitals from attack under the framework of Security Council Resolution

1998 (2011), and featuring experts, from both the UN and civil society, working on these themes.

The present report is a consensus document summarizing these discussions and provides recommendations for Security Council action on violations and abuses against children in situations of armed conflict during the 2017-2018 Swedish Chairmanship of the Security Council Working Group on Children and Armed Conflict.

THE CHILDREN AND ARMED CONFLICT AGENDA: CURRENT STATUS AND PRIORITIES

The first session of the workshop concentrated on the current status of the UN’s Children and Armed Conflict agenda, introducing several timely initiatives and topics with an outlook to the upcoming year.

Workshop participants from the OSRSG-CAAC discussed the joint OSRSG-CAAC–UNICEF “Children, Not Soldiers” campaign to end the recruitment and use of children by government security forces in conflict by 2016, the upcoming Secretary-General’s annual report on children and armed conflict, and the 20-year anniversary of Graça Machel’s 1996 report on the “Impact of Armed Conflict on Children.” Participants from UNICEF also discussed the joint campaign “Children, Not Soldiers,” and further highlighted the upcoming 10th anniversary of

March 2017

the Paris Commitments and Principles on Children Associated with Armed Forces and Armed Groups. Participants from DPKO presented on the review of the Department's 2008 child protection policy, as well as the roles and responsibilities of civilian, military, and police components of peacekeeping missions in upholding the security and rights of children.

Following these presentations, participants discussed 1) the status of the "Children, Not Soldiers" joint campaign; 2) dealing with non-state armed groups; 3) sustainable reintegration of children formerly associated with armed forces or armed groups; and 4) the role of child protection in peacekeeping.

The workshop participants expressed their support for the joint campaign "Children, Not Soldiers," launched in March 2014. As a result of the UN's sustained engagement, the eight government security forces listed in the annexes to the Secretary-General's annual report on children and armed conflict for recruitment and use of children adopted action plans to end and prevent the violation: Afghanistan, Chad, Democratic Republic of the Congo (DRC), Myanmar, Somalia, Sudan, South Sudan, and Yemen. Participants pointed out that some of these action plans date back more than five years, and posed questions about progress versus areas for improvement and further support. In terms of progress, the role of country-based Groups of Friends was highlighted as helpful for both political and financial support. Some of the common struggles highlighted included a lack of political will and leadership for implementation; re-emergence of active conflict, such as e.g., Yemen and South Sudan; and action plans that require institutional change, including time-consuming changes in policy and the legal framework.

Second, participants noted that the vast majority of

the perpetrators listed in the annexes to the Secretary-General's annual report on children and armed conflict are armed non-state actors (ANSA), rather than state security forces. There was a general consensus among participants that engagement with ANSAs on action plan adoption and implementation was crucial. But, several challenges hamper the ability of UN agencies to engage ANSAs on child protection. Certain ANSAs do not wish to engage on protection issues. Even if an ANSA wishes to engage, its command structure may lack the clarity to allow for clear focal points for engagement, or orders to be passed down the chain of command. Self-defense groups pose particular challenges as they are based within communities, and children tend to move freely within, and between them. Further, access for engagement may not be possible due to logistical or security restrictions, or legal prohibitions to do so. And, even when an action plan is adopted, verification of implementation is problematic, due to the same challenges that restrict access to ANSAs.

Participants also discussed examples of situations where conditions were created for engagement with armed non-state actors. Colombia constitutes an example of how engagement with the Revolutionary Armed Forces of Colombia (FARC) was done within the framework of an ongoing, comprehensive peace process with the government. It was also pointed out that around two-thirds of the listed ANSAs are active in countries where the government security forces have signed action plans to end and prevent the recruitment and use of child soldiers. These action plans provide for national standard-setting in terms of child protection, including, for example, the criminalization of recruitment and use of children. Some action plans, such as in the case of Myanmar, also include provisions that provide for outreach to ANSAs on child protection issues.

Third, participants debated the challenges connected to the release and reintegration of children associated with armed forces or armed groups. First, the importance of a negotiated, formal release versus spontaneous release was outlined. Still, it was noted that even when a formal process for release and reintegration is in place, re-recruitment is frequent especially when there is a flare-up in conflict. The main challenge identified was the support for long-term reintegration programming. While the UN's CAAC agenda has been effective in mobilizing political will for release, it has been less effective in generating resources for sustainable reintegration programming.

Fourth, participants discussed with DPKO the role of child protection in peacekeeping and political missions. With nine UN missions holding a child protection mandate (six peacekeeping missions and three political missions), the Department is preparing for the rollout of its updated child protection policy, which it anticipates to present during the upcoming Special Committee on Peacekeeping (C34) meetings.

THE SECURITY COUNCIL WORKING GROUP: CHALLENGES AND OPPORTUNITIES

The second session of the workshop focused on the Security Council Working Group on Children and Armed Conflict (SCWG-CAAC), and its working methods. Watchlist opened the session with a presentation on the quantity and quality of the Working Group's output since it was put in place in 2006. Watchlist noted that the average adoption time of the Working Group's country-specific conclusions steadily increased between 2006 and 2015,

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and never reached the target adoption time of two months. Organizational, procedural, and political factors contribute to these delays. Second, Watchlist noted that the Working Group relied predominantly on a minority of tools available to it, and that many of its tools remain underutilized.

The session also featured reflections from former Working Group Chairs Luxembourg and Germany on the challenges they faced when chairing the SCWG-CAAC. They presented on the following political, organizational, and procedural factors that can affect the Working Group's ability to perform its core duties efficiently and effectively:

- *The contemporary UN Security Council constellation:* the general political climate affecting the Council at large will impact the ability of its subsidiary Working Group to find consensus on specific country situations or issues;
- *The absence of a thematic sanctions regime:*

while all Sanctions Committees relevant to the CAAC agenda have child rights violations as a designation criteria (Iraq, DRC, Sudan, South Sudan, Al Qaida and the Taliban), it still leaves nine country-specific situations without a means of “last resort.” A thematic sanctions committee would cover all situations listed in Annex I of the Secretary-General’s annual report on children and armed conflict;

- *The requirement of consensus:* outcome documents of the Security Council Working Group require consensus for adoption. In politically sensitive country situations, this requirement can cause lengthy negotiations spanning several months;
- *The heavy work load:* the work load of the subsidiary body is considerable, and requires at least two full-time diplomats—in addition to UN Secretariat staff—dedicated to support both Working Group negotiations and related mainstreaming activities throughout the Council proper;
- *Periodic absences of Secretary-General reports:* the Secretary-General has reportedly adjusted the production of country-specific reports based on the (limited) progress of the Working Group. As a result, it has occurred, on occasion, that the Working Group had no report to negotiate, forcing them to temporarily halt their activities;
- *The lack of a dedicated budget:* the Working Group does not have a budget to support its functions. In the past, this has hampered its ability to maximally utilize its working methods, such as e.g., facilitating Working Group field visits.

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The former Chairs of the Working Group made the following recommendations to improve the performance of the Working Group:

- *Management of the Working Group’s extensive work load:* the former Chairs remarked that it was advisable for the Chair’s permanent mission to dedicate the necessary resources to the management of the Working Group’s extensive work load. The Chairs recommended at least one person to focus exclusively on children and armed conflict, assisted by others within the mission. Second, the former Chairs commented on the Working Group’s working schedule. It was deemed advisable to prepare a clear working schedule for the Working Group in dialogue with the SRSG’s office, with the aim to know well in advance when to plan for Secretary-General reports to be ready for conclusion negotiation. Furthermore, it was deemed advisable to schedule the bulk of the workload during the first half of the year. Due to summer, and the Third Committee proceedings taking place September to December, it is a challenge to bring Working Group members together during the second semester, but much easier to scheduled meetings in the first semester. Finally, it was recom-

- mended to negotiate—if necessary—multiple conclusions simultaneously;
- *Mainstream children and armed conflict into the Council’s regular agenda:* the former Chairs recommended for the Working Group’s Chair to draw attention to CAAC issues for every situation discussed by the Security Council, and for it to be part of every mandate discussion. Other recommendations for mainstreaming include: 1) invite the SRSG to brief the Working Group on country situations and 2) discuss CAAC issues, or Working Group activities, under the Council’s “any other business” agenda-item;
 - *Use the full range of Working Group “tools”:* the former Chairs commented that while adopting conclusions is an important part of the Working Group’s work, it is not the only tool the Working Group can use to create impact. Other recommendations to achieve impact include: 1) field visits, whether they be Working Group field visits or integrating CAAC issues in Security Council field visits; 2) Arria formulas; 3) press briefings; and 4) Working Group briefings by experts;
 - *Ensure follow-up and implementation of the Working Group’s conclusions:* what the mechanism still lacks is an automatic system of local, national, and global responses triggered once a Working Group conclusion has been adopted. The former Chairs recommended some of the following activities: 1) draft the conclusions as concretely as possible, as concrete recommendations will allow for easier follow-up and implementation; 2) call for a response by the country or party concerned, in all letters and public statements, and for this response to in-

clude a report of their implementation of the Working Group’s conclusions; 3) encourage the formation, and activities, of local Groups of Friends—including donor governments—to follow the adoption of country-specific conclusions, and to raise the awareness and resources necessary to implement Working Group recommendations; and 4) invite permanent representatives of countries concerned to discuss conclusions, and question them—either publicly or privately, or both—about follow-up and implementation;

- *Utilize the broad-range of experiences from third party experts:* the former Chairs recommended to make use of the vast knowledge and experience present within the Secretariat, UNICEF, the NGO community, etc.

Finally, workshop participants engaged in a discussion and identified three areas for further consideration under the Swedish Chairmanship of the Special Working Group. These include: the use of the Global Horizontal Note (GHN),¹ the Working Group’s working methods and use of its “toolkit,” and the follow-up and implementation of Working Group conclusions. In particular, the usage of the GHN was discussed, and if this broad-ranging document could be used more extensively. Participants generally agreed that the GHN could be better used by the Working Group, in particular to address the ongoing issue of lack of timely country-specific reports. The GHN includes a significant amount of

1. Global Horizontal Notes (GHNs) are bi-monthly reports produced by the OSRSG-CAAC in coordination with country task forces or teams, with comments from UNICEF headquarters. They are considered an informal method of providing information on grave violations to the Working Group. For more information, see Barnett and Jeffrey, “Full of Promise: How the UN’s Monitoring and Reporting Mechanism Can Better Protect Children,” Humanitarian Practice Network Paper #62, September 2008.

up-to-date CAAC information, which could be used to generate more discussion in the Working Group, or as a tool to track progress in terms of implementing the Working Group's conclusions. The participants concluded that the GHN offered a great potential for increased usage, but admitted that all Council members would have to agree if it was to be used in a particular way. The participants also discussed the Working Group's working methods and the usage of its toolkit which, it was noted, had defined the Working Group's original working methods ten years ago. Participants indicated that it was possible to debate and modify these. The Working Group's toolkit was further discussed, with specific focus on the impact of the various tools. The option to conduct a "best practice" study on the impact different tools have on the situation of children in armed conflict was proposed. Some of the more effective tools discussed included: field visits, meetings with Child Protection Advisers, and training sessions for incoming members.

Member States should consider the drafting and adoption, of a stand-alone Security Council resolution dedicated to attacks on education and military use of schools during conflict similar to SCR 2286 focusing on hospitals

ATTACKS ON SCHOOLS AND HOSPITALS

The third session of the workshop looked at ending and preventing other violations committed against children in situations of armed conflict, and focused specifically on attacks on schools and hospitals. In 2011, the Security Council expanded the triggers—to include attacks on schools and hospitals—for listing a party to the annexes of the Secretary-General's annual report on children and armed conflict in Security Council Resolution 1998.² In 2016, a stand-alone resolution, Resolution 2286, specifically on attacks on hospitals was adopted. During this session, a representative from New Zealand commented on UN Security Council Resolution 2286 on attacks on health care in conflict, which New Zealand co-sponsored with four other non-permanent Council members. Physicians for Human Rights presented on its decades-long experience documenting and reporting on attacks against health care and health workers in conflict. Finally, the Global Coalition to Protect Education from Attack provided an overview of global trends on attacks against schools, students, and teachers, as well as its work to promote the Safe Schools Declaration among Member States. With this as background, the participants divided into break out groups to discuss the implementation of SCR 2286 and SCR 1998. Upon their return to the plenary, they made the following proposals:

2. UN Security Council Resolution 1998 instructs the Secretary-General to include in the annexes of the annual report on children and armed conflict (listing those committing grave violations against children) any parties to conflict who attack schools and/or hospitals and attack or threaten to attack protected persons in relation to schools or hospitals.

IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 2286

- The UN should set up an independent, international *thematic commission of inquiry* for in-depth investigations of specific incidents of attacks against hospitals or health workers.

IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 1998

- *Regional organizations* including the European Union (EU), the African Union (AU), and the North Atlantic Treaty Organization (NATO) should consider drafting *implementation plans* in support of SCR 1998;
- The UN *should increase its engagement with parties to conflict listed for attacks on schools and hospitals*, and assist them in adopting, and implementing, action plans to end and prevent these violations;
- DPKO should send out a *directive on the military use of schools and develop guidance for the infantry battalion manual*, which may serve as a best practice example with troop contributing countries;
- The SCWG-CAAC should consistently *include recommendations towards the protection of schools and hospitals in its country-specific conclusions*;
- The UN Security Council should consider requesting the Secretary-General to present *a report dedicated to the system-wide implementation of SCR 1998*, and following the publication of such a thematic Secretary-General

report; the Council could consider discussing the report's contents during *a thematic open debate*;

- Member States, assisted by the relevant United Nations departments and agencies, should consider organizing *an anniversary event for SCR 1998*, with a focus on best practices for implementation. Such an event could take form as, for example, a side-event or an Arria-formula briefing;
- Member States should *consider endorsing the Safe Schools Declaration*, and where appropriate, integrate the guidance on the military use of schools into military training manuals and standard operating procedures;
- Member States should consider the drafting and adoption, of *a stand-alone Security Council resolution dedicated to attacks on education and military use of schools during conflict* similar to SCR 2286 focusing on hospitals ;
- Non-governmental organizations should consider *a broad-based social media campaign* highlighting the issue of attacks on schools and hospitals, the challenges of this issue, as well as proposed solutions, targeting foreign ministries of Member States.



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