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## **NEXT STEPS FOR THE UN SECURITY COUNCIL ON CHILDREN AND ARMED CONFLICT**

**November 2006**

### **INTRODUCTION:**

Since it began to address children and armed conflict in 1999, the UN Security Council has made substantial progress in developing strategies and mechanisms to end abuses against children in conflict situations, particularly in regards to the recruitment and use of children as soldiers. Each resolution adopted by the Council to date has built on those adopted previously, and advanced the agenda further.

Some of the most significant achievements of the Security Council attention to this agenda have included:

- the development of annual lists by the Secretary General to identify the specific governments and armed groups that recruit and use child soldiers in violation of international standards;
- clear expectations for dialogue with violators and the development of action plans to end child recruitment, resulting in greater involvement by UN country teams in addressing children and armed conflict issues;
- the establishment of a monitoring and reporting mechanism in seven countries to provide more detailed and comprehensive information on abuses for possible action by the Council;
- the establishment and activities of the Security Council working group on children and armed conflict, including its focused attention to the reports emanating from the monitoring and reporting mechanism and its concrete and specific recommendations for action to the Council;
- the first actions by the Security Council to apply targeted measures against individuals specifically for the recruitment and use of children as soldiers (SC resolution 1698 on the Democratic Republic of Congo, July 31, 2006; the Security Council Committee concerning Cote d'Ivoire's February 7, 2006 decision to subject Martin Kouakou Fofie to measures established by SC resolution 1572).

These actions have resulted in a multifaceted set of tools and pressure points that, if fully utilized, represent a robust approach to ending abuses against children, including the recruitment and use of children as soldiers.

However, these mechanisms have not yet brought the results desired by the Security Council. Dozens of parties to armed conflict continue to recruit and use children with

The Coalition to Stop the Use of Child Soldiers unites national, regional and international organizations and Coalitions in Africa, Asia, Europe, Latin America and the Middle East. Its Steering Committee members are Amnesty International, Defence for Children International, Human Rights Watch, International Federation Terre des Hommes, International Save the Children Alliance, Jesuit Refugee Service, and the Quaker United Nations Office-Geneva.



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impunity, and requests from the Security Council for action plans to end this practice have generally gone unheeded.

The Secretary-General's most recent report reveals that:

- **there has been only a very small decline in the overall number of parties recruiting or using child soldiers**; the most recent Secretary General's report lists 38 parties from 12 countries, compared to 42 parties from 11 countries listed in the Secretary General's previous report in February 2005;
- Of the 38 parties identified as recruiting and using child soldiers in violation of international standards, **16 are "persistent violators," having been listed in all 4 consecutive reports since 2002**;
- Although the Security Council has asked three times since 2003 for the development of action plans by parties to end recruitment and use of child soldiers<sup>1</sup>, **only two action plans (one with Force Nouvelle in Cote d'Ivoire and a regional plan with several militia groups in Cote d'Ivoire) have so far resulted directly from these requests<sup>2</sup>**;
- Although the Council has also repeatedly asked for dialogue with parties, the Secretary General's report suggests that **some form of dialogue has taken place with only about half of the parties listed in Annex I of this year's report**.

## **NEXT STEPS FOR THE SECURITY COUNCIL**

As the Security Council considers next steps to address continuing violations against children in armed conflict situations, the Coalition to Stop the Use of Child Soldiers recommends the following actions. Many (though not all) of these recommendations can be taken up by the Security Council working group on children and armed conflict and implemented through country-specific resolutions.

### **I. MONITORING AND REPORTING MECHANISM**

Although the Monitoring and Reporting Mechanism is still in its early stages of development, it has already proved itself to be extremely valuable, by engaging a range of UN agencies and partners in more systematic documentation of abuses and by providing the Security Council with more timely and comprehensive information to inform its action. It has also helped move the children and armed conflict agenda into a new phase of development: whereas in the past, the focus on children and armed conflict has been addressed as a general thematic concern, the new country reports are now helping the Security Council focus on individual country situations and the appropriate measures that should be taken in each specific case.

However, the Monitoring and Reporting mechanism is still limited in its scope, and with the exceptions of Nepal and Sri Lanka, does not yet apply to situations not on the Security Council's agenda, where nonetheless, the recruitment or use of children in armed conflict is widespread and severe. In fact, the Secretary-General's report finds that of the 16 "persistent violators" that have been listed in each of the Secretary-General's last four reports, half operate in situations on the Security Council's agenda, while an equal number operate in situations that are not on the

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<sup>1</sup> Resolution 1460 (January 2003), Resolution 1539 (April 2004) and Resolution 1612 (July 2005).

<sup>2</sup> The government of Uganda made a commitment to the SRSG to develop an action plan, but no progress has yet been made.



Security Council's agenda. This shows that the need for monitoring and reporting in these other situations is no less acute. In some instances, e.g. Uganda, steps by the UN country team have already been made to initiate a MRM task force, demonstrating the willingness of UN agencies and their partners to expand this important initiative.

**Recommendations:**

- 1) The Security Council should request the expansion of the Monitoring and Reporting mechanism to all situations identified in the annexes of the Secretary-General's report.
- 2) The Security Council working group should examine reports from each of these situations, and develop appropriate recommendations for action.

**II. PERSISTENT VIOLATORS**

As mentioned above, the Secretary-General's report identified 16 "persistent violators" that have been named in each of the Secretary-General's four reports listing parties that recruit or use children as soldiers in violation of international standards.<sup>3</sup> Of these groups, only those in the DRC have engaged in any notable demobilization of children.<sup>4</sup> Few have engaged in dialogue with the relevant UN country team, and none have produced a credible action plan to end their recruitment of children and release all children from their forces.

In resolution 1539, the Security Council expressed its intention to consider imposing targeted and graduated measures against parties in situations on its agenda that refuse to enter into dialogue, fail to develop an action plan, or fail to meet the commitments included in their action plan. The Council specifically referenced the possibility of bans on the provision of small arms, other military equipment, or military assistance.

The continued violations by these "persistent violators" flout Security Council resolutions and contribute to an on-going culture of impunity for child recruiters. These parties have been given ample opportunity since 2002 to respond to the Security Council's appeals. The Council must now take decisive action in response to their continued violations.

**Recommendations:**

- 1) Apply targeted measures to these parties as articulated in SC resolution 1539, para 5 (c) and SC resolution 1612, para 9, or other targeted measures recommended by the Secretary-General, such as travel bans, exclusion from governance structures, and restrictions on the flow of financial resources to the parties concerned.
- 2) Request the Secretary-General in his next report to provide an analysis on the obstacles to progress in these specific cases, and recommendations for action.

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<sup>3</sup> From Annex I, this group comprises the Palipehutu-FNL (Burundi); FARDC (Democratic Republic of Congo), FDLR (Democratic Republic of Congo), FNI (Democratic Republic of Congo), Mai Mai (Democratic Republic of Congo), Tatmadaw Kyi (Myanmar), Karenni Army (Myanmar), and SPLA (Sudan). From Annex II, this group comprises the AUC (Colombia), ELN (Colombia), FARC (Colombia), CPN-Maoists (Nepal), MILF (Philippines), NPA (Philippines), LTTE (Sri Lanka), and LRA (Uganda).

<sup>4</sup> The LTTE released 91 children, but recruited more than 500 more during the reporting period.



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### III. ACTION PLANS

Over two years ago (Resolution 1539, adopted April 2004), the Security Council called upon parties in situations on its agenda identified as violating international standards by recruiting and using child soldiers to prepare concrete action plans to end such recruitment and use within a three-month period. Last year, the Security Council expressed its serious concern about the lack of progress in developing such action plans. Yet, as noted above, extremely few concrete action plans have been developed.

#### Recommendations:

- 1) Establish new deadlines for parties listed in this year's report to create concrete and time-bound action plans. *Such deadlines should apply to parties listed in both Annex I and Annex II.*
- 2) Request the Secretary-General to include an assessment of the successes and failures in developing action plans, both as part of the country-specific reports he submits to the Security Council working group on children and armed conflict, as well as in his next comprehensive report to the Security Council on children and armed conflict.

### IV. DIALOGUE WITH PARTIES

The Security Council's requests for dialogue with parties listed in Annex I has yielded only limited results, despite repeated calls and the request for the designation of a focal point for such dialogue in 2004 (Resolution 1539, para 5b). As noted in the Secretary-General's report, in some cases dialogue is extremely difficult, if not impossible, due to lack of access to the parties due to insecurity, changes in command structures, or the refusal of the party to engage in dialogue. In other cases, however, it appears that sufficient efforts have not been made by the UN country team.

In resolution 1460 (January 2003)m the Security Council expressed its readiness to engage in dialogue with parties recruiting or using child soldiers without specifying whether or not the relevant situations were on the Security Council's agenda. However, resolution 1539 called explicitly for dialogue only with parties listed in Annex I of the Secretary-General's report. Some form of dialogue has taken place with about half of these parties. However, among parties listed in Annex II, systematic dialogue is much more rare, with the LTTE and Karuna group in Sri Lanka as the only examples cited by the Secretary-General's report from Annex II situations. Without dialogue between these parties and the UN country team, the creation of action plans to end the recruitment and use of child soldiers is unlikely.

#### Recommendations:

- 1) Request the Secretary-General to expand efforts to engage in dialogue to all parties in situations of armed conflict identified by the Secretary-General in the annexes to his report, and identify additional focal points within relevant UN country teams for this purpose;
- 2) In situations on the Security Council's agenda where systematic dialogue with parties has not taken place, request the Secretary-General to follow up with



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the UN country team focal points to create and implement a plan for substantive dialogue, with the objective of developing credible action plans.

## **V. PROSECUTIONS**

A fundamental cause of continued recruitment and use of child soldiers is not only impunity for the party to armed conflict and its senior leadership, but also the impunity enjoyed by individual recruiters. Even among parties to armed conflict that claim to have policies prohibiting the recruitment or use of children, recruiters who violate these policies are rarely, if ever, disciplined or prosecuted. In this regard, the prosecution of known recruiters by FARDC military tribunals in the Democratic Republic of Congo, including the conviction of Jean Pierre Biyoyo of the Mudundu 40, is a welcome development. The International Criminal Court's prosecution of Thomas Lubanga and issuance of arrest warrants against leaders of the Lord's Resistance Army are also important steps to address impunity.

### **Recommendations:**

- 1) Welcome the Democratic Republic of Congo's prosecution of Jean Pierre Biyoyo, the only successful national-level prosecution to date for child recruitment.
- 2) Call on other member states to establish and implement mechanisms to investigate and prosecute individual perpetrators; request UN agencies to provide technical assistance, as appropriate.
- 3) Request that information on national-level actions to identify and hold individual recruiters accountable through investigations, arrests, and prosecutions, are included in the country reports submitted through the UN monitoring and reporting mechanism to the Security Council working group on children and armed conflict.

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