working methods 2006-2015

Strengthening the Impact of the Security Council Working Group on Children and Armed Conflict February 2016

This note continues Watchlist on Children and Armed Conflict's practice of providing updated analyses of the working methods of the Security Council Working Group on Children and Armed Conflict (Working Group) since its inception. It examines and identifies trends over the period 2006-2015 including: (1) the use of the Working Group's toolkit, and (2) the time taken to adopt countryspecific conclusions. Recommendations for strengthening the working methods of the Working Group are included in relation to both the use of the toolkit and adoption times.

about watchlist

Watchlist on Children and Armed Conflict strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national, and international nongovernmental organizations, enhancing mutual capacities and strengths. Working together, we strategically collect and disseminate information on violations against children in conflicts in order to influence key decision-makers to create and implement programs and policies that effectively protect children.

Watchlist on Children and Armed Conflict is a project of Tides Center, a non-profit public charity.

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Findings

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Toolkit Usage

The Working Group has relied predominantly on a minority of the tools available to it, and many tools remain underutilized. Between 2006 and 2015, the Working Group used an average of 7.5 out of 26 available tools (29 percent) per conclusion.

In 2015, as measured by the one conclusion adopted, the Working Group continued to focus on tools geared towards the implementation of the Children and Armed Conflict (CAC) agenda, particularly with respect to compliance of parties with their obligations under international law.

Aside from this conclusion, the Working Group Chair maintained advocacy towards mainstreaming CAC language in Security Council documents and briefings, and a particularly active Working Group member highlighted the issue of accountability through informal joint consultations with sanctions committees.

Despite the Working Group's original intention that the toolkit be non-exhaustive and a "living document," the Working Group has neither gone beyond the toolkit nor reviewed the toolkit or the effectiveness of its usage since its adoption.

Adoption Time

The average adoption time of country-specific conclusions has decreased from 3.4 months in 2006 to 3 months in 2015, but still higher than the target adoption time of 2 months. However, the "average" in 2015 was based on only one conclusion. By the end of 2015, the Working Group had not yet begun negotiations on a country report on Afghanistan that it received in July, so it is likely that the Malaysian Chair's overall adoption time will increase after a final account is made at the end of 2016. Organizational, procedural and political factors contribute to delays.

J recommendations

To the Working Group on Children and Armed Conflict:

- In the context of its consideration of options for increasing pressure on persistent perpetrators, as requested by Security Council Resolutions 1998 (2011) and 2068 (2012), carry out or request a review of the effectiveness of the Working Group's use of the tools in the toolkit.
- Request the Secretary-General to include in his country-specific reports on children and armed conflict a separate section on the implementation of the Working Group's previous conclusions.
- Increase the range and frequency of the use of tools in the toolkit; continue to convene emergency sessions and/or briefings and, as appropriate, issue press statements on unfolding crises which pose grave risks to children in situations of armed conflict.

- Address the issue of lengthy delays in the adoption of conclusions:
 - Reserve UN Headquarters accommodations and accredited interpretation ahead of time, and consider alternative sites for Working Group negotiations when neither is available;
 - Ensure better coordination between the Working Group Chair and the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG-CAAC) on a process to present country-specific reports in a timely manner and to adopt conclusions on a regular cycle; and
 - Begin parallel negotiations in order to move forward with multiple countryspecific reports in the shortest possible timeframe, using added capacity of the Chair's two assigned experts for following the CAC agenda.

To the Working Group Chair:

- To prevent the Working Group from ceasing to function for periods at a time, regularly convene group meetings, schedule them ahead of time, and strategically ensure the negotiations do not overlap with the work of the Third Committee; furthermore, engage with Working Group members in effective and transparent communication, especially when inquiries are made on the status of drafts and pending negotiations.
- Continue to mainstream child protection concerns in the work of the Security Council, including in all relevant thematic

or country-specific resolutions, presidential statements and press statements, UN mission mandate renewals, relevant sanctions regimes, Security Council briefings and consultations, and Security Council visiting missions. 3

• Organize at least one field visit per year to ensure follow up on the conclusions negotiated by the Working Group and to familiarize the group with emerging security situations as they relate to children.

To the Secretary-General:

- Continue to ensure that adequate dedicated resources are available to service the Working Group (one staff member) and allow the Secretariat's budget to provide for at least one visiting mission per year by the Working Group.
- Continue to assist in ensuring the transfer of knowledge to new Working Group members through the maintenance of the United Nations eRoom of the Working Group, providing access to the Working Group's institutional memory.
- Irrespective of delays in the Working Group, submit a new country-specific report to the Working Group every two months, providing, as necessary, amendments or oral updates by the SRSG-CAAC.
- Include in each country-specific report on children and armed conflict a separate section on implementation of previous conclusions of the Working Group.

1. use of the toolkit

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How does Watchlist calculate the Working Group's use of the toolkit?

- In 2006, the Working Group adopted a "toolkit" of 26 actions and recommendations it may apply in its country-specific conclusions.
- Watchlist reviews the Working Group's conclusions for the inclusion of tools. Watchlist only counts tools included in the conclusions. It does not count actions taken by the Working Group outside of the conclusions. For example, a Working Group visit to the Democratic Republic of the Congo in December 2014 is not counted, since it was not mentioned in the Working Group's conclusion on the Democratic Republic of the Congo, adopted in September 2014.
- Actions undertaken by the Working Group, but not mentioned in its conclusions, are included in the narrative section of this note, and organized per Chairpersonship.

The Working Group has relied predominantly on a minority of the available tools (see Figures 1-6), and the range of tools used has generally decreased since the early years of the Working Group.

In 2015, as measured by the **single conclusion adopted**, the Working Group relied on tools geared towards implementation of the CAC agenda, with a focus on compliance of parties with their obligations under international law, and references to accountability via sanctions regimes. This trend has been carried over from the previous Chairs.

Figure 1. Tools Used (2006-2015)

Between 2006 and 2015, the Working Group adopted 49 country conclusions, using an average of 7.5 tools in each set of conclusions, or 29 percent of all available tools. The Working Group tends to rely predominantly on the same set of tools. Notably with the South Sudan conclusion in 2015, the incorporation of child protection issues in peace processes became one of the most frequently used tools as measured over time.

Tools **most often used (>15 times):** letters or appeals to parties concerned (49); letters to donors (46); invitations to stakeholders to address disarmament, demobilization, and reintegration (DDR) of child soldiers (29); requests to UN bodies and agencies (28); advocacy for accountability (28); open or closed meetings with parties concerned (25); strengthen CAC issues in mandates of peacekeeping or political missions (25); requests for visits or advocacy by the SRSG-CAAC (21); calling for addressing children's needs in peace processes (16).

Tools **sometimes used (6 – 15 times):** recommendations for humanitarian cooperation (13); technical assistance (13); requests for additional information from the Secretary-General (12); stronger child protection standards for troops (12); submission of information to existing sanctions committees (11); calling attention to the full range of justice mechanisms (10); letters to regional organizations (10); support to transitional justice and truth-seeking mechanisms (6).

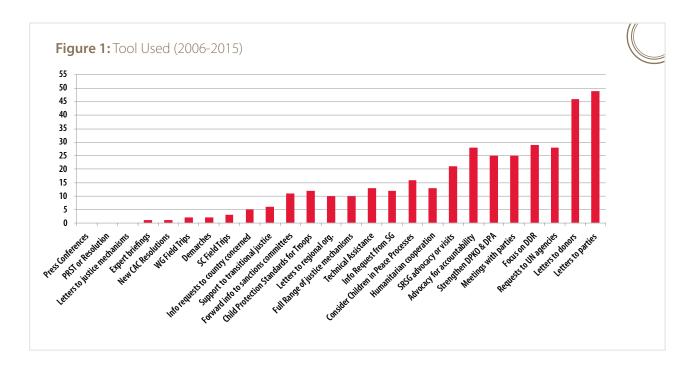
Tools **least often used (1 – 5 times):** requests for additional information from the country concerned (5); UN Security Council visiting missions incorporating a CAC dimension (3); visiting missions by the Working Group (2); demarches to armed forces or groups (2); information briefings by experts, including nongovernmental organizations (NGOs) (1); new areas of Security Council action on CAC, including new resolutions (1).

Tools **never used:** letters to relevant justice mechanisms with information on violations; specific presidential statements or resolutions; press conferences.

Figure 2. Number of Tools Used (2006-2008)

During the French Chairpersonship from 2006 to 2008, the Working Group adopted 20 conclusions, using an average of 7.9 tools per conclusion and a total of 21 different tools. A record number of 13 tools were used in the case of Somalia in December 2008.

Some of the early conclusions of the Working Group employed a number of underutilized but potentially more effective tools such as the submission of information to existing sanctions committees (Democratic Republic of the Congo, 2006 and 2007). Tools which would later become more popular such as transitional justice, accountability, and strengthening the CAC dimension of peacekeeping and political missions, were used only sparingly. Strengthening the Impact of the Security Council Working Group on Children and Armed Conflict



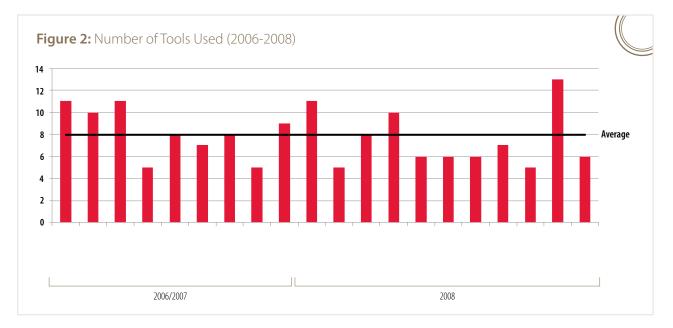


Figure 3. Number of Tools Used (2009-2010)

During the Mexican Chairpersonship from 2009 to 2010, the Working Group adopted 11 conclusions, using an average of 7.8 tools per conclusion and a total of 20 different tools. A high of 11 tools were used in the case of the Central African Republic in July 2009.

The Working Group made a higher priority of improving the CAC dimension of peacekeeping and political missions, calling for strengthening this dimension in 8 of the 11 conclusions adopted. The Working Group also ensured that three Security Council visiting missions (Afghanistan, Democratic Republic of the Congo, and Central African Republic) incorporated a CAC dimension in their terms of reference, and, in 2010, the Working Group itself made its first field visit (Nepal).

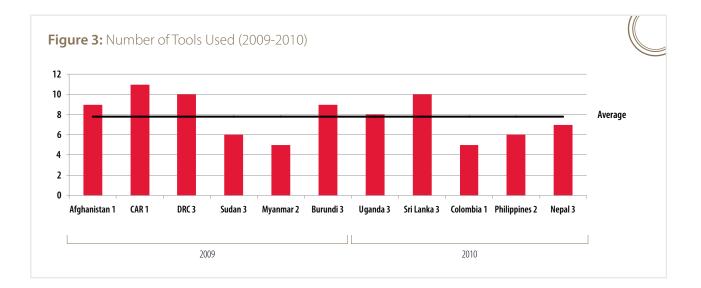
The Working Group showed innovation when it introduced a regional monitoring and reporting mechanism to address cross-border violations perpetrated by the Lord's Resistance Army (LRA) in the Democratic Republic of the Congo, Central African Republic, Uganda, and South Sudan (Uganda 2010). The first report on this cross-border mechanism on the LRA was submitted in May 2012.

Figure 4. Number of Tools Used (2011-2012)

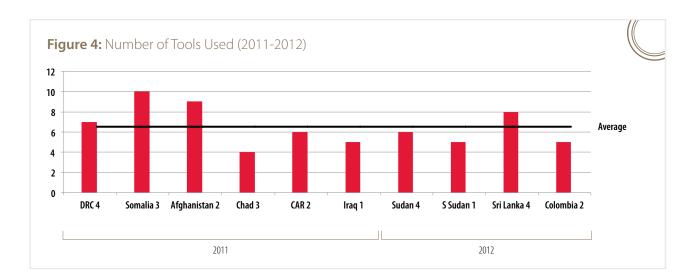
During the German Chairpersonship from 2011 to 2012, the Working Group adopted 10 conclusions, using an average of 6.5 tools per conclusion and a total of 14 different tools. In this period, a high of 10 tools were used in the case of Somalia in March 2011.

The Working Group relied primarily on what had been previously the most popular tools. Appeals to parties and letters to donors were used in all 10 conclusions. Emphasizing DDR and improving the CAC dimension of peacekeeping and political missions continued to be popular as they were each used in seven conclusions. Beyond these tools, the use of specific requests to other UN agencies dropped off considerably. Only the conclusions on the Central African Republic and Sri Lanka included such requests.

The Working Group increased reliance on the use of two tools related to accountability for perpetrators of violations, the importance of which was also highlighted in Resolution 2068 (2012). The Working Group continued to increase advocacy for accountability, including calls for accountability in 9 of the 10 conclusions adopted. The Working Group also increased considerably the use



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of existing sanctions committees, making reference to existing sanctions regimes in its conclusions on Afghanistan, the Democratic Republic of the Congo, Iraq, and Somalia, but not in Sudan.

From 2011 to 2012, the Working Group also showed innovation in acting on unfolding crises outside of the normal consideration of conclusions on the reports of the Secretary-General. The Working Group received four extraordinary briefings of the Special Representative of the Secretary-General, including three briefings (covering Côte d'Ivoire, Syria, Libya, Mali, and the Democratic Republic of the Congo) during its formal meetings on other conclusions, and one emergency briefing (covering Syria). However, efforts by the Chair of the Working Group in 2012 to have the Working Group issue a press statement on events unfolding in relation to activities of the M23 armed group in the Democratic Republic of the Congo were reportedly rebuffed on the grounds of lack of precedent for such press statements.

Figure 5. Number of Tools Used (2013-2014)

During the Luxembourg Chairpersonship from 2013 to 2014, the Working Group adopted 7 conclusions, using an average of 6.9 tools per conclusion and a total of 13 different tools. In this period, a high of 10 tools were used

in the cases of the Democratic Republic of the Congo and Mali, both adopted in 2014.

As in preceding years, the Working Group primarily relied on what had previously been the most popular tools. Appeals to parties and letters to donors were used in all seven conclusions.

From 2013 to 2014, the Working Group increased its reliance on tools related to the implementation of the CAC agenda, a theme also highlighted in Resolution 2143 (2014). The Working Group multiplied its requests for child protection to be integrated into ceasefire and/or peace talks, and its requests for Country Task Forces on Monitoring and Reporting, or the SRSG-CAAC, to engage with listed parties to expedite the development of action plans in five out of seven conclusions (Democratic Republic of the Congo, Mali, Myanmar, Philippines, and Yemen). It also repeatedly demanded adequate and regular child protection training for troops in four out of seven conclusions (Philippines, Mali, Democratic Republic of the Congo, and Syria). In four out of seven conclusions (LRA in the Central Africa Region, Democratic Republic of the Congo, Mali, and Myanmar), the Working Group included calls for technical assistance to the country concerned to strengthen its national capacities to protect children's rights.

The Working Group also showed particular innovation in staying abreast of developments in conflict situations already on its work program. The Working Group received regular briefings by the SRSG-CAAC. For example, she briefed the Working Group on developments in the Central African Republic, Chad, Iraq, and Mali during its meetings. In addition, she briefed the Working Group on her visits to Syria and the wider region, Yemen, the Democratic Republic of the Congo, and South Sudan. The African Union Commissioner for Peace and Security and the Prosecutor of the International Criminal Court also briefed the Working Group. A video teleconference was held with the co-chairs of the South Sudan Country Task Force on Monitoring and Reporting.

Also, the Working Group made headway with tangible actions. In June 2014, the Working Group issued a press statement on the situation of children and armed conflict in South Sudan, despite the lack of a precedent. The Working Group carried out two visiting missions: one to Myanmar, November 30 - December 4, 2013; and one to the Democratic Republic of the Congo, November 30 - December 4, 2014.

The Luxembourg Chair also excelled at efforts towards mainstreaming children and armed conflict language into a broad range of Security Council documents, discussions, and decisions, as well as in its visiting missions. For example, the Luxembourg Chair was able to include child protection issues in interactions with authorities during the Security Council's visiting mission to Yemen (2013), and in the terms of reference of the Council's mission to the Great Lakes region (2013), Mali (2014), Somalia (2014), and South Sudan (2014), as well as in the joint communiqués of the 7th and 8th annual joint consultative meetings between the Peace and Security Council of the African Union and members of the UN Security Council. Upon Luxembourg's request, the SRSG-CAAC briefed the Security Council on the situation of children and armed conflict in Syria on April 18, 2013 and March 6, 2014, as well as on the situation of children in Central African Republic on April 22, 2014.

Finally, Luxembourg pursued normative work on children and armed conflict. It drafted and negotiated a presidential statement (S/PRST/2013/8) that was adopted on June 17, 2013, and a resolution that was adopted by consensus on March 7, 2014 (S/RES/2143). The presidential statement consolidated previous language on sanctions and focused among other issues on persistent perpetrators, accountability, and regional cooperation. Resolution 2143 (2014) addressed the implementation of the children and armed conflict agenda and introduced new elements such as birth registration, targeted and operational training for military, police, and civilian peacekeepers on child protection, and the military use of schools. The resolution also endorsed the "Children, Not Soldiers" campaign launched jointly by the SRSG-CAAC and UNICEF.

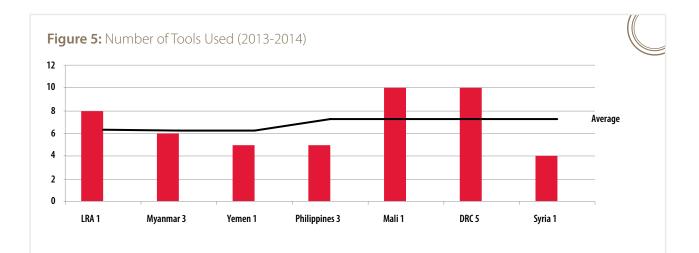


Figure 6. Number of Tools Used (2015)

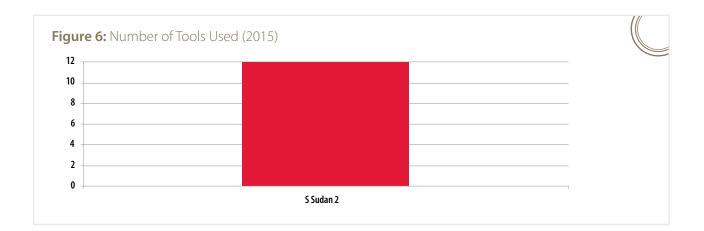
In the first year of Malaysia's Chairpersonship (2015), the Working Group adopted only 1 conclusion (South Sudan), using 12 available tools from the toolkit. Unprecedented in the history of the Working Group, the adoption of a single conclusion prevents any trend analysis for this Chair's tool usage to date.

For this conclusion, as in preceding years, the Working Group relied on its most popular tools, namely appeals to parties, letters to donors, and requests to UN agencies. Also mirrored from the previous conclusions were calls to improve the CAC dimensions of peacekeeping and political missions, and in peace processes through letters to regional organizations. No other significant changes were noted in terms of the Working Group's toolkit usage from the previous years.

In terms of other activities in 2015, the Working Group held four formal meetings linked to the Secretary-General's country-specific CAC reports on South Sudan (February) and Afghanistan (December), as well as periodic Global Horizontal Notes (May, July). The Working Group also held two joint informal consultations with the sanctions committees on Yemen and the Central African Republic in 2015, where the SRSG-CAAC briefed the committees on the situation of children in these country contexts. Through these informal consultations, the Working Group Chair demonstrated heightened interest in sanctions as a tool for ensuring accountability for crimes against children. However, the idea for these initiatives came from a proactive member of the Working Group, not the Chair. Like Luxembourg, the Malaysia Chair also made use of press statements, and the Yemen consultation was followed by a press release. The Working Group also published a press release in association with the South Sudan conclusion in May 2015, but held no associated press briefings or follow up visits. In 2015, the Working Group did not meet for prolonged periods, such as in the months of October and November. For the first time since 2010, the Working Group took no trips to follow up on the situations of children and armed conflict considered in its work.

The Malaysia Chair of the Working Group continued to mainstream CAC language in Security Council documents and briefings, and has ensured explicit calls for the implementation of the Working Group's conclusions in the peacekeeping mandate renewals for Mali and South Sudan in 2015.

Most notably in 2015, Malaysia contributed to expanding the normative framework of the CAC agenda through its leadership on Resolution 2225 (2015), which added abductions as the fifth "trigger" for inclusion of parties into the annexes of the Secretary-General's annual report.



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2. adoption time

How does Watchlist calculate the Working Group's "adoption time"?

- At the time of its establishment, the Working Group agreed to hold formal sessions at least every two months, to review a situation at each session and to adopt the conclusions in the subsequent session (S/2006/275). This indicates that the Working Group's original intention was to adopt conclusions within a two-month time frame. The dotted line in each table therefore indicates the target adoption time of two months.
- Watchlist computes "adoption time" as the time that passed between:
 - The publication date of the Secretary-General's report on the situation of children and armed conflict in a given country, and
 - The publication date of the Working Group's respective conclusions.
 - Watchlist calculates "adoption time" in months (including weekends and holidays), rather than five-day work weeks.

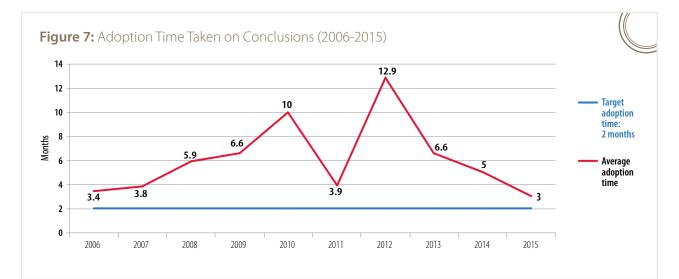
The average adoption time on country-specific conclusions has decreased from 3.4 months in 2006 to 3 months in 2015 (see Figure 7). While having only adopted 1 conclusion in 2015, the Malaysia Chair was able to lower the adoption time to 3 months in comparison to the previous year's (2014) average of 5.7 months. Historically, this is the shortest adoption time on any conclusion of the Working Group since 2006. The longest adoption time of 12.9 months occurred in 2012 under the German Chairpersonship. In all the years, the average adoption time has remained above the target time of two months.

However, the Working Group's success at reducing adoption time with the South Sudan conclusion is marred by the Chair's delay to begin negotiations of the conclusion on Afghanistan. At the above-mentioned formal meeting of the Working Group in July 2015, the SRSG-CAAC formally presented the Secretary-General's country-specific report on the situation of children and armed conflict in Afghanistan to the Working Group. By the end of 2015, the Working Group Chair still had not begun negotiations of the conclusion on this report.

When conclusions are so delayed, the Working Group's requests become outdated, thereby limiting their impact on the ground. The last conclusion on Afghanistan was adopted in 2011, and since then, there has been a steady increase in civilian casualties as a result of conflict-related violence; the majority are women and children.

In addition, the delays risk sending a signal to perpetrators that the Security Council is not serious about addressing impunity for child rights violations or about ensuring that conclusions are effectively implemented.

The delays also cause considerable backlogs in the Working Group, which then leads the Secretary-General to delay the submission of additional country reports to the Working Group. As a result, the number of reports



submitted to the Working Group each year has decreased substantially even as the number of countries and/or regions subject to such reports has increased.

As with the analysis of the use of tools, the figures below are broken down by year, with years grouped together based on the Chair of the Working Group.

Figure 8. Adoption Time Taken on Conclusions (2006-2008)

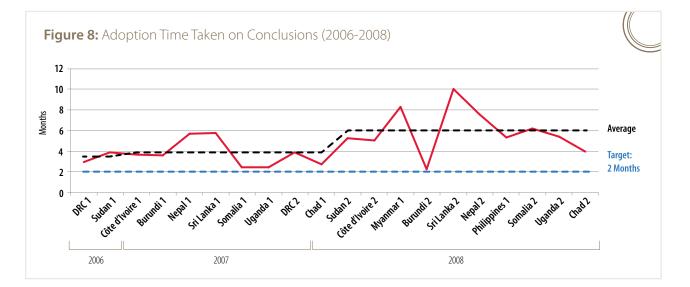
During the French Chairpersonship, the Working Group

issued 2 conclusions in 2006 (average adoption time of 3.4 months), 8 conclusions in 2007 (average adoption time of 3.8 months), and 10 conclusions in 2008 (average adoption time of 5.9 months).

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Figure 9. Adoption Time Taken on Conclusions (2009-2010)

During the Mexican Chairpersonship, the Working Group issued 6 conclusions in 2009 (average adoption time of 6.6 months) and 5 conclusions in 2010 (average adoption time of 10 months).



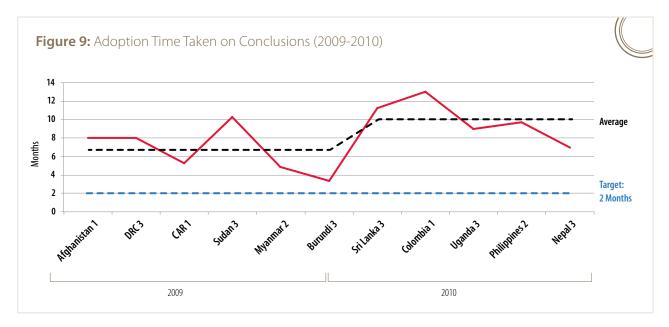


Figure 10. Adoption Time Taken on Conclusions (2011-2012)

During the German Chairpersonship, the Working Group issued 6 conclusions in 2011 (average adoption time of 3.9 months) and 4 conclusions in 2012 (average adoption time of 12.9 months, a record high).

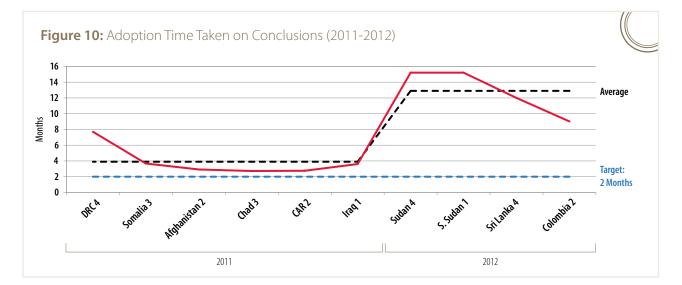
Figure 11. Adoption Time Taken on Conclusions (2013-2014)

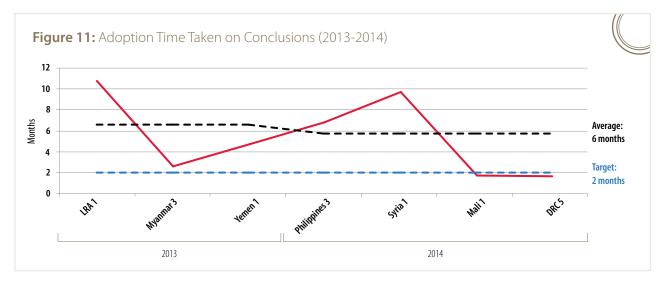
During the Luxembourg Chairpersonship, the Working Group issued 3 conclusions in 2013 (average adoption time of 6.6 months) and 4 conclusions in 2014 (average adoption time of 5.7 months).

Figure 12. Adoption Time Taken on Conclusions (2015)

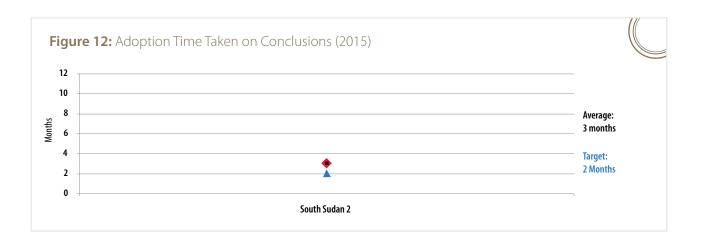
During the first year of the Malaysia Chairpersonship, the Working Group issued only one conclusion in 2015. The existence of only one conclusion thus fails to offer any cross-comparisons for this Chair to date.

The year 2015 saw a juxtaposition of opposite experiences between the South Sudan conclusion adoption and the delayed Afghanistan conclusion negotiation. This is due to a range of factors, including organizational, procedural and political issues, some of which are known and others uncertain.





Strengthening the Impact of the Security Council Working Group on Children and Armed Conflict



Organizational factors

In recent years, the provision of dedicated Secretariat resources to service the Working Group, and the assignment by the last four Chairs of the Working Group (Mexico, Germany, Luxembourg, and Malaysia) of two experts to follow the CAC agenda, have significantly lessened the burden of the extensive administrative and logistical support required for the Working Group to function, particularly for the Chair. For the South Sudan conclusion negotiations, the Chair effectively utilized these resources (e.g., two of four of its formal meetings in 2015 concerned South Sudan), which contributed to the success in swift adoption time.

However, the lack of meetings organized by the Chair in the periods mentioned above were not due to organizational factors in the Working Group as a whole, but were a result of internal organizational factors of the Working Group Chair, Malaysia. Working Group members, as well as members of civil society, pressured the Chair to begin the Afghanistan negotiations, but without success.

Procedural factors

As mentioned above, in 2015, the Working Group under Malaysia's Chairpersonship successfully negotiated only one conclusion, on South Sudan. Comparative to prior years, the Working Group promptly began negotiations from the time the South Sudan country report was formally introduced, and consensus was quickly reached. In 2015, at the time of the South Sudan negotiations, there was no other report to be negotiated before the Working Group.

Historically, the Working Group has been known to negotiate only one set of conclusions at a time, creating a backlog when consensus cannot be reached. For example, in 2012, consultations on Colombia began in earnest only six months after the report was introduced, due to delays in the negotiations over the Sudan and South Sudan conclusions. Agreement was reached very quickly on the Sri Lanka conclusions once consultations actually began, but by that time, their start had been delayed approximately 11 months, pending the negotiations on Sudan, South Sudan, and Colombia.

The backlog would be much greater and the adoption times much longer, but for the fact that the Secretary-General has reportedly adjusted the production of his country-specific reports based on the progress of the Working Group. In 2012, the Secretary-General submitted a record-low of two reports to the Working Group. In 2013 and 2014, the production rate only marginally increased, with the number of conclusions reflecting the number of

reports submitted each year (see Figure 13). In 2015, the report production decreased again, owing in part to a perceived lack of urgency on behalf of the Working Group to speedily adopt conclusions (Afghanistan).

In May and June 2015, the Working Group had no report to negotiate, which forced the group to halt its activities. However, the situation reversed once the Afghanistan report was formally presented to the group in July; it was then up to the Working Group Chair to begin negotiations, which it ultimately did not initiate in 2015.

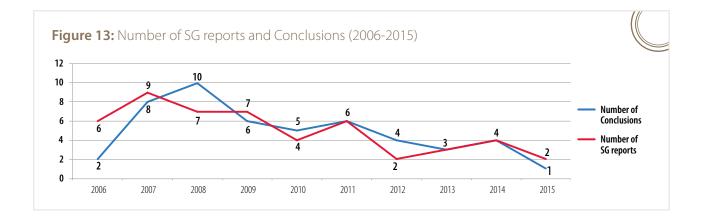
Overall, if either the Working Group or the Secretary-General signals a lack of urgency, then the two feed into a cycle in which the reporting and conclusions are both delayed. That is, reports are held back by the Secretary-General waiting on the Working Group to get through negotiations of backlogged reports. In turn, the Working Group has nothing to negotiate if no new reports are transmitted. By delaying his submission of reports to the Working Group, the Secretary-General is signalling a perceived lack of urgency of his reports. The negative consequence is that the data in the Secretary-General's country reports becomes stale, and the delays are prolonged.

Political factors

Negotiations on certain countries habitually take longer than others.

Historically, of the ten lengthiest negotiations, Sri Lanka has accounted for three, Colombia for two, and Sudan and South Sudan for three combined. Negotiations have averaged 9.7 months for Sri Lanka (4 reports), 8.8 months for Sudan and South Sudan (6 reports), and 11 months for Colombia (2 reports). The record time for negotiations in 2012 was due in part to the Working Group addressing these four countries in the same year. At the other end of the spectrum, negotiations on reports on Burundi (three reports), Chad (three reports), Central African Republic (two reports), and Iraq (one report) have all averaged four months or less.

Working Group membership coinciding with interests in the country reports under consideration can make negotiations more difficult as the Working Group adopts conclusions by consensus. In 2012, Colombia served as member of the Working Group while negotiations on Colombia were under way, giving it a privileged position that most countries whose reports are considered do not enjoy.



notes

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