

# tool 9

## Listing and De-listing Parties to Conflict

### Factsheet

The UN Secretary-General decides whether to list or de-list parties to a conflict in the annexes of his annual reports on children and armed conflict on the basis of information verified by the UN and in accordance with the requirements set by the Security Council and indicated in this factsheet. NGOs may contribute to the listing process by providing alerts and information on any case of grave violation to the UN. It is then for the UN (not NGOs) to verify, aggregate and analyze all information received to see if it meets the required thresholds to recommend listing or de-listing an armed party. As such, the purpose of this factsheet is not to provide guidance for monitoring and reporting violations, but rather to help NGOs clarify their expectations regarding listing and de-listing processes and to provide background information that may be useful for advocacy purposes.

#### Listing parties to the conflict

Parties to a conflict can be listed by the Secretary-General in the annexes of his Annual Report on Children and Armed Conflict when there is UN-verified information that they are committing at least one of the 'trigger violations'. Annual reports are usually released in late Spring and concern information gathered during the preceding calendar year.

The Security Council has so far determined that four out of the six grave violations can be triggers for listing:

**Recruitment and use of children:** established as a 'trigger violation' by Security Council Resolution 1379 (2001):

*(...) Requests the Secretary-General to attach to his report a list of parties to armed conflict that recruit or use children in violation of the international obligations applicable to them (...)*

**Killing and maiming, and rape and sexual violence:** established jointly as 'trigger violations' by Security Council Resolution 1882 (2009):

*(...) Requests the Secretary-General also to include in the annexes to his reports on children and armed conflict those parties to armed conflict that engage, in contravention*

*of applicable international law, in patterns of killing and maiming of children and/or rape and other sexual violence against children in situations of armed conflict (...)*

- » **Note:** For a party to conflict to be listed for killing and maiming or rape and sexual violence, there must be sufficient information to demonstrate a "pattern", which implies 'a "methodical plan"; "a system" and a collectivity of victims'<sup>5</sup>.

**Attacks on schools and hospitals:** established as a 'trigger violation' by Security Council resolution 1998 (2011):

*(...) requests the Secretary-General to also include in the annexes to his reports on children and armed conflict those parties to armed conflict that engage, in contravention of applicable international law;*

*(a) in recurrent attacks on schools and/or hospitals*

*(b) in recurrent attacks on schools and/or hospitals recurrent attacks or threats of attacks against protected persons in relation to schools and/or hospitals in situations of armed conflict, bearing in mind all other violations and abuses committed against children (...)*

<sup>5</sup> Secretary-General's Annual Report on Children and Armed Conflict, 13 April, 2010 (S/2010/181), para. 175

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- » **Note:** For a party to conflict to be listed for attacks on schools and hospitals, there must be sufficient information to demonstrate a recurrence of violations (multiple violations). Moreover, this includes 'direct attacks against [schools or hospitals] as well as indiscriminate attacks, resulting in damage to or destruction of these facilities or which have the effect of impeding the ability of a school or hospital to function and/or placing children at risk, and acts of looting of these protected facilities'<sup>6</sup>.
- » **Note:** Military use of schools is not a trigger for listing a party to the conflict, as it is not necessarily a violation of international humanitarian law. However, because it can hamper children's access to education and puts children at risk of attack, the UN Security Council requested the Secretary-General to continue monitoring and reporting on these incidents. The draft *Lucens Guidelines*, developed in 2013 by a broad group of experts, outline relevant principles from international humanitarian law and offer guidance to governments on how to minimize risks and the negative impact of military use of schools.

#### Understanding the relationship between the listing process and the MRM:

- The MRM can only be established in a country when at least one party to that conflict has been listed.
- Parties to a conflict can be listed for any of the four 'trigger violations', however, once established, the MRM monitors all six violations and all parties to a conflict whether or not they have been listed.
- The specific threshold of information required for listing is no longer relevant once the MRM starts. The MRM reports all incidents of grave violations, regardless of their frequency and pattern, and looks at the entire scope of each violation. For instance, while the military use of schools is not a trigger for listing, once established, the MRM will report on such incidents, since they create an environment of insecurity and interfere with the ability of children to get an education.

<sup>6</sup> Secretary-General's Annual Report on Children and Armed Conflict, 26 April, 2012 (S/2012/261), para. 227

<sup>7</sup> Secretary-General's Annual Report on Children and Armed Conflict, 13 April, 2010 (S/2010/181), paras. 178-179

## De-listing parties to conflict

Parties can be de-listed if:

- They have ceased committing the violation(s) for which they were listed and the UN can confirm it

AND

- They have signed and fully complied with an Action Plan addressing the violation(s) for which they were listed<sup>7</sup>.

Monitoring will, however, continue after de-listing, as violations may re-occur (which may lead to re-listing).

Listed parties that cease to exist are also removed from the annexes of the Secretary-General's Annual Report on Children and Armed Conflict.

## related tools

 [tool 11 – Q&A 'Action Plans'](#)

## other resources

- *Draft Lucens Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict*, Global Coalition to Protect Education from Attack, 2013.
- *The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation*, Working Paper No. 1, Office of the SRSG-CAAC, October 2009 (updated November 2013).