working methods 2006-2013

Strengthening the Impact of the Security Council Working Group on Children and Armed Conflict
-May 2014

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 (hereinafter: "Working Group") since its inception. It examines and identifies trends over the period 2006-2013 in (1) the use of the Working Group's toolkit and (2) the time taken to adopt country-specific 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.

WATCH LIST ON CHILDREN AND ARMED CONFLICT

Findings:

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 2013, the Working Group used an average of 7.4 out of 26 available tools (30%) per conclusion. Just eight tools constituted over 70% of the total instances of tools used.

The range of tools used by the Working Group has decreased from 7.9 tools per conclusion in 2006-2008 to 6 tools per conclusion in 2013. The Working Group has placed increasing emphasis on tools related to the implementation of the Children and Armed Conflict (CAC) agenda, including e.g. calls for technical assistance, and requests for engagement with listed parties to expedite the development of action plans. While not mentioned in its conclusions, the Working Group has also pro-actively employed a number of tools designed to stay abreast of rapid developments in conflict situations, including regular briefings of the Special Representative of the Secretary-General, a Working Group visit to Myanmar, and the use of Security Council's visiting missions.

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 on country-specific conclusions has doubled, from 3.4 months in 2006 to 6.6 months in 2013, well above the target adoption time of two months. Organizational, procedural, and political factors contribute to the delays.

recommendations

To the Working Group on Children and Armed Conflict:

- Increase the range and frequency of the use of tools in the toolkit; continue to use field trips and the increased emphasis on sanctions and accountability. Make better use of press statements, and communication with justice mechanisms.

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- 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 its 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.
- 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 growing problem of lengthy delays in the adoption of conclusions:
  - Expand upon the practice of parallel negotiations in order to advance upon multiple country-specific reports in a more limited time-frame; and
  - Brainstorm with the Special Representative of the Secretary-General on a process to adopt conclusions on a regular cycle so that all situations listed in the annual report are considered before the publication of the next annual report.

To the Secretary-General:

- Ensure 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 field trip per year by the Working Group.
- 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 Special Representative of the Secretary-General for Children and Armed Conflict.
- 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

In 2006, the Working Group adopted a "toolkit" of 26 actions and recommendations it may apply in its country-specific conclusions. This toolkit was to be a "living document". However, the Working Group has never reviewed the list of tools or their usage.

The Working Group has relied predominantly on a minority of the available tools (see Figures 1-5), and the range of tools used has decreased since the early years of the Working Group. In 2013, the Working Group placed increasing emphasis on the implementation of the Children and Armed Conflict agenda, including calls for technical assistance, and requests for engagement with listed parties to expedite the development of action plans.

Figure1. Tools Used (2006-2013)

Between 2006 and 2013, the Working Group adopted 41 country conclusions, using an average of 7.4 tools in each set of conclusions, or 30% of all available tools. The Working Group tends to rely predominantly on the same set of tools. Just eight tools constitute over 70% of the total instances of tools used.

Actions **most often used (>15 times)**: letters or appeals to parties concerned (44); letters to donors (41); requests to UN bodies and agencies (27); invitations to stakeholders to pay attention to disarmament, demobilization and reintegration (hereinafter: "DDR") of child soldiers (26); open or closed meetings with parties concerned (25); CAC issues in peacekeeping missions (22); advocacy for accountability (22); requests for visits or advocacy by the Special Representative of the Secretary-General (18).

Actions **sometimes used (6 – 15 times)**: recommendations for humanitarian cooperation (12); calling for addressing children's needs in peace processes (12); requests for additional information from the Secretary-General (11); technical assistance (10); calling attention to the full range of justice mechanisms (10); letters to regional organizations (9); stronger child protection standards for troops (9); submission of information to existing sanctions committees (8); support to transitional justice and truth-seeking mechanisms (6).

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

Actions **never used**: letters to relevant justice mechanisms with information on violations; specific Presidential Statements or resolutions; press conferences.

Figure 1: Tool Used (2006-2013)
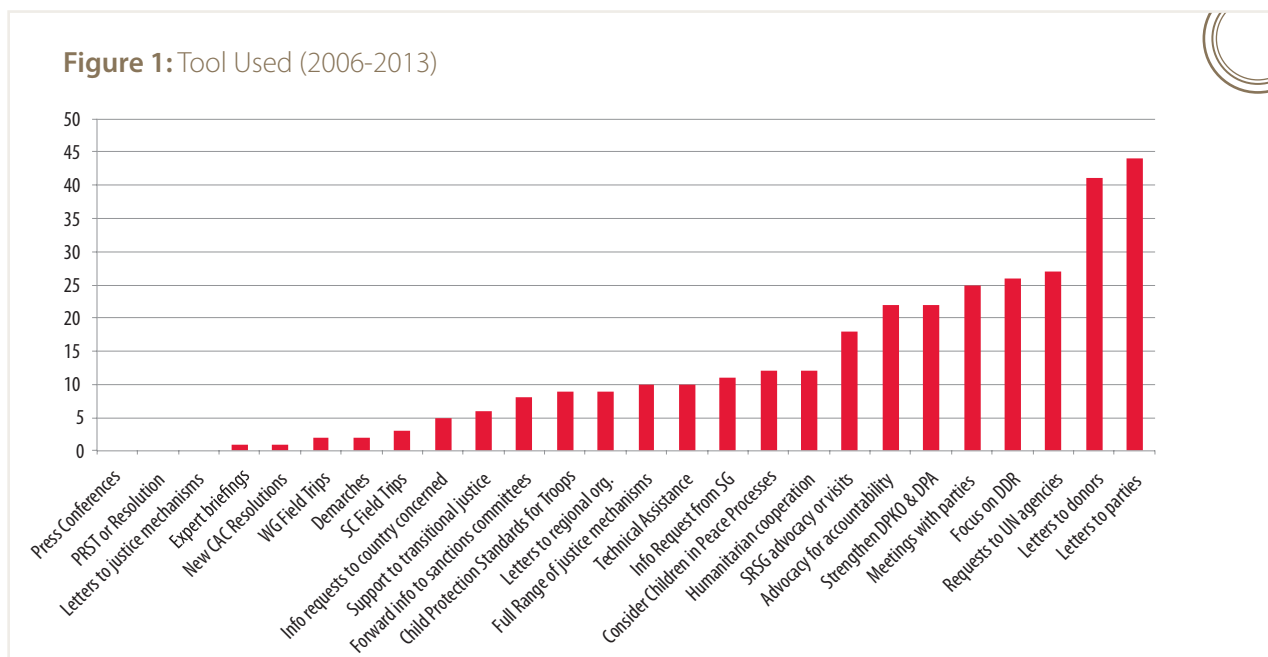
" In 2011-2012, the Working Group increased advocacy for accountability, making use of existing sanctions committees in its conclusions on Afghanistan, Democratic Republic of the Congo, Iraq, and Somalia. "

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

During the French Chairpersonship in 2006-2008, 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.

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

During the Mexican Chairpersonship in 2009-2010, 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 eight of the 11 conclusions adopted. The Working Group also ensured that three UNSC field trips (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 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 Lord's Resistance Army was submitted in May 2012.

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

During the German Chairpersonship in 2011-2012, 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 ten 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**, whose importance was also highlighted in resolution 2068 (2012). The Working Group continued to increase advocacy for accountability, including calls for accountability in nine of the 10 conclusions adopted. The Working Group also increased considerably the use of existing sanctions committees, making reference to existing sanctions regimes in its conclusions on Afghanistan, Democratic Republic of the Congo, Iraq, and Somalia, but not in Sudan.

In 2011-2012, 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 extra-ordinary 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.

In 2013, the Working Group continued to show innovation on fast-changing crises and their impact on children, receiving regular briefings of the Special Representative of the Secretary-General.

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Figure 5. Number of Tools Used (2013)

During the first year of the Luxembourg Chairpersonship (2013), the Working Group adopted 3 conclusions, using an average of 6 tools per conclusion and a total of 11 different tools. In this period, a high of 8 tools were used in the case of the Lord's Resistance Army in April 2013.

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 three conclusions. However, advocacy for accountability (used in nine of the 10 conclusions adopted in 2011-2012), and improving the CAC dimension of peacekeeping and political missions, dropped off considerably: none of the conclusions adopted in 2013 included such requests.
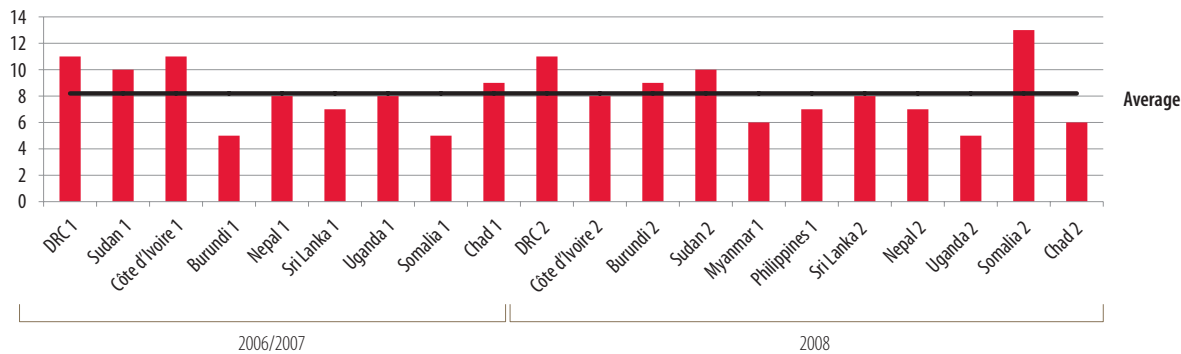
Instead, the Working Group increased reliance on the use of tools related to **the implementation of the Children and Armed Conflict agenda**, a theme also highlighted in resolution 2143 (2014). The Working Group included calls for technical assistance to the country concerned, in order to strengthen its national capacities to protect the rights of the child, in two of the 3 conclusions adopted. The Working Group also increased considerably its requests that the issue of child protection be integrated into
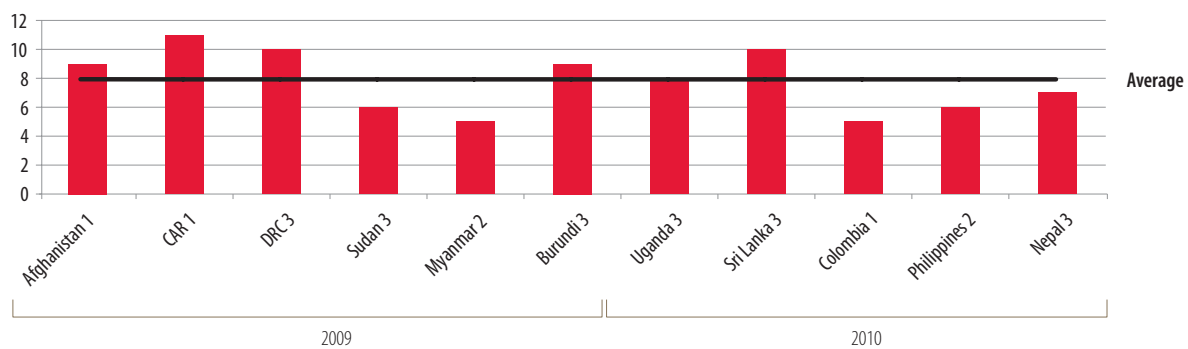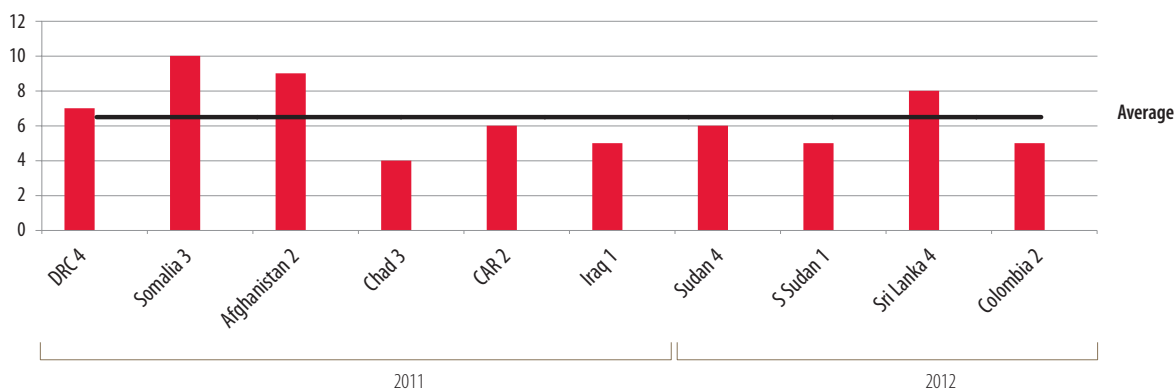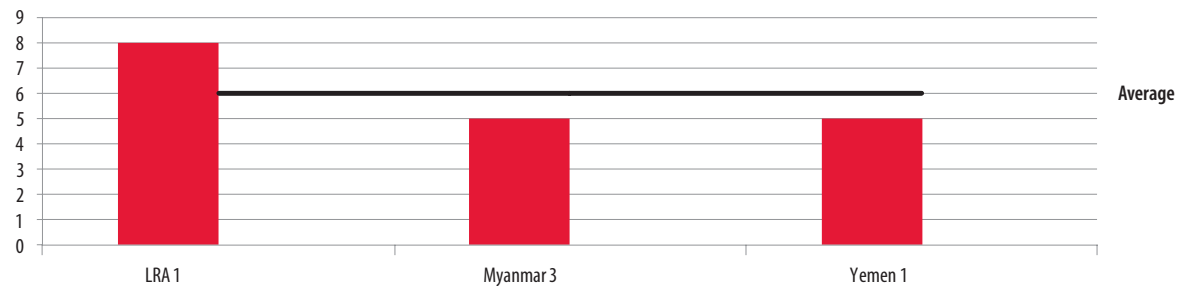
ceasefire and/or peace talks, and its requests for Country Task Forces on the MRM, or the SRSG-CAAC, to engage with listed parties to expedite the development of action plans.

In 2013, the Working Group showed particular innovation in staying abreast of developments in conflict situations already on its work programme. The Working Group received regular briefings of the Special Representative of the Secretary-General on developments in CAR and Mali during its meetings. In addition, Special Representative Zerrougui briefed the Working Group on her visits to Syria and the wider region, Yemen and DRC. Under the Luxembourg Chairpersonship, the Working Group traveled to Myanmar from 30 November to 4 December. Also, the Luxembourg Chair was able to include child protection issues in interactions with authorities during the Security Council's visiting mission to Yemen, and in the Terms of Reference of the Council's visiting mission to the Great Lakes region.

Finally, the Luxembourg Chair of the Working Group continues upon a trend started by Germany, and excels at efforts towards the mainstreaming of children and armed conflict language in a broad range of Security Council documents, discussions, and decisions.

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

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

Average

2009 | 2010

Afghanistan 1, CAR 1, DRC 3, Sudan 3, Myanmar 2, Burundi 3, Uganda 3, Sri Lanka 3, Colombia 1, Philippines 2, Nepal 3

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

Average

2011 | 2012

DRC 4, Somalia 3, Afghanistan 2, Chad 3, CAR 2, Iraq 1, Sudan 4, S Sudan 1, Sri Lanka 4, Colombia 2

Figure 5: Number of Tools Used (2013)

Average

LRA 1, Myanmar 3, Yemen 1

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:

  a) the publication date of the Secretary-General's Report on the situation of Children and Armed Conflict in a given country and

  b) 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 doubled, from 3.4 months in 2006 to 6.6 months in 2013 (see figure 6). This increase has been mostly steady, save for a significant decrease in 2011, the first year of the German Chairpersonship, to 3.9 months, followed by a historic increase in 2012, the second year of the German Chairpersonship, to 12.9 months. In all years, the average adoption time has remained well above the target time of two months.

When conclusions are so delayed, the Working Group's requests become outdated, thereby limiting the impact they can have on the ground. In addition, the delays risk sending a signal to the perpetrators that the Security Council is not serious about addressing impunity for child rights violations or about ensuring that conclusions are effectively implemented.

Delays also cause considerable backlogs in the Working Group which generally considers only one situation at a time before moving to the next. To avoid a long list of pending reports, the Secretary-General has reportedly postponed submitting reports which are ready for 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 7. Adoption Time Taken on Conclusions (2006-2008)

During the French Chairpersonship, the Working Group issued two conclusions in 2006 (average adoption time of 3.4 months), eight conclusions in 2007 (average adoption time of 3.8 months), and 10 conclusions in 2008 (average adoption time of 5.9 months).

Figure 8. Adoption Time Taken on Conclusions (2009-2010)

During the Mexican Chairpersonship, the Working Group issued six conclusions in 2009 (average adoption time of 6.6 months) and five conclusions in 2010 (average adoption time of ten months).
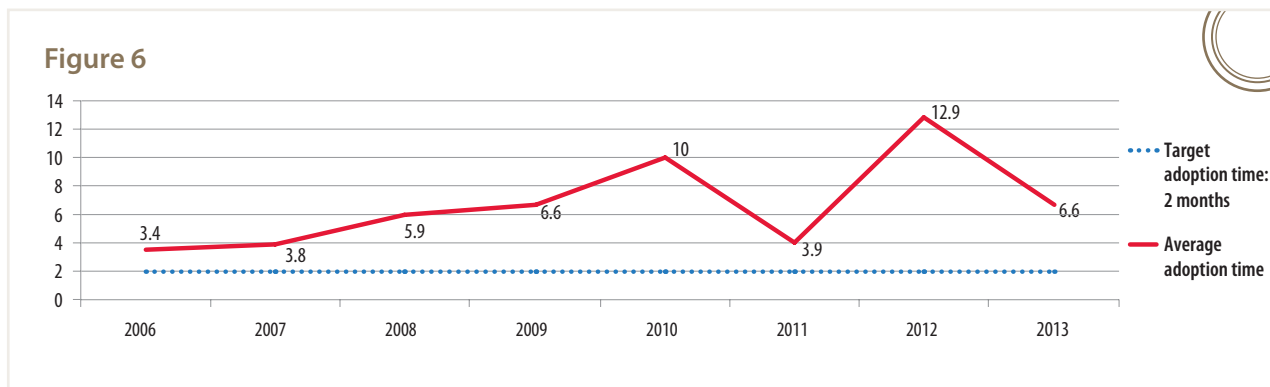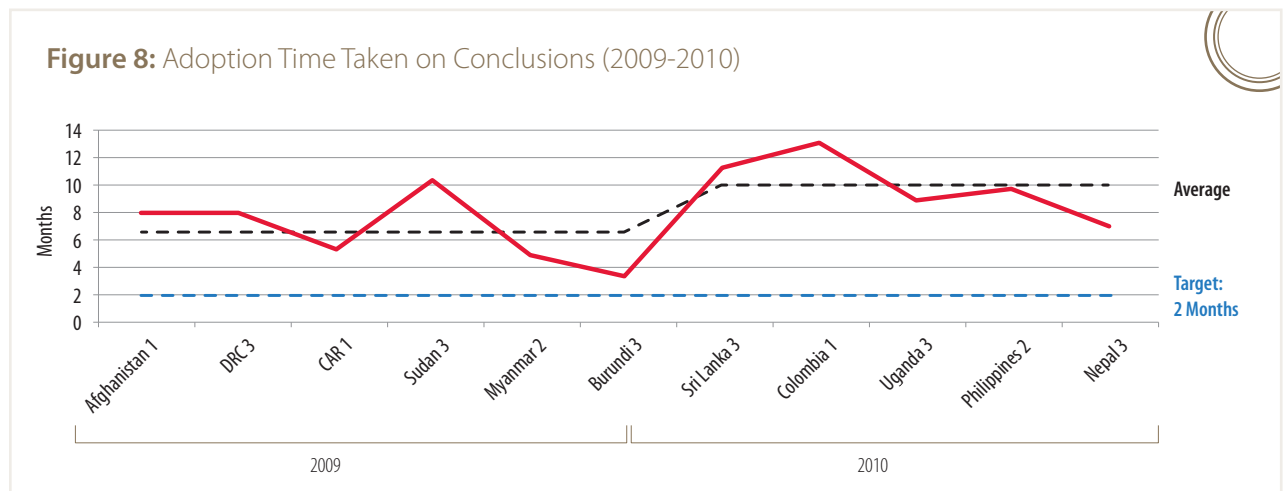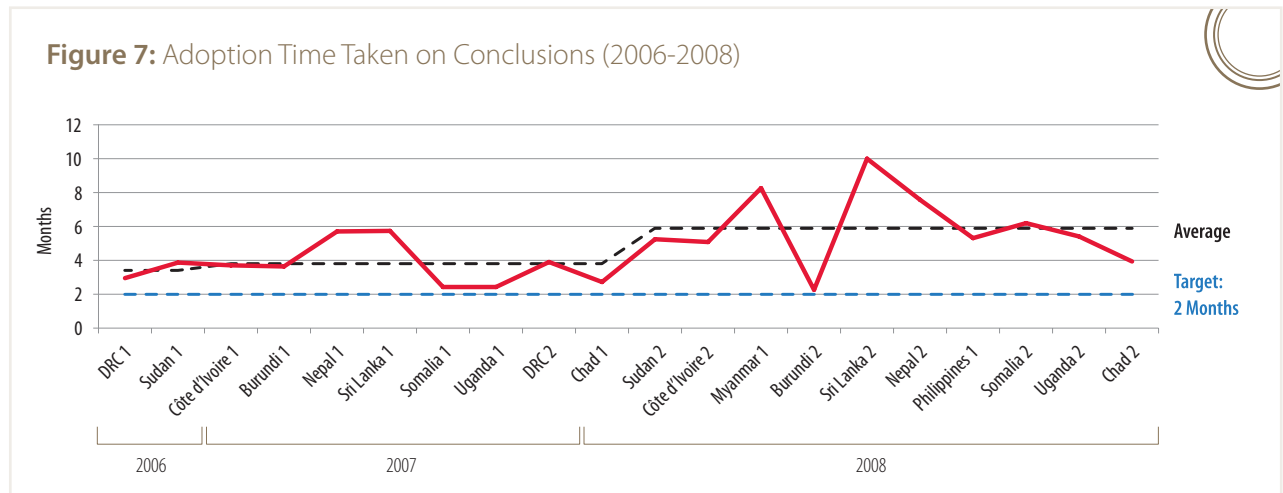
Figure 6

> "The average adoption time on country-specific conclusions has doubled, from 3.4 months in 2006 to 6.6 months in 2013. "

Figure 9. Adoption Time Taken on Conclusions (2011-2012)

During the German Chairpersonship, the Working Group issued six conclusions in 2011 (average adoption time of 3.9 months) and four conclusions in 2012 (average adoption time of 12.9 months, **a record high**).
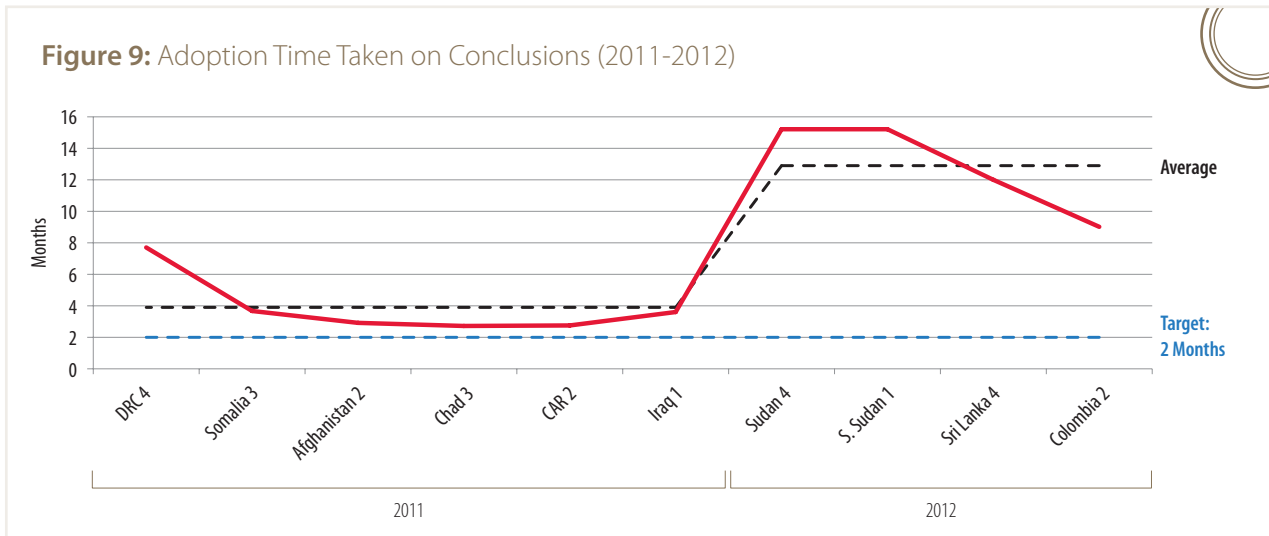
Figure 10. Adoption Time Taken on Conclusions (2013)

During the first year of the Luxembourg Chairpersonship (2013), the Working Group issued three conclusions (average adoption time of 6.6 months).
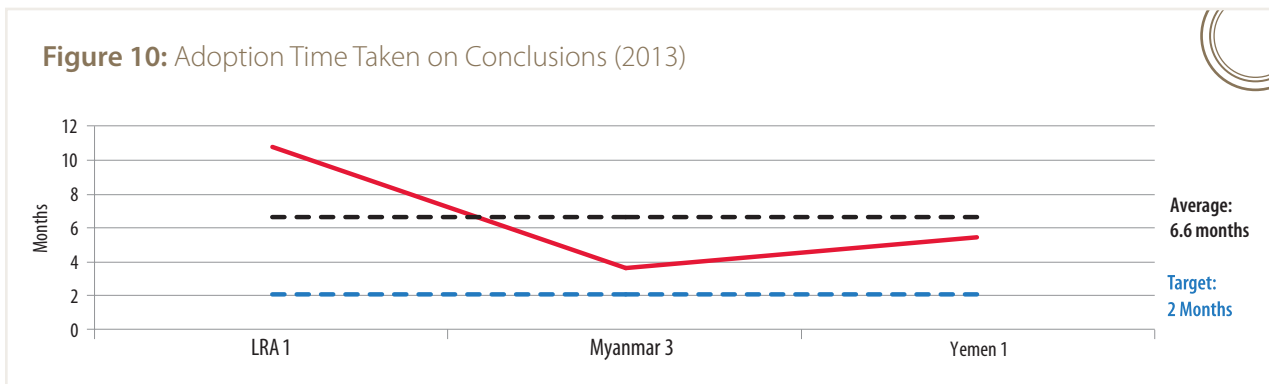
Figure 7: Adoption Time Taken on Conclusions (2006-2008)

Figure 8: Adoption Time Taken on Conclusions (2009-2010)

Figure 9: Adoption Time Taken on Conclusions (2011-2012)

Figure 10: Adoption Time Taken on Conclusions (2013)

Several factors have influenced the adoption time, including organizational, procedural, and political factors.

Organizational factors

Extensive negotiations on Security Council resolutions on Children and Armed Conflict as well as participation in the Third Committee of the General Assembly limit the availability of experts to participate in Working Group meetings. Extensive administrative and logistical support is required, in particular for the Chair, although this burden has been lessened in recent years by (1) provision of dedicated Secretariat resources to service the Working Group and (2) assignment by the Chair of two persons to follow the Working Group (Mexico, Germany, and Luxembourg).

Another issue potentially affecting the Working Group has been the lack of institutional knowledge in working methods and past practices which may handicap new members of the Working Group.

Procedural factors

The Working Group generally proceeds with negotiations on one set of conclusions at a time, creating a backlog when consensus cannot be reached. In 2012, consultations on Colombia began in earnest only six months after the report was introduced, due to delays in the negotiations over Sudan and South Sudan. 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. Similarly, the

“ The number of Secretary-General reports submitted to the Working group has decreased
substantially, even as the number of countries subject to such reports has increased. ”

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Figure 11
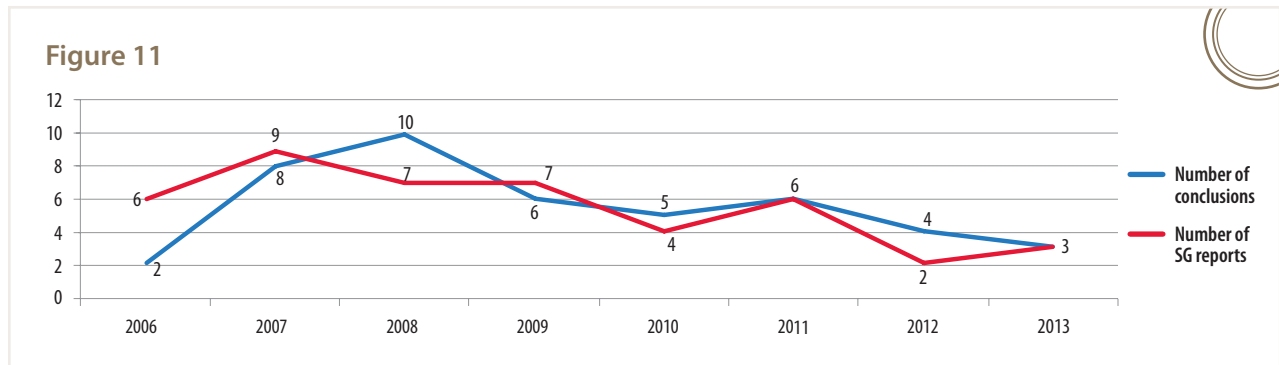
Working Group first considered a report on the LRA-affected areas on 18 January 2013, and was able to negotiate and adopt its conclusions in three months. However, at that point the report had been pending for seven months.

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 reports based on the progress of the Working Group. In 2012, the Secretary-General submitted a record-low two reports to the Working Group. In 2013, the production rate only marginally increased, with three reports submitted to the Working Group (see figure 11). This drop in report production may have contributed to a perceived lack of urgency on behalf of the Working Group to speedily adopt conclusions. Also, it has been reported that upon adopting one set of conclusions, the Working Group had to pause its activities since no other reports were available.

Another factor leading to delays has been the practice of the Working Group to include in its conclusions summaries of the views of the parties to conflict. This has reportedly led to lengthy negotiations over the summaries. In its conclusions on Colombia in 2012, the Working Group departed from this practice by annexing a statement of the Government. However, it has been reported that negotiations over summaries have been less time-consuming throughout 2013.

Political factors

Negotiations on certain countries habitually take longer than others. Of the ten lengthiest negotiations, Sri Lanka has accounted for three, Colombia for two, and Sudan and South Sudan for three combined. Negotiations on these countries have averaged 9.7 months for Sri Lanka (four reports), 10 months for Sudan and South Sudan (five reports), and 11 months for Colombia (two reports). The record time for negotiations in 2012 was due in part to the Working Group confronting 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, with the lengthiest negotiation (Central African Republic in 2009) taking less time (5.2 months) than any Colombia negotiations and less time than all but the first negotiations on Sudan and Sri Lanka.

Coincidence of the Working Group's membership with interests in the country reports under consideration can be particularly significant for negotiations given that 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: