

# Working Methods

## 2006-2016:

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

January 2018

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 in 2006, per Security Council Resolution 1612. It examines and identifies trends over 2006-2016, including: (1) the use of the Working Group's toolkit, and (2) the time taken to adopt country-specific conclusions. Recommendations for strengthening both of these areas are included.

This note spans the first 10 years of the Working Group (the next update will include the Working Group's activities in 2017, under Sweden's chairmanship). In addition to its analysis of the Working Group's consideration of 52 country-specific reports, Watchlist conducted qualitative interviews with 30 key informants about toolkit usage and adoption time. These included five Working Group chairs, four former Working Group members, four field-based Child Protection Advisors (CPAs), representatives of three UN agencies and departments, and twelve nongovernmental organizations (NGOs).



## 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

### Toolkit Usage

Between 2006 and 2016, the Security Council Working Group adopted 52 country-specific conclusions, using an average of 7.5 tools in each set of conclusions, or 29 percent of all available tools. The Working Group predominantly relied on the same set of tools. In 2015 and 2016, the Working Group used recommendations for humanitarian cooperation and calls for technical assistance, making these the most often used tools in the conclusions. Despite its original intention that the toolkit be non-exhaustive and a “living document,” the Working Group has neither gone beyond the toolkit nor reviewed its effectiveness since adoption.

### Adoption Time

Over this 10-year period, the average adoption time per conclusion was 6.5 months. In 2015, the first year of the Malaysian chairmanship, the adoption time decreased to three months. This marked the shortest average adoption time for the Working Group since 2006. However, it should be noted that this is a result of the Working Group adopting only one conclusion in 2015. The longest average adoption time of 12.9 months occurred in 2012 under the German chairmanship. Every year, the average adoption time has remained above the Working Group’s presumed target time of two months. Organizational, procedural, and political factors contribute to these delays.

## Recommendations:

### To the Working Group on Children and Armed Conflict:

- In considering its 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 toolkit use.**
- Request the Secretary-General include in his country-specific reports on children and armed conflict a **separate section on the implementation of the Working Group’s conclusions, including any specific feedback on follow-up to its recommendations.**
- **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 that pose grave risks to children in armed conflict.
- **Address 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 necessary;
  - Ensure better coordination between the Working Group Chair and the Special Representative of the Secretary-General for Children and



Armed Conflict (SRS-CAAC) in order to present country-specific reports in a timely manner and to adopt conclusions on a regular cycle;

- Begin parallel negotiations in order to move forward with country-specific reports as quickly as possible; and
- Request that the quarterly Global Horizontal Notes (GHN) be made public, and use their publication as an opportunity to engage in dialogue with both Member States and field-based Country Task Force(s) on Monitoring and Reporting (CTFMR).

### To the Working Group Chair:

- **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, and country-specific briefings and consultations, including sanctions, and Security Council visiting missions.
- **Organize at least one field visit per year** to ensure follow-up on the Working Group's conclusions and to familiarize the group with emerging security situations as they relate to children.

### To the Secretary-General:

- **Submit a new country-specific report to the Working Group every two months**, providing, as necessary, amendments or oral updates by the SRS-CAAC.
- Include in each country-specific report on children and armed conflict a **separate section on implementation of the Working Group's conclusions**.
- Include in each country-specific report a **section on children and armed conflict**.
- Continue to ensure that the Working Group has **adequate resources** (one staff member) and allow the Secretariat's budget to provide for at least one visiting mission per year. This serves as a reminder that the UN's monitoring and reporting work to the Working Group is only possible through dedicated child protection capacity in the field missions and should be secured and maintained for all relevant country situations.
- Continue to assist in **the transfer of knowledge to new Working Group members** through the maintenance of the UN eRoom of the Working Group, which helps preserve the group's institutional memory.

# 1. Use of the Toolkit

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

- In 2006, the Working Group adopted a toolkit of 26 actions and recommendations it may apply in 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 outside of them. For example, a Working Group visit to the Democratic Republic of the Congo (DRC) in December 2014 is not counted since it was not mentioned in the conclusion on the DRC, adopted in September 2014.
- The Working Group's actions that are not mentioned in conclusions are included in the narrative section of this note, and organized per chairmanship between 2006 and 2016.

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

## Figure 1. Tools Used (2006-2016)

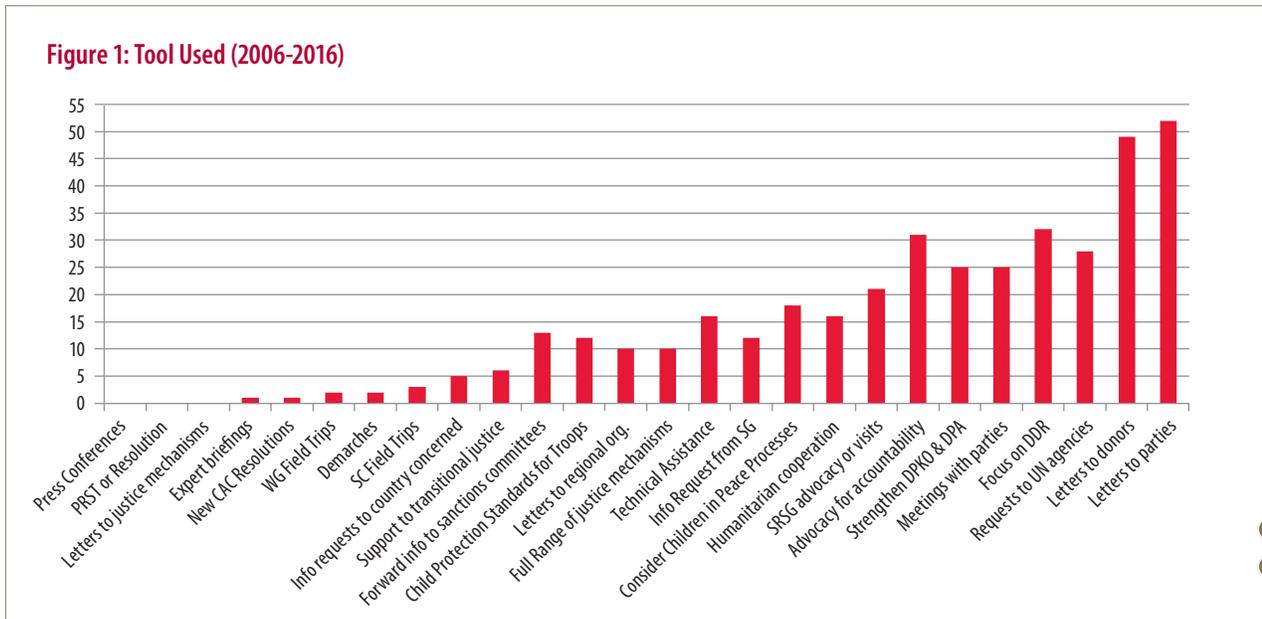
Between 2006 and 2016, the Working Group adopted 52 country conclusions, averaging 7.5 tools in each set of conclusions, or 29 percent of all available tools. The Working Group relied predominantly on the same set of tools. In 2015 and 2016, it most frequently used recommendations for humanitarian cooperation and calls for technical assistance.

Tools **most often used (>15 times)**: letters or appeals to parties concerned (52); letters to donors (49); invitations to stakeholders to address disarmament, demobilization, and reintegration (DDR) of child soldiers (32); advocacy for accountability (32); requests to UN bodies and agencies (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 SRSB-CAAC (21); calling for addressing children's needs in peace processes (18); recommendations for humanitarian cooperation (16); and technical assistance (16).

Tools **sometimes used (6-15 times)**: submission of information to existing sanctions committees (13); requests for additional information from the Secretary-General (12); stronger child protection standards for troops (12); calling attention to the full range of justice mechanisms (10); and 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); Security Council visiting missions incorporating a CAC dimension (3); visiting missions by the Working Group (2); démarches to armed forces or armed groups (2); information briefings by experts, including NGOs (1); and 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; and press conferences.



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

During the French chairmanship from 2006 to 2008, the Working Group adopted 20 conclusions, averaging 7.9 tools per conclusion and using 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 Working Group’s early conclusions employed a number of **underutilized but potentially more effective tools**, such as **submission of information to existing sanctions committees** (DRC, 2006 and 2007). Tools that 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 chairmanship from 2009 to 2010, the Working Group adopted 11 conclusions, averaging 7.8 tools per conclusion and using a total of 20 different tools. A high of 11 tools were used in the case of the Central African Republic (CAR) 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. It also ensured that three Security Council visiting missions (Afghanistan, DRC, and CAR) 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 DRC, CAR, 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 chairmanship from 2011 to 2012, the Working Group adopted 10 conclusions, averaging 6.5 tools per conclusion and using 14 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 were previously the most popular tools: appeals to parties and letters to donors, which were used in every conclusion. Emphasizing DDR and improving the CAC dimension of peacekeeping and political missions also continued to be popular (each was used in seven conclusions).

Under the German chairmanship, the Working Group gave an important impetus for accountability for perpetrators of violations, the importance of which was also highlighted in Security Council Resolution 2068 (2012). The Working Group included calls for accountability in 9 of the 10 conclusions adopted. It also referenced the existing sanctions regimes in its conclusions on Afghanistan, the DRC, Iraq, and Somalia, but not in its conclusions on Sudan.

Finally, the Working Group showed innovation in acting on unfolding crises. It received four extraordinary briefings of the SRSG-CAAC, including three briefings (Côte d'Ivoire, Syria, Libya, Mali, and the DRC) during its formal meetings on other conclusions, and one emergency briefing (Syria). Unfortunately, the Working Group Chair's efforts in 2012 to issue a press statement on the activities of the M23 armed group in the DRC were reportedly rebuffed on the grounds of lack of precedent.

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

During the Luxembourg chairmanship from 2013 to 2014, the Working Group adopted 7 conclusions, averaging 6.9 tools per conclusion and using 13 tools. In this period, a high of 10 tools were used in the cases of the DRC and Mali, both adopted in 2014.

As in the preceding years, the Working Group relied primarily on its most popular tools: appeals to parties and letters to donors, which 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 CTFMRs, or the SRSG-CAAC, to engage with listed parties to expedite the development of action plans. It also repeatedly demanded adequate and regular child protection training for troops. In four conclusions, the Working Group called for technical assistance to improve concerned countries' child protection.

Under the Luxembourg chairmanship, the Working Group showed particular innovation in staying abreast of developments in conflict situations already in its work program. The Working Group received briefings by the SRSG-CAAC on developments in CAR, Chad, Iraq, and Mali. In addition, the SRSG-CAAC briefed the Working Group on her visits to Syria and the wider region, Yemen, the DRC, 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 conference was held with the co-chairs of the South Sudan CTFMR.

The Working Group also made headway with tangible actions. In June 2014, it issued a press statement on the situation of children and armed conflict in South Sudan, despite the lack of precedent. The Working Group carried out two visiting missions: to Myanmar from November 30 to December 4, 2013, and to the DRC from November 30 to 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 visiting missions. For example, the Luxembourg Chair included child protection issues in interactions with authorities during the Security Council's visiting mission to Yemen (2013), in the terms of reference of the Council's mission to the Great Lakes region (2013), Mali (2014), Somalia (2014), and South Sudan (2014), and 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 Security Council. Upon Luxembourg's request, the SRSG-CAAC briefed the Council on the situation of children and armed conflict in Syria on April 18, 2013, and March 6, 2014, and on the situation of children in CAR 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 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 CAC 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 (2015-2016)

During the Malaysia chairmanship from 2015 to 2016, the Working Group adopted 4 conclusions, averaging 9 tools per conclusion and using 36 tools. In this period, a high of 12 tools were used in the case of South Sudan, adopted by the Working Group in 2015.

As in the preceding years, the Working Group relied on its most popular tools, namely appeals to parties, letters to donors, and requests to UN agencies. Mirroring the previous conclusions were calls to improve the CAC dimensions of peacekeeping and political missions, and peace processes through letters to regional organizations.

In terms of other activities, the Working Group held two joint informal consultations with the sanctions committees on Yemen and CAR in 2015, during which the SRSG-CAAC briefed the committees on the situation of children. Through these consultations, the Working Group demonstrated a 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, specifically on the Yemen consultations and the South Sudan conclusion. In 2015, the Working Group did not meet for prolonged periods, such as in October and November. For the first time since 2010, it took no trips to follow up on the situation of children and armed conflict on the ground.

The Malaysia Chair continued to mainstream CAC language in Security Council documents and briefings, and ensured explicit calls for the implementation of the Working Group's conclusions in 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.

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

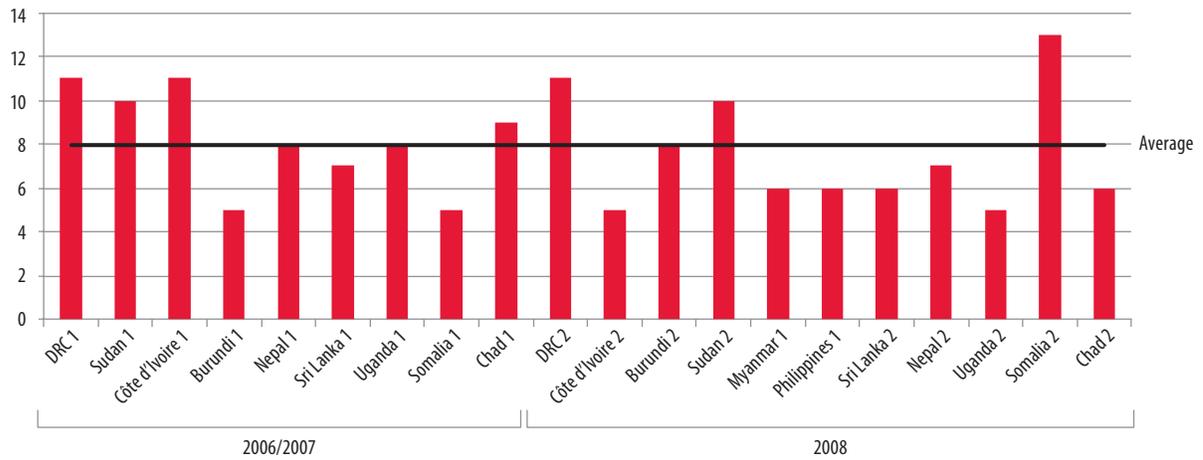


Figure 3: Number of Tools Used (2009-2010)

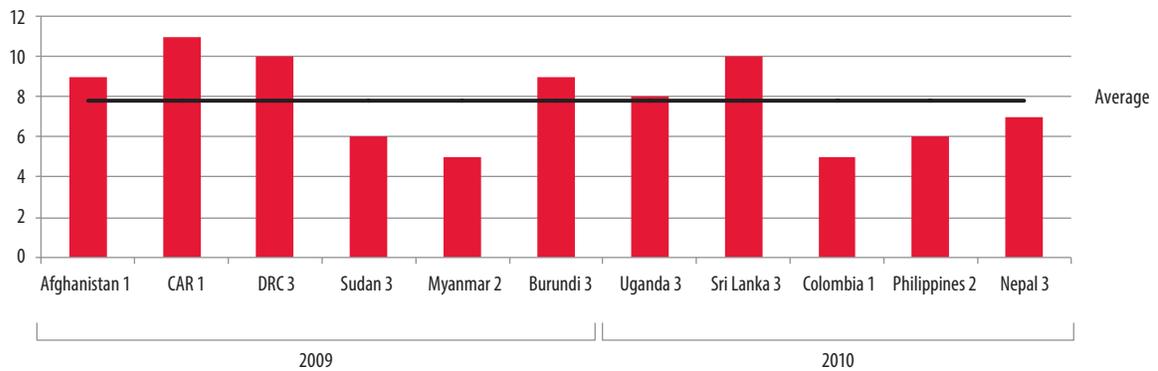
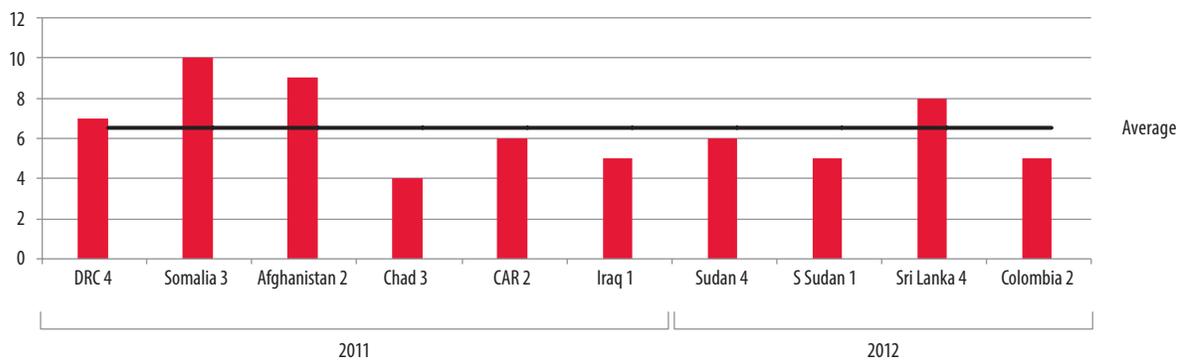
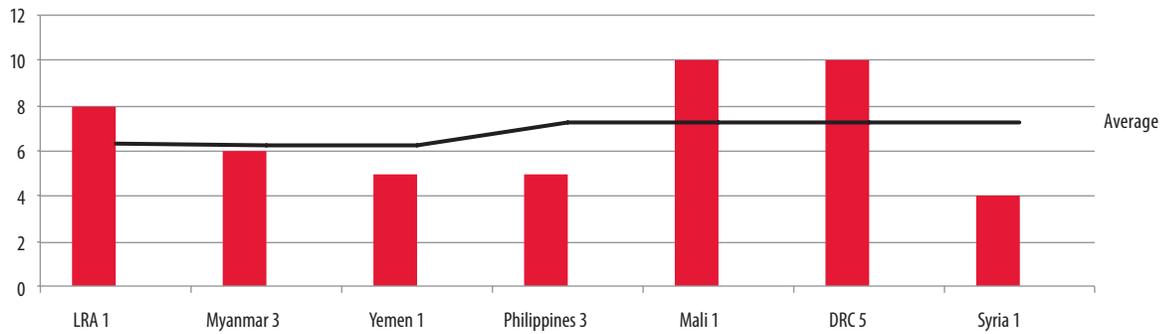


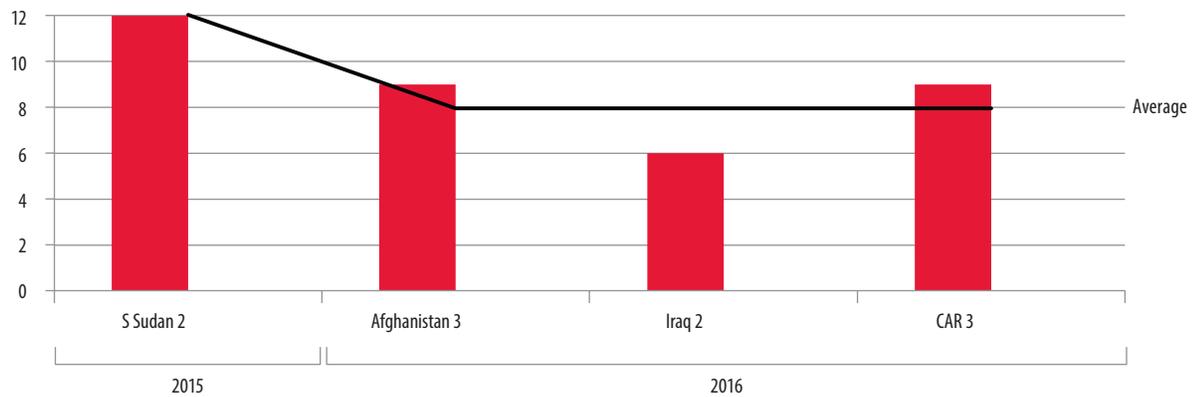
Figure 4: Number of Tools Used (2011-2012)



**Figure 5: Number of Tools Used (2013-2014)**



**Figure 6: Number of Tools Used (2015-2016)**



Overall, during its first 10 years (2006-2016), the Working Group relied predominantly on a small number of tools, and the range of tools used generally decreased over time. In order to deepen its analysis, Watchlist explored the limited toolkit usage through

30 key stakeholder interviews with UN staff at headquarters and in the field, key diplomatic missions, and NGOs. What follows is an overview of the key themes that emerged during those consultations.

## 1. Choosing tailored usage of tools over quantity:

Several respondents pointed out that while some tools are relevant in some countries, they may not be relevant in other contexts. Two respondents encouraged for a tailored use of the tools instead of a focus on the number of tools used. For example, one said: *“It is important to use the most relevant tools. For example, if regional organizations do not make sense for a given context, you do not use that tool. Tools are very contextual. Tool usage should be based on a qualitative analysis and it is interesting to ask the field what bears the most relevance.”*<sup>1</sup>

## 2. The problematic follow-up on conclusions/tool usage:

All respondents agreed that the tools with “the most impact on the ground” should be used in the conclusions. However, the majority of respondents admitted that follow-up on the usage of the conclusions/tools and information about their impact on the ground is problematic, if not entirely absent. One New York-based respondent said: *“In my experience, we have no idea how conclusions are used in the country concerned because most of the time, we don’t get any information after we leave the Working Group.”*<sup>2</sup> Another New York-based respondent said: *“The problem is that we never really follow-up. We have the meeting with the Permanent Representative of the country concerned before and after the conclusions are adopted, but beyond that, there is not much follow-up going on.”*<sup>3</sup>

Respondents from both the field and the UN headquarters made practical suggestions on how follow-up on conclusions and tool usage could be better integrated into the Working Group’s methods. As one respondent stated: *“The Working Group can always play a role in follow-up. They can ask the UN*

*Secretariat for updates about implementation; they can make field visits; they can ask the Security Council to include CAC provisions in their field missions, etc. While on a daily basis it is the UN that has the organizational set-up to conduct follow-up on implementation effectively, the Council’s Working Group has a monitoring role.”*<sup>4</sup>

Below is a list of suggestions that respondents made for following-up on the implementation of the Working Group’s conclusions:

- **Working Group field visits:** Field visits were quoted as the most effective way to conduct follow-up on conclusions. Working Group members highlighted the opportunity to engage with the government of the concerned country and meet with affected children and families to better understand the needs and realities on the ground.
- **Video conference calls with child protection advisers/officers and/or CTFMR members:** Video conference calls were mentioned as a useful tool to both inform Working Group members during conclusion negotiations and to question the CTFMR on the implementation of the conclusions. Respondents stressed that direct contact with the field was essential to promote the Working Group’s agenda and demonstrate its relevance in the field.
- **Request a response to Working Group letters:** While the Working Group most frequently used letters to parties concerned (52) and letters to donors (49), respondents admitted that letter responses are almost never received. They suggested conducting high-level follow-up on each letter written to the field. For example, this could be done through a video conference with the Special Representative of the Secretary General (SRSG) or the concerned country’s Resident Coordinator. It could also be done with

1 Watchlist interview.

2 Watchlist interview.

3 Watchlist interview.

4 Watchlist interview.

donors, such as through a request to the World Bank for figures on grants or donations to the particular country.

- **Follow-up integrated within the conclusion:** Respondents suggested that conclusions lacked a structured, robust, and explicit mechanism for follow-up. For example, the Working Group could request follow-up from the country within a specific time frame in the conclusion. Follow-up could be provided by the country's Permanent Representative, either through a briefing or written communication, or by senior UN leadership based in the country.
- **Use of country-based Group of Friends:** Some respondents highlighted that while follow-up on conclusions on the ground had been varied, conclusions were typically better used in situations with organized 'Group of Friends' gatherings.

### 3. Recommendations for increasing the tool usage:

Watchlist asked respondents about "successful" tools, i.e. tools most likely to bring real improvement in children's lives. The respondents drew attention to the following:

- **Aiming to integrate a child protection component when possible in each Security Council field mission** organized by the Working Group's Chair. A template itinerary could include (1) a visit with the senior Child Protection Advisor (CPA), (2) a visit with the mission's military commander to raise specific child protection issues, and/or (3) a visit with the mission's senior political leadership to raise specific child protection issues.
- Closely related to the Security Council's field missions, several respondents said the **Working Group's field visits** were a highly effective tool for raising the profile of child protection issues on the

ground, as well as the Working Group's profile in the field.

- **Expert briefings** were mentioned by almost all respondents as helpful tools that could be used more. Briefings could be given by a country-specific SRSG or Deputy SRSG, either in New York or through a video conference, or by field-based CPAs, CTFMR representatives, or Group of Friends.
- **Letters to peacekeeping missions on the need for continued child protection capacity:** Field-based staff commented that such letters from the Working Group helped them engage with mission leadership on why their posts and sections were necessary. Closely related to this tool, several respondents also highlighted the need for adequate **child protection standards for peacekeeping forces**, as well as **appropriate and regularly updated training for troops on such standards**.
- **A request for additional information from the country concerned** on specific issues related to implementation: For example, in the 2007 Sri Lanka conclusions, the Secretary-General requested a report within six months on the "follow-up by the parties of the messages addressed to them by the Chairman of the Working Group."<sup>5</sup> During this time, the rate of recruitment and use of children by The Liberation Tigers of Tamil Eelam (LTTE) reportedly significantly decreased.<sup>6</sup>
- Finally, most respondents mentioned **the integration of child protection concerns in peace processes** as an important tool with the potential for highly tangible impact on children's lives in war-affected countries. This is exemplified by reports of immediate release and reintegration of children formerly associated with armed forces and groups.

5 S/AC.51/2007/9

6 S/AC.51/2008/11

## 2. Adoption Time

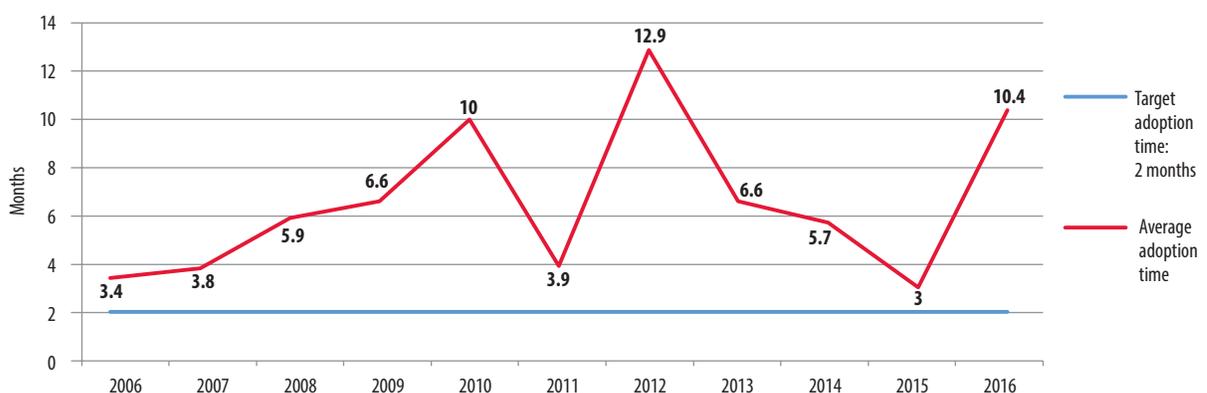
How does Watchlist calculate the Working Group’s “adoption time”?

- At the time of its establishment, the Working Group discussed holding 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 has been taken to indicate that the original intention was to adopt conclusions within two months. The dotted line in each table therefore indicates the seemingly intended 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 workweeks.

Between 2006 and 2016, (see Figure 7) the Security Council Working Group on Children and Armed Conflict adopted 52 conclusions. The **average adoption time per conclusion was 6.5 months**. In 2015, during the Malaysia chairmanship, adoption time averaged three months. However, this is due to the fact that only one conclusion was adopted (South Sudan). This is the shortest average adoption time for the Working Group since 2006. The longest average adoption time of 12.9 months occurred in 2012 under the German chairmanship. Each year, the average adoption time exceeded the presumed target of two months.

**Figure 7: Adoption Time Taken on Conclusions (2006-2016)**



When conclusions are so delayed, the Working Group's requests become **outdated**, thereby **limiting their potential impact on the ground**. For example, in July 2015, the SRSG-CAAC formally presented the Secretary-General's report on Afghanistan to the Working Group. The conclusions were not adopted until May 2016, almost a year later. The previous 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 of the victims were women and children.

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

Finally, the delays cause considerable **backlogs** in the Working Group, which then delays the Secretary-General's submission of additional country reports to the group. As a result, the number of reports submitted 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 tools, the figures below are broken down by year, with years grouped together based on the Chair of the Working Group.

### Figure 8. Conclusion Adoption Time (2006-2008)

During the French chairmanship, 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).

### Figure 9. Conclusion Adoption Time (2009-2010)

During the Mexican chairmanship, 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. Conclusion Adoption Time (2011-2012)

During the German chairmanship, 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).

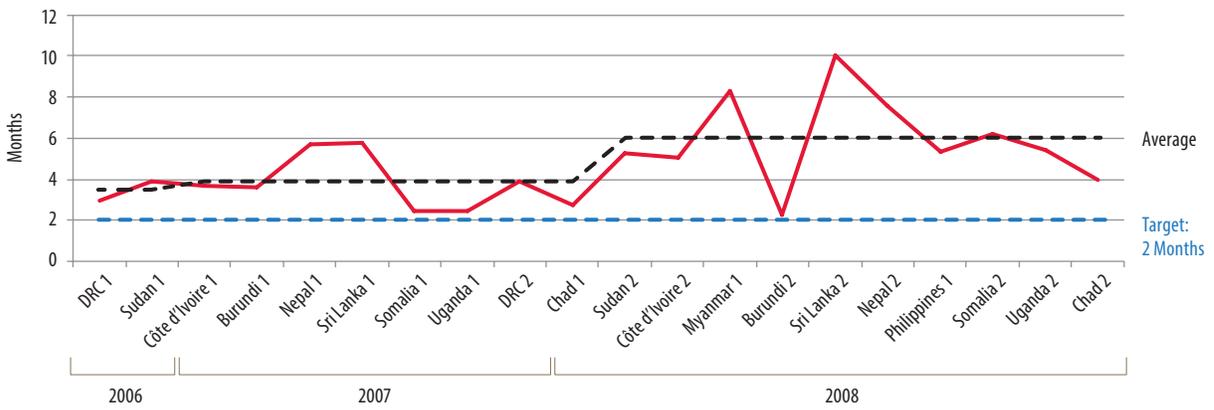
### Figure 11. Conclusion Adoption Time (2013-2014)

During the Luxembourg chairmanship, 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).

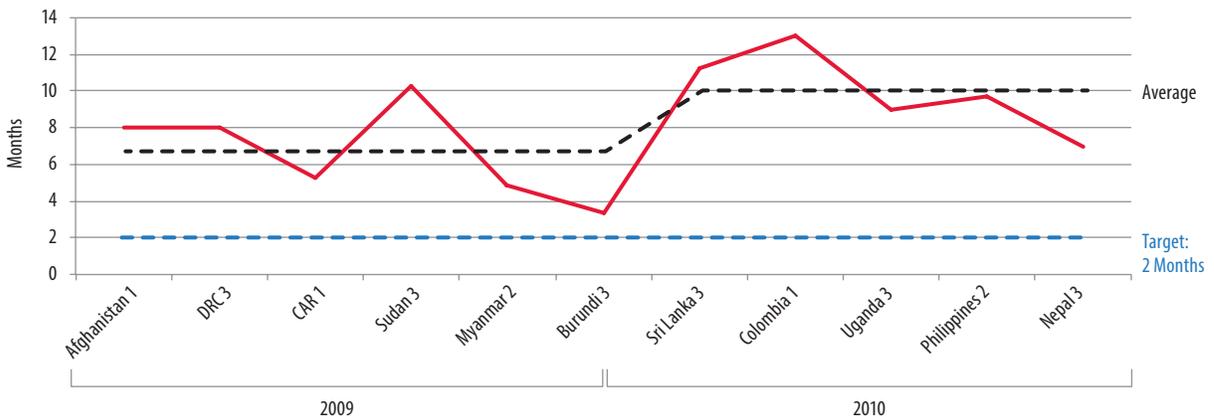
### Figure 12. Conclusion Adoption Time (2015-2016)

During the Malaysia chairmanship, the Working Group issued 1 conclusion in 2015 (average adoption time of 3 months, a record low) and 3 conclusions in 2016 (average adoption time of 10.4 months).

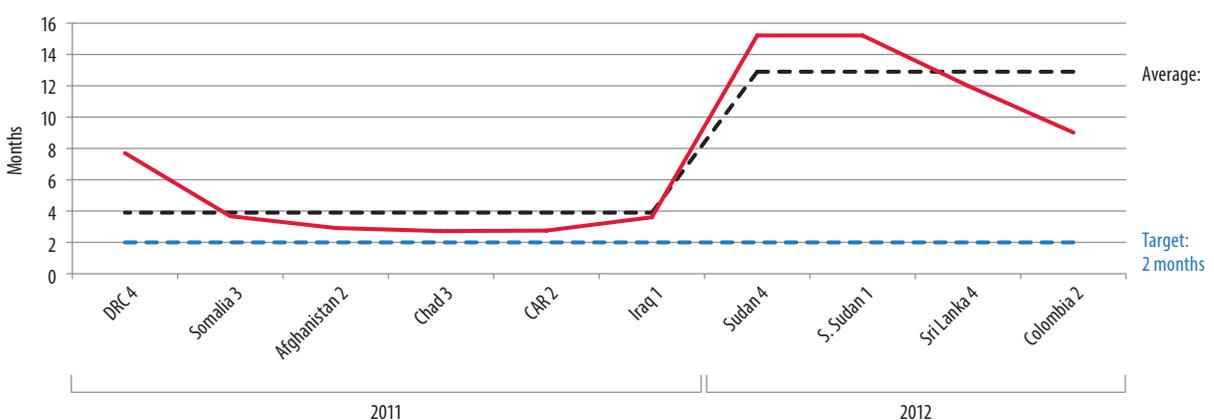
**Figure 8: Adoption Time Taken on Conclusions (2006-2008)**



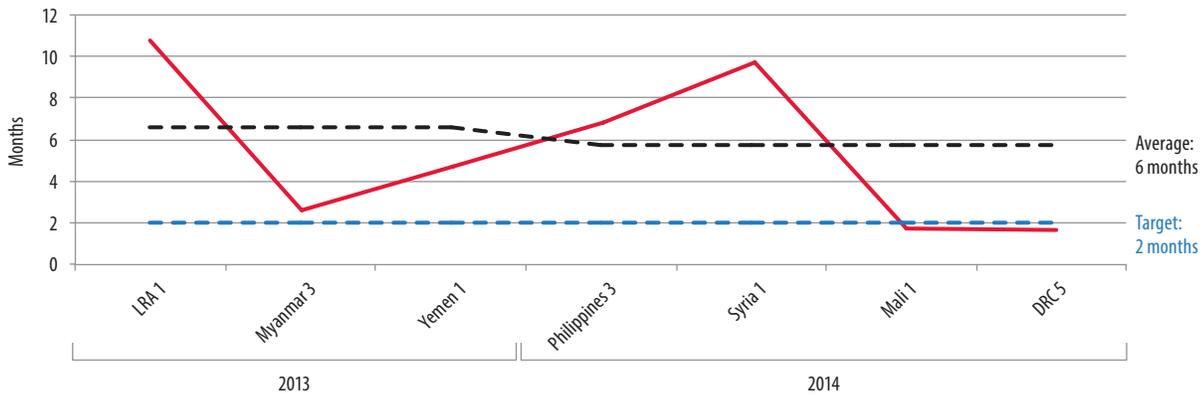
**Figure 9: Adoption Time Taken on Conclusions (2009-2010)**



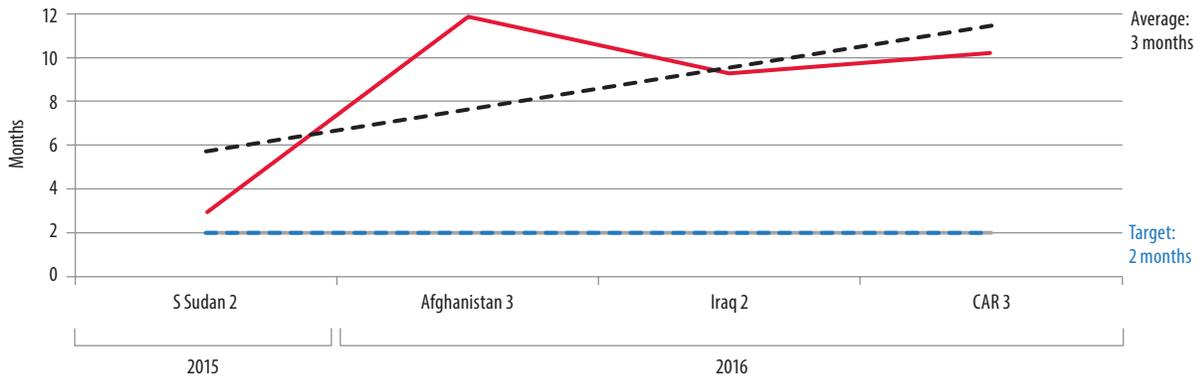
**Figure 10: Adoption Time Taken on Conclusions (2011-2012)**



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



**Figure 12: Adoption Time Taken on Conclusions (2015-2016)**



Overall, during the first 10 years of the Working Group (2006-2016), there is a downward trend in its ability to negotiate country-specific reports and adopt conclusions in a timely manner. This trend supersedes the impact of particularly active Working Group Chairs, or specifically difficult compositions of the Council in any given year.

In a range of interviews with UN staff, Council Members, and NGOs, Watchlist asked about these ever-growing delays, and how to address them effectively. In line with Watchlist’s previous analysis, interviewees pointed out a range of factors, including organizational, procedural, and political issues.

## 1. Organizational factors:

The delays in the Working Group's functioning are partly administrative and logistical. Various Chairs have spoken about difficulties in booking rooms, securing translators, etc. The provision of dedicated Secretariat resources to service the Working Group, and the assignment of two experts to follow the CAC agenda by the last four Chairs (Mexico, Germany, Luxembourg, and Malaysia) have made significant strides in overcoming some of the administrative and logistical challenges.

Given that the Working Group is a regular subsidiary body of the Security Council, and its experts often combine several portfolios, it faces a workload issue. For example, at times, Working Group Chairs have instituted weekly meetings to ensure a steady workflow, but smaller missions in particular have had difficulty attending such meetings consistently. Different chairs have also tried other initiatives, such as parallel negotiations, but once again, this may be a big burden on smaller missions. Most Working Group experts also cover the General Assembly's Third Committee, which makes it virtually impossible to find time to meet between October and December.

## 2. Procedural factors:

The interviewees also spoke out about UN procedural factors. They admitted that the Working Group's processes are quite onerous and negatively affect its ability to adopt conclusions in a timely manner. Their feedback is grouped under three points: (1) the length of the conclusions, (2) the nature of the Working Group as a consensus-based mechanism, and (3) the relationship between delayed country-specific reports and delayed conclusions.

First, the respondents pointed out that, **over time, the conclusions have become lengthy and complex documents resembling Council resolutions.** Some called for a return to shorter, more action-oriented documents, like the conclusions adopted in 2006 and 2007 under the French Chairmanship. Others, however,

voiced positive outcomes from adopting lengthy and complex conclusions. These respondents felt that a drive to increase productivity could negatively affect the quality of the conclusions adopted. For example, one respondent recalled a complex negotiation regarding the situation of children and armed conflict in Colombia. At the time, the Colombian Government did not recognize the Fuerzas Armadas Revolucionarias de Colombia (FARC), and thus it was impossible for it to accept language that referenced the need to engage with the FARC in a humanitarian dialogue on the recruitment and use of children as soldiers. The negotiations took place over 10 months, and Colombia's vice-president came to New York for the annual Open Debate on Children and Armed Conflict. Since then, the situation in Colombia has dramatically changed. One respondent argued that while the negotiations were onerous, the process may have contributed to the Colombian Government's changed stance on engagement with the FARC.

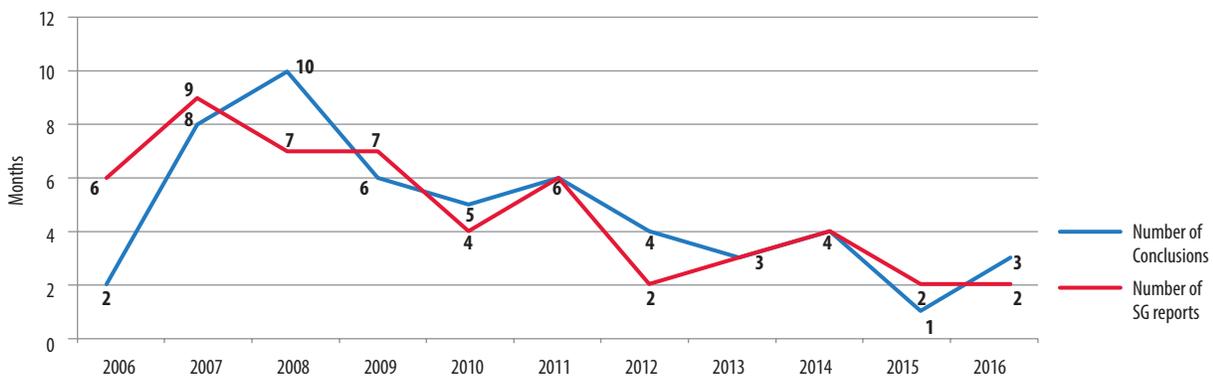
Second, several interviewees brought up the fact that the **Working Group is a consensus-based body.** While adopting outcome documents by consensus offers several benefits, such as sending a strong signal of shared political support to the perpetrators, it also has downsides. If a few Member States – or even a single Member State – disagrees with any part of the text, the Working Group's agenda can be held up by weeks or even months. Contrary to the Working Group, the Council is able to vote on its outcome documents. If the abandonment of consensus for the purposes of conclusion adoption is politically intangible at this juncture, some respondents pointed towards alternative methods to break a stalemate. One respondent recounted that when the Myanmar conclusions were stalled, France planned to bring up the issue at the Security Council level under 'Any Other Business.' While the respondent could not ascertain whether the Council voted on the document, France's intention was to break the impasse within the Working Group by presenting the situation in the Council proper and theoretically at least, circumventing the consensus requirement.

Third, respondents alleged that the **Secretary-General has reportedly adjusted the production of his country-specific reports based on progress, or lack thereof, in 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, report production decreased again. As a result, in both May and June 2015, the Working Group had no report to negotiate, forcing it to temporarily halt its activities. Both UN respondents and Security Council Members have testified that this situation is recurring and that it affects the Working Group's progress. Respondents based in the field recommended the publication of a country-specific report every 18 months for the same country, regardless of the Working Group's activities. Currently, the Working Group discusses a country-specific situation, on average, once every five years.

With a rigorous publication schedule, the aim could be to discuss each situation at least once every two years.

Overall, this situation contributes to delays of both reports and conclusions. It appears that on specific occasions, reports are held back by the Secretary-General, who is waiting on the Working Group to finish negotiations on backlogged reports. In turn, the Working Group sometimes has no reports to negotiate. By delaying his report submission, the Secretary-General risks signaling a lack of urgency to deal with the perpetrators of grave violations. Second, the data in the Secretary-General's country reports and the actions recommended in the Working Group's conclusions become outdated given the rapidly changing conflicts on the ground.

**Figure 13: Number of SG reports and Conclusions (2006-2016)**



### 3. Political factors:

Negotiations on certain countries habitually take longer than others, as the **Working Group gets held hostage by political considerations influencing the Council at large**. This ‘spill-over effect’ from the Council has brought about some of the Working Group’s lengthiest negotiations. For example, negotiations 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 average adoption time in 2012 was due in part to the Working Group addressing these four countries all in the same year. At the other end of the spectrum, negotiations on Burundi (3 reports), Chad (3 reports), CAR (2 reports), and Iraq (1 report) all averaged four months or less.

Second, the **Council’s composition influences the Working Group’s ability to work effectively**. Working Group membership coinciding with political interests in the country situation under consideration can make negotiations more difficult as conclusions must be adopted by consensus. For example, 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 do not have. Beyond the composition of the Council, respondents confirmed that the personalities of diplomats conducting the negotiations can also make a marked difference.

Finally, some respondents suggested that the Member States on the Council may share different views at times regarding whether the CAC agenda should be considered a regular item of the Council’s peace and security work. As one respondent stated: *“CAC is and will always be a difficult issue within the Security Council to discuss; therefore the speed of adopting an outcome document cannot be the only yardstick against which to measure success of the Working Group, one should also factor in other categories such as the quality of the conclusions, the follow-up, etc.”*<sup>7</sup>

### 4. Recommendations for improving adoption time:

Similar to questions about toolkit usage, Watchlist asked respondents how to improve the Working Group’s adoption time, and they offered the following:

- **Linking toolkit usage to negotiation time for the Working Group:** All respondents recognized that the consideration of the Secretary-General’s country-specific reports and the adoption of conclusions will always constitute the Working Group’s core task. They also agreed that Working Group experts should be allowed the time and space to negotiate the best possible outcome document. However, they suggested for more frequent use of informal ways to bring situations requiring immediate action to the Working Group. Several respondents referenced existing tools from the Working Group’s toolkit to address such developing situations. These tools could include emergency briefings, or more briefings by both UN and non-UN experts. For example, one respondent said the Secretary-General’s 2017 report does not address the situation in the Kasai region, DRC. The country-specific report on children and armed conflict in the DRC may not appear for another year, and the Secretary-General’s next annual report on CAC to the Security Council will be published in mid-2018. By this time, the emergency situation in the Kasai region may have dramatically changed.
- **Tailoring follow-up action to emerging crises on the ground:** One respondent raised the question of appropriate follow-up action. If the Working Group calls an emergency briefing by a UN or non-UN expert on, for example, the situation of the Rohingya in Myanmar, which actions could they take on the basis of such a briefing? Would it be possible to send letters, request a report on the issue to be published within a specific time, or other measures? One option could be

to work more actively with UN peacekeeping missions, particularly their CPAs. For example, the Working Group could request a regular briefing on specific emergency situations such as the Kasai or Myanmar. This could be done via video conference with peacekeeping staff on the ground. The Working Group could then be more responsive and synchronize its activities with the realities on the ground.

- **Better Use of Global Horizontal Note:** The Global Horizontal Note (GHN) is an important tool that could allow the Working Group to react to an emergency situation. The GHN is transmitted to the Working Group experts by the Secretary-General but is not a public document. It is intended to be a quarterly informal tool to alert the Working Group on the situation of children affected by armed conflict. Any country situation can be covered by the GHN. This includes situations listed in the annexes of the Secretary-General's annual report as well as emerging situations that may not have been covered in the report. The GHN focuses on verified incidents and key trends of grave violations against children; specific follow-up actions undertaken on the Working Group conclusions; and any significant achievements, challenges, or constraints. All GHN submissions are made by the co-chairs of the CTFMR to the Office of the SRSG-CAAC. Where there is a peacekeeping or political mission, the SRSG, upon submission of the data by the CPA, transmits the information via code cable to headquarters, while keeping the co-chairs of the CTFMR apprised.<sup>8</sup>

Multiple respondents asked for a more operational use of the GHN. One interviewee said: *"The GHN was supposed to provide timely information on what was happening globally. A lot of fieldwork goes into the preparation of the report, and that's it. It is not shared*

*across the board. The Working Group members receive timely reports on children and armed conflict covering three months – the timeliest information available within the system – and that's it. The GHN should be made use of. There is a great deal of information available, the system does not need to wait until the end of the year to publish it in the SG's annual report."*

The interviewees suggested the following options to operationalize the GHN:

- Share the GHN broadly within the UN. Other parts of the UN system, most notably human rights experts on investigative panels, could benefit from the information;
- Use the GHN to engage in a dialogue with Member States in New York every three months on grave violations perpetrated against children in situations of armed conflict;
- Acknowledge the receipt of the GHN, and use the timely and up-to-date information to engage in dialogue with specific CTFMRs, for example, through a video conference .

The most frequent recommendation was to make the GHN public. In the words of one field-based staff person: *"Right now, it takes a lot of time to produce the GHN, but it is not being used. We meet and discuss the cases together with the members of the CTFMR. Identifying grave violations in this context is time consuming. First, we receive an alert. Then, we have to triangulate the information: we visit the police, community members, etc. If we are still not sure about what happened, we undertake a field mission. Once we have collected and translated all the information, we submit the information to the CTFMR focal point, who cobbles the various paragraphs together into a readable piece, which is sent to New York. Then, staff in New York will contact us with a series of clarifying questions. All of this takes up a lot of our time."*

8 Guidelines. Monitoring and Reporting Mechanism on Grave Violations Against Children in Situations of Armed Conflict. June 2014, DPKO, UNICEF, and O/SRSG-CAAC.

**Watchlist on Children and Armed Conflict**

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