



STATEMENT BY MR. A. GOPINATHAN, DEPUTY PERMANENT REPRESENTATIVE, ON CHILDREN AND ARMED CONFLICT AT THE UNITED NATIONS SECURITY COUNCIL ON FEBRUARY 23, 2005

Mr. President,

We welcome this opportunity to participate in the Council's consideration of the issue of Children and Armed Conflict.

Children have become increasingly involved, both as targets of violence and as combatants, in conflicts. During the last few years, more than 500,000 children, recruited in 87 countries, with around 300,000 actively participating in combat, have been involved in conflict in some form or the other. Most often, it is not possible to make a distinction between a forced and a voluntary child soldier. The more vulnerable the people are, the easier the process of recruitment becomes. Whereas some children join armed groups for food, survival or to avenge atrocities in their communities, others are physically abducted for war by armed groups. Enticed by promises of food, shelter and security, and sometimes plied with drugs, child soldiers are at times led to commit atrocities against other armed groups and civilian populations, sometimes even against their own communities.

We thank the Secretary-General for his report on Children and Armed Conflict. The report makes a significant attempt at addressing an important issue. Before commenting on some specific aspects of the report, we feel a few general points made in the past by India on this issue needs reiteration.

The first relates to salience. How useful is it to have 'thematic debates' in the Security Council on subjects such as the present one? It is true that a large number of children are victims of armed conflicts. But it is equally true that malaria and AIDS kills more children than conflicts do, but we do not deal separately in the Council with children and malaria or children and AIDS or request reports from the Secretary-general on them. A sense of balance and perspective should be retained in order to make sure that too narrow a focus does not blot out the larger picture of what has sometimes been called the "soft" challenges to international peace and security.

The report has identified the Security Council as by far the most important international 'destination for action.' The report has also offered targeted sanctions as the universal remedy in cases of insufficient or no progress. However, the Council can impose sanctions under Article 41 only if it has established, under Article 39, that there is a sufficient danger to international peace and security to justify them. Only States are Parties to Conventions, non-state actors are not bound by them. More important, most armed groups obey no laws, national or international. In some cases of internal conflict, non-state actors or rival political groupings may make offers of adhering to such instruments precisely to gain legitimacy or a political '*locus standi*'. Further, can a violation by a State of the provisions of

the Convention on the Rights of the Child be construed as a threat to international peace and security?

The fifth report of the Secretary-General shows that in the years since this issue has drawn the attention of member States of the UN, the overall progress made in addressing the circumstances of children in situations of armed conflict has not been particularly satisfactory, though there have been pockets of success. It is seen from this and previous reports presented to the Security Council that success has been achieved where the SRSG has himself engaged and been involved in obtaining a commitment for release and demobilisation of child soldiers.

Of the four key components that encompass the Secretary-General's concept of the 'era of application', the element of establishing a monitoring, reporting and compliance mechanism is, in our view, the least practical. The nature of the situations of conflict, particularly in Africa, is such that the models of monitoring, reporting and compliance provided by the Secretary-General make them impractical and, therefore, ineffective.

Mr. President,

A body of standards for monitoring, including instruments which do not command universal acceptance, cannot be imposed on Member States. A Member State while otherwise committed to the norms and commitments on the promotion and protection of rights of children would be right in maintaining that it would not be bound by any instrument to which it is not a Party.

The use of children in armed conflict has been aggravated by the proliferation of small arms and light weapons worldwide. These weapons are inexpensive, durable, small, lightweight, easy to maintain and small enough for them to handle. Illegal arms trafficking and poor monitoring of the legal trade make it easy for them to access such weapons. We are disappointed to note that the report does not call for the adoption of more legally binding commitments by Member States such as those on Marking and Tracing of Small Arms and Light Weapons and preventing the sale of arms to non-State groups.

It cannot be denied that in many conflict situations, the most vulnerable members of the population, particularly women and children, are targeted with impunity. While no leniency should be shown to crimes perpetrated on innocent children, we need to see in perspective the fact that many children responsible for reprehensible crimes have often been manipulated by unscrupulous adults to take part in armed conflicts.

Mr. President,

We support the principle enunciated in paragraph 89 of the report that any action by UN entities and international NGOs at the country level should be designed to support and complement the protection and rehabilitation roles of national authorities and should never supplant them. However, we believe that this principle remains valid not only in the context of taking necessary action based on monitoring reports but also in designing the monitoring and reporting mechanisms themselves. In our view, the role of the national authorities must have primacy in gathering, vetting and compiling information at the country level as well as in the actions undertaken by UN field teams. The most effective way to ensure local ownership and sustainability is not just through the strengthening of civil society networks alone. UN entities working at field levels and NGOs involved in monitoring and reporting must work in close collaboration with national authorities, avoiding intrusiveness and respecting national laws and sensitivities.

India has supported the concept of child protection advisors in UN peace-keeping operations as a means to complement the important work of the SRSG himself. We would, however, be deeply hesitant to involve the development agencies in developing countries from divesting or diluting their responsibilities in promoting and enhancing development cooperation and technical support.

Mr. President,

We have taken note of the proposal to constitute a Task Force on Monitoring and Reporting (TFMR) in countries where children and armed conflict is an issue. It has been proposed that the Task Force would involve "key members of the Child Protection Networks," including "UN and NGO actors who have the experience and are most directly concerned with monitoring and reporting." Who would select this 'cohesive group' from among the key members of the Child Protection Networks? It is also not clear to us why this Task Force would be more useful than the existing Child Protection Networks. In our view, the Task Force would only be effective if it can garner the trust and cooperation of all the main stakeholders who are involved in bridging the gulf between initiatives and implementation.

We are surprised to note that even after four years of its existence, the Task Force on the subject at UN headquarters has not been able to formulate and compile guidelines on monitoring and reporting. The absence of such guidelines has, no doubt, led to the uneven quality of reporting on compliance and progress in the different situations where children are victims of armed conflict. Efforts towards ending the recruitment and use of children in armed conflict can only be effectively addressed when the guidelines – i.e. what the stakeholders have to monitor and report on - are clearly outlined to them. Precise guidelines would not only help gather relevant information but also provide the necessary basis for formulation of policy.

We remain wary about the efficacy of establishing 'Neighbourhood Initiatives' to address children and armed conflict concerns at cross-border and sub-regional levels. While lessons learnt in one country may be useful in understanding some of the underlying factors behind the phenomenon, contextualising the problem of children in armed conflict is as important as addressing the problem itself. The specific political, social, historical and cultural contexts are unique to each conflict and the reasons why children are recruited or lured to join armed groups in one country may be entirely different from those in another.

We do not see merit in a sharing of the lessons learnt and best practices at the regional level. It should be up to the Task Force on the subject at UN headquarters to evaluate the 'lessons learnt' and the 'best practices' so that they are disseminated where they would have the most relevance to stakeholders for implementation at the local level.

Mr. President,

While we appreciate the substantive work undertaken to present the report, we would draw attention to a fundamental and critical issue which, though at the heart of the debate, has not received any consideration, thereby undermining the proposals that have been made in this report. We believe that the situation of children and armed conflict has not seen appreciable amelioration as in these situations, sometimes one and sometimes both parties are non-State actors. States can be expected to abide by obligations assumed by them under international legal instruments to which they are Parties. The Secretary-General's monitoring proposals are applicable primarily to States. The Secretary-General's report has not made any suggestions on how non-State actors are to be held accountable. Till this aspect is addressed, the proposals that member States consider will have limited value, as all parties to an armed conflict need to have accountability, not only States.

The concerns raised here are with a view to find an effective means of dealing with an important problem. Any breakdown of peace and security and the conflicts that ensue have a

tragic impact on children. However, we feel that we ought to make decisions and act in ways that would lead to effective results. We should bear in mind the need for obtaining the most efficient and optimal results, as resources that are dedicated to any of these mandates are finite and inelastic, especially in an era of 'zero-nominal growth' in most of UN's budget-lines. We should strive for increasing efficiency, cost-effectiveness and impact while dealing with this important question of protecting children from the impact of armed conflict.

Thank you, Mr. President.

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