

Summary Report



LIECHTENSTEIN INSTITUTE
ON SELF-DETERMINATION
AT PRINCETON UNIVERSITY

Addressing Child Protection in Conflict Mediation

INTRODUCTION

The Liechtenstein Institute on Self-Determination at Princeton University and the non-governmental organization Watchlist on Children and Armed Conflict, with support from the Permanent Mission of Liechtenstein to the United Nations, convened a workshop, “Addressing Child Protection in Conflict Mediation: Charting a Way Forward,” on July 15, 2014, at the Princeton Club of New York. The workshop brought together representatives of United Nations member states, including members of the Security Council, United Nations Offices including the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG-CAAC), Department of Political Affairs (DPA), Department for Peacekeeping Operations (DPKO), Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations Children’s Fund (UNICEF), NGOs, and academics to discuss specific strategies and concrete actions that can be taken to promote child protection in peace processes.

The day-long workshop was comprised of two working sessions. The first session provided participants with an overview of the latest developments in the fields of child protection and mediation. The second session offered an exchange of participants’ practical experiences at the intersection of child protection and mediation and/or dialogue. This report summarizes recommendations from the dialogue started at the July 2014 meeting.

DEVELOPMENTS IN THE FIELDS OF MEDIATION AND CHILD PROTECTION

The first session of the workshop concentrated on the latest developments in the fields of child protection and mediation.

It was recalled that, in its resolution 1261 (1999), the UN Security Council called on parties to ensure that the protection of children is taken into account during peace negotiations. In 2014, the Council unanimously reconfirmed this notion with resolution 2143 (2014), which urges member states, United Nations entities and other parties concerned to ensure that child protection provisions, including those relating to the identification, release and reintegration of children formerly associated with armed forces or armed groups, are integrated into all peace negotiations and peace agreements. Leila Zerrougui, SRSG-CAAC, who delivered a key note address to the workshop participants, highlighted the need to mainstream children’s concerns in the peacemaking process in her 2013 report to the UN General Assembly: “Incorporating specific commitments in political settlements, ceasefire arrangements, peace agreements and relevant implementation mechanisms can provide important opportunities and entry points for the rapid release of children from armed forces and groups and their reintegration. Early consideration of children’s issues in peacemaking processes also facilitates planning and resource mobilization.”¹

Workshop participants from the UN Department of Political Affairs Mediation Support Unit (MSU) provided an overview of the mediation support field and introduced the “United Nations Guidance for Effective Mediation.” MSU is a service provider that assists the mediation and facilitation initiatives of the United Nations, its member states, regional and subregional organizations, and other relevant partners. MSU provides technical support for operational planning and process design, as well as identification of capacity needed. MSU is able to deploy thematic expertise on issues such as gender, security and power-sharing arrangements, through its staff and the Standby Team of Mediation Experts, deployed

1. General Assembly, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict*, 2013, A/68/267.

more than 100 times in 2013. Second, MSU provides guidance material for setting up and managing mediation initiatives.

While acknowledging that all disputes and conflicts are unique and require a specific approach, participants underlined that there are good practices that should inform the approaches of all mediators. Specifically, the “United Nations Guidance for Effective Mediation,” issued in 2012 after extensive consultations, outlines eight mediation fundamentals for an effective process: (1) preparedness of the mediator(s), (2) consent of the conflict parties, (3) impartiality of the mediation process, (4) inclusivity of views and needs of conflict parties, (5) ownership of the mediation process by both the conflict parties and the broader society, (6) adherence to international law and normative frameworks, (7) coherence, coordination and complementarity of the mediation effort, and (8) quality peace agreements. It is worth considering which of the eight fundamental precepts of mediation may offer the most effective entry points to consider child protection.

Workshop participants from Watchlist on Children and Armed Conflict also discussed how, since 1999, child protection has been featured in cessation of hostilities/ceasefires, comprehensive peace agreements or “other” materials, including declarations, communiqués, joint public statements from informal talks, key outcome documents of conferences and more. In 407 eligible documents included in the Peace Agreements Database between 1999 and 2014, Watchlist found 79 substantial references to child protection, or child protection was included in 19 percent of the peace agreements. Of these 79 references, 56 included language specific to children and armed conflict. The grave violation most frequently included in peace agreements is the recruitment and use of children (55 percent). Of all the regions, inclusion of CAAC-specific issues was most prevalent in Africa, where 55 documents referenced child protection, of which 43 included children and armed conflict issues.

Child protection references other than CAAC-specific issues included: (1) general commitments to the protection of “women, children, and other vulnerable groups,”

as well as children, youth and (2) economic opportunity, (3) education and/or vocational training, (4) participation in peace processes, and (5) transitional justice, criminal justice, accountability and reconciliation processes.

On the basis of the presentations from MSU and Watchlist, participants discussed generally the intersections of child protection and mediation. Participants unanimously echoed the potential of using mediation as an entry point for raising issues around child protection, particularly given mediators’ ability to leverage their relationships with parties to a conflict to raise these issues effectively, for example in ceasefires, peace agreements, and relevant implementation mechanisms facilitated by an envoy or mediator. Overall, participants demonstrated a general openness towards exploring specific connections between mediation and child protection in the forthcoming sessions, rooted in practice and bearing a positive tone.

EXPERIENCES AT THE INTERSECTION OF CHILD PROTECTION AND MEDIATION

During the second session of the workshop, participants examined the practical opportunities, as well as risks and challenges, associated with humanitarian dialogue and peace processes, and their capacity to address children and armed conflict issues. This was done through a round table exchange of participants’ practical experiences in mediation and child protection.

Central to the exchange was the place of children’s welfare and rights within the context of the complex processes of peacemaking. With respect to mediation, different stages of the peace processes, and their respective entry points for inclusion of child protection were discussed. To this end, considerations were given, in particular, to the preparedness and the implementation stages. Participants raised questions around the language, as well as the scope and feasibility, of the peace agreements. With respect to dialogue, discussion centered on humanitarian dialogue

to secure humanitarian access to or for persons in need of humanitarian response by humanitarian actors, based on the humanitarian principles, and connected to that, possible opportunities to engage actors on broader child rights and protection issues.

In the process of preparing for mediation, participants discussed the importance of understanding who will be around the negotiation table, and which groups bear the most potential with respect to child protection language. Participants also noted the importance of knowing which tactics are best to deploy for convincing parties around the table to negotiate particular issues, such as through the security sector, leverage over political legitimacy and international standing, or criminal responsibility and role of the International Criminal Court.

On the point of implementation of the peace agreements, specific questions were raised around sequencing, such as until which point the mediator should remain engaged in providing implementation support for the agreement. Further questions were raised related to what happens to children when they are back in the community, and factors behind recruitment. Regarding the language and scope of the peace agreements, considerations were given to what happens when child protection is included in the negotiated mechanism, but: (1) the agreement fails, (2) the agreement succeeds but the agreed-upon language is not what was desired, or (3) the agreement is not achievable due to potential lack of interest by the signing parties or its complexity.

Regarding humanitarian dialogue, participants discussed the benefits and pitfalls of referencing humanitarian access in peace agreements, in particular the concern that peace agreements may be seen as conferring humanitarian access when in fact all parties to conflict have existing obligations to facilitate rapid and unimpeded humanitarian access for relief personnel under international humanitarian law regardless of political processes. To that end, participants also discussed mechanisms for monitoring access, touching upon the UN Security Council's framework for monitoring and reporting the six grave violations against children, one of which includes the

denial of humanitarian access to children. Participants agreed that humanitarian response can serve as an entry point for raising other rights-based issues, and also that child protection may serve as a point of entry for discussions on humanitarian access.

RECOMMENDATIONS

Based on the discussions over the two sessions of the workshop, the following key recommendations were identified by the workshop organizers as preliminary conclusions, and identification of next steps for better mainstreaming of children and armed conflict concerns in dialogue and/or peace processes, to be taken forward as appropriate, contingent on the availability of human and financial resources.

RECOMMENDATIONS TO UN AND OTHER ACTORS WORKING ON MEDIATION, AND TO THE ACADEMIC COMMUNITY RESEARCHING PEACE MEDIATION

- *Conduct a preliminary analysis of peace processes* to examine where and when child protection concerns are coming up (for example, security sector reform, disarmament, demobilization, reintegration), identifying possible entry points;
- *Consider and develop guidance products* that may be useful to mediators and envoys for incorporating children and armed conflict into mediation processes, from lighter products such as “checklists” to products such as DPA’s “Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements;”
- *Ensure consultation with and inclusion of child protection experts* in the process and as part of the mediation team, to guarantee that child protection is incorporated at the start;

- *Further engage child protection actors for greater awareness-raising on mediation*, and in future workshops involve more mediators to participate in discussions and share their direct experiences with peacemaking.

RECOMMENDATIONS TO UN ACTORS WORKING ON CHILD PROTECTION

- *Secure additional capacity* with specific child protection expertise that could be rapidly deployed, such as by forming a standby unit for children and armed conflict issues in order to provide direct or indirect support to ongoing peace negotiations;
- *Engage the professional community on mediation* for greater awareness-raising of resolution 1612, the children and armed conflict agenda, and overlapping interests of mediation and child protection.



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