

Implementation EU Guidelines on Children and Armed Conflict

A - Introduction

1. The Council adopted the EU Guidelines on Children and Armed Conflict at its meeting on 8/9 December 2003 (doc. 15634/03). Paragraph 20(a) of the guidelines indicates that COHOM should "develop modalities to render paragraph 12 operational". At its meeting on 4 December 2003, PSC stressed the importance of their effective implementation and asked the Council Secretariat to develop modalities to this effect as a matter of priority. PSC also took note of the advice prepared by the Military Committee and CIVCOM. Similarly, COHOM had stressed the importance of effective implementation at various occasions. The issue of implementation was further discussed with representatives of civil society at the Annual EU Human Rights Forum in Rome (10-11 December 2003).
2. This paper sets out modalities for the implementation of the guidelines. This paper, a first version of which was circulated by coreu on 20 January, has been discussed by COHOM at its meetings in January, February and March and was subsequently revised. It discusses the role of the various actors involved, building on ideas set out in xx/03 as well as the above mentioned documents, and specifies the activities these actors would be responsible for (references to specific paragraphs in the guidelines included in brackets). An indicative time table for the first two years of the application of the guidelines will be distributed separately by email to COHOM delegates. The paper also briefly discusses the procedures for the appointment of an EU Special Representative, should the Council so decide.

B - The various actors involved

3. The main actors involved are the Presidency, Member States, Commission and Council Secretariat, including EUMS. These actors will work together with HoMs, EU Special Representatives, Military Commanders and Heads of civilian operations.

Presidency

4. Effective implementation and follow-up of the guidelines would be ensured by the COHOM Presidency together with the Secretariat and the Commission. The COHOM Presidency would thus be the driving force for the first two years following the adoption of the guidelines. A division of tasks with the other members of the Troika could be foreseen according to their respective spheres of competence and human resources.
5. The Presidency will instruct all HoMs to take note of the guidelines. Where relevant, HoMs will include the issue in their regular reporting (§ 10) and are encouraged to take contact with non-state actors (§ 14). "Where relevant" would be taken to mean: countries mentioned in the relevant UNSC reports; regions where EUSRs are appointed; countries subject to UN resolutions that include specific references to children and armed conflict; and other situations of concern identified by PSC. HoMs could also be encouraged to disseminate the guidelines among relevant partners in their countries. HoMs reports should preferably be circulated by October each year at the latest (in time for the annual progress report), or earlier in case of emergency situations.
6. The Presidency will initiate demarches and public statements whenever necessary (§ 14). To that end the Presidency will maintain contact with the UNSG's Special Representative on Children and Armed Conflict to avail itself of his expertise and up-to-date information.

7. The Presidency will reflect on further ways of co-operation with the UN and other international and regional intergovernmental organisations, NGOs as well as corporate actors in this area and submit a proposal to COHOM (§ 20c). The aim would be to consolidate the partnership between the EU, civil society and other actors in this area. First contacts have been established with UNICEF and the UNSG's Special Representative on Children and Armed Conflict, who have indicated strong commitment to share information and assist in implementation in all possible ways, including training activities (§ 9, 12, 16, 17).
8. The Troika will raise this issue during meetings with third countries where relevant (§ 13). To this end the Troika will consult colleagues from the relevant geographical working groups to discuss how to mainstream this issue in their regional Troika meetings.
9. The Presidency will ensure that COHOM will take stock of the implementation of the guidelines once per semester, or more often if cases require urgent attention. In order to prepare such discussions, the Troika (as well as COHOM delegates) will remain in close contact with colleagues of other relevant working groups (CIVCOM, Military Committee, CODEV, ACP working party, geographical working parties). PSC may also wish to consider this issue in its discussions with the EU Special Representatives.
10. If HoMs, COHOM or another relevant working party identifies a situation where targeted measures might be called for, the relevant working parties will make recommendations to PSC/Coreper/Council (§ 19).
11. The Presidency, assisted by Commission and Secretariat, will prepare for COHOM's consideration on an annual basis a report on progress made towards fulfilling the objectives set out in these guidelines (§ 20e). Similarly, it will prepare an evaluation of these guidelines to the Council in 2005 with recommendations for improvements (§ 20f-g).

Commission

12. The Commission will assist in the drafting of reports and preparations of political dialogue meetings wherever possible and according to its competences.
13. With a view to mainstreaming children's rights in policy and external assistance, the Commission has established a sub-group on children's rights designed to provide a forum in the Commission for the exchange of information and best practice on children's rights and has recently conducted its first specific training in children's rights for external relations' officials in co-operation with UNICEF. At a next meeting the inter-service group will discuss the guidelines.
14. The Commission will draw the attention to the Council and Member States to relevant reporting in this area and provide further information, where appropriate and necessary, on Community-funded projects aimed at children and armed conflict and post-conflict rehabilitation (§ 11). To this end, the Commission has conducted an internal audit on existing Community projects related to children and armed conflict which was presented to COHOM in February 2004. The guidelines were distributed to all Heads of Delegation and relevant geographical services with a view to input for the audit.
15. The Commission will identify possibilities for extending funding relating to children and armed conflict and report to COHOM accordingly (§ 15). The Commission will ensure that the guidelines are taken into account in the operation of the Peace Facility adopted by the ACP-EC Council of Ministers on 11 December (doc. ACP-CE 2159/03) (§ 16).

Council Secretariat

16. In order to facilitate communication, the Secretariat (Ms Hadewych HAZELZET) will act as the focal point for COHOM delegations as well as external actors, as appropriate. The Secretariat will assist in the drafting of reports and preparations of political dialogue meetings.
17. The Secretariat has a pool of experts working in related fields who have been involved in the preparation of the guidelines and in drawing up the advise of the Military Committee and CIVCOM. Periodic meetings will be convened together with colleagues from relevant DGs, the EU Military Staff (EUMS), Policy Unit and others involved, in particular in the context of crisis management operations (§ 16).
18. The Secretariat will discuss the guidelines with the EU Special Representatives and explore how to implement the guidelines in their areas of work. Similarly, EUMS and Heads of civilian operations (i.e. police missions, rule of law missions or civilian administration missions) will be informed of the implications of the guidelines (§ 10).
19. The possibility of organising an informal training session for the EUMS and other interested colleagues on the basis of the manuals prepared by the UN, the Human Security Network and the European Network for a Research Agenda on Children and Armed Conflict could be explored. These training materials would be distributed to delegations for further dissemination. The Secretariat, together with the Commission and the Presidency, will study the co-ordinated EU Training Concept in the field of crisis management and ensure that it takes account of the implications of the guidelines (§ 18).

Member States

20. COHOM delegates would function as focal points for their colleagues within national administrations. If need be, the periodic convening of an ad hoc meeting of experts from Member States, Commission and Secretariat could be envisaged to assist COHOM in its tasks foreseen in § 20, in particular the drawing up of the annual progress report and the evaluation of the guidelines after two years.
21. Member States can at all times propose a text for a demarche or a declaration through the coreu system (§ 14).
22. Member States will seek to reflect priorities set out in the guidelines in their bilateral co-operation projects (§ 15). Member States will feed into the overview prepared by the Commission by providing information on bilateral projects in this area (§ 11).
23. The Presidency may call upon Member States' experts for advise on specific problems in certain regions on an ad hoc basis. To that end, COHOM delegates, including the Commission, could indicate their willingness to monitor certain regions to the Presidency (§ 12) or make specific expertise available (for instance through the Human Security Network). An overview of burdensharing could be prepared by the Secretariat and provided to COHOM.

C- Procedure for the appointment of EU Special Representatives

24. Details about appointment, mandate and financing can be found in the Common Guidelines on EU Special Representatives (doc. 13833/03). EU Special Representatives (EUSRs) are nominated on the bases of Article 18(5) TEU, in principle for a period of 6 months. The Presidency, High Representative or the Commission can also appoint their own representatives or personal envoys on their own responsibility. Member States and institutions of the EU may propose the secondment of staff to work with the EUSR, in which case they will cover their remuneration.

25. EUSRs are financed from the EU budget (CFSP chapter, 1903) unless the Council decides otherwise. In cases where insufficient funds are available, the Council may decide that Member States financing is appropriate. The Presidency, the Member States and the Commission will provide appropriate and reasonable support to the mandate of the EUSRs from their own resources.
26. The relevant working parties make recommendations to PSC on extending, amending or terminating existing mandates or on the creation of new mandates. The Foreign Relations Counsellors working party prepares legal acts and studies budgetary implications.

D - Time table and division of tasks

The Secretariat has distributed a time table with a division of tasks to COHOM delegates which will serve as a basis for further work in 2004-2005.
