

and by whomever committed, in particular those which could threaten international peace and security;

2. *Calls upon* all States to implement fully the international anti-terrorist conventions to which they are parties, encourages all States to consider as a matter of priority adhering to those to which they are not parties, and encourages also the speedy adoption of the pending conventions;

3. *Stresses* the vital role of the United Nations in strengthening international cooperation in combatting terrorism, and emphasizes the importance of enhanced coordination among States, international and regional organizations;

4. *Calls upon* all States to take, inter alia, in the context of such cooperation and coordination, appropriate steps:

- To cooperate with each other, particularly through bilateral and multilateral agreements and arrangements, to prevent and suppress terrorist acts, protect their nationals and other persons against terrorist attacks and bring to justice the perpetrators of such acts;
- To prevent and suppress in their territories through all lawful means the preparation and financing of any acts of terrorism;
- To deny those who plan, finance or commit terrorist acts safe havens by ensuring their apprehension and prosecution or extradition;

- To take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not participated in terrorist acts;
- To exchange information in accordance with international and domestic law, and cooperate on administrative and judicial matters in order to prevent the commission of terrorist acts;

5. *Requests* the Secretary-General, in his reports to the General Assembly, in particular those submitted in accordance with its resolution 50/53 of 11 December 1995 on measures to eliminate international terrorism, to pay special attention to the need to prevent and fight the threat to international peace and security as a result of terrorist activities;

6. *Expresses its readiness* to consider relevant provisions of the reports mentioned in paragraph 5 above and to take necessary steps in accordance with its responsibilities under the Charter of the United Nations in order to counter terrorist threats to international peace and security;

7. *Decides* to remain seized of this matter.

39. Children and armed conflict

Initial proceedings

Decision of 29 June 1998 (3897th meeting): statement by the President

At its 3896th meeting, held on 29 June 1998 in accordance with the understanding reached in its prior consultations, the Council included the item “Children and armed conflict” in its agenda. The Council invited the representatives of Argentina, Burundi, Canada, the Czech Republic, El Salvador, Germany, Indonesia, Italy, Latvia, Morocco, Mozambique, Namibia, Norway, Romania, Slovakia and Ukraine, at their request, to participate in the discussion without the right to vote. The Council also extended an invitation, under rule 39 of its provisional rules of procedure, to the Special Representative of the Secretary-General for Children and Armed Conflict.

Speaking before the Council, the Special Representative described the suffering of children from the impact of armed conflict around the world. He gave data on numbers related to children killed, orphaned, injured, disabled and displaced, and proposed that the

Council lead the way by sending forth a clear message that the targeting, use and abuse of children were unacceptable. He also recommended several initiatives to mitigate and prevent the suffering of children caught up in the midst of ongoing conflicts. He requested that whenever the Council considered the imposition of sanctions, to take into account the needs of children, the impact of sanctions on children and how best to protect children in those circumstances. He requested that whenever the Council considered peacemaking efforts, peacekeeping mandates and peacebuilding plans, the central needs of children be there from the outset and inform the plans and the action taken.¹

The representative of China stated that China was in favour of the Council issuing a presidential statement on the question of children affected by armed conflict, so as to demonstrate the importance that the Council attached to this matter. He, however,

¹ S/PV.3896 and Corr.1, pp. 2-5.

highlighted that since the protection of children involved a wide range of issues, the General Assembly and the Economic and Social Council were the appropriate forums to carry out more comprehensive, fuller and more in-depth deliberations on that question.²

All speakers commended the report of the Special Representative. A number of other speakers endorsed the idea of preparing an additional protocol to the Convention on the Rights of the Child to raise the minimum age of recruitment and participation in military activities to 18. In addition, other representatives also welcomed efforts to address the unintended adverse consequences of sanctions on the civilian population, especially on its most vulnerable sectors, such as children. Many representatives suggested that sanctions be elaborated in such way as to focus specifically on the targeted regimes without producing negative effects on the civilian population, including innocent children. A number of representatives gave special consideration to the disarmament and demobilization of child soldiers, and to the reintegration of children traumatized as a result of armed conflicts.³

At its 3897th meeting, held on 29 June 1998 in accordance with the understanding reached in its prior consultations, the Council resumed consideration of the item. In accordance with the decision taken at the 3896th meeting, the President (Portugal) invited the Special Representative of the Secretary-General for Children and Armed Conflict to take a seat at the table.

² Ibid., p. 15.

³ Ibid., pp. 5-7 (United Kingdom on behalf of the European Union and associated and aligned countries: Bulgaria, Czech Republic, Estonia, Hungary, Poland, Romania and Slovakia; and Cyprus, Iceland and Liechtenstein); pp. 7-9 (Slovenia); pp. 9-10 (Sweden); pp. 10-11 (France); pp. 11-12 (Russian Federation); pp. 12-14 (Japan); pp. 14-15 (Brazil); pp. 15-16 (Gambia); pp. 16-18 (Costa Rica); pp. 18-19 (United States); pp. 19-20 (Bahrain); p. 20 (Gabon); pp. 20-22 (Italy); pp. 22-23 (Norway); pp. 25-27 (Canada); pp. 27-28 (Indonesia); pp. 28-29 (Morocco); pp. 29-30 (Slovakia); pp. 30-32 (Mozambique); pp. 32-33 (Namibia); pp. 33-35 (Burundi); pp. 35-36 (Argentina); pp. 36-37 (Czech Republic); pp. 37-38 (Ukraine); pp. 38-39 (Latvia); pp. 39-40 (Romania); pp. 40-41 (El Salvador); pp. 41-42 (Liberia); pp. 42-43 (Azerbaijan); and pp. 43-46 (Portugal).

At the same meeting the President made the following statement on behalf of the Council:⁴

The Security Council expresses its grave concern at the harmful impact of armed conflict on children.

The Council strongly condemns the targeting of children in armed conflicts, including their humiliation, brutalization, sexual abuse, abduction and forced displacement, as well as their recruitment and use in hostilities in violation of international law, and calls upon all parties concerned to put an end to such activities.

The Council calls upon all parties concerned to comply strictly with their obligations under international law, in particular their obligations under the Geneva Conventions of 1949, the Additional Protocols thereto, of 1977 and the Convention on the Rights of the Child of 1989. The Council stresses the obligation of all States to prosecute those responsible for grave breaches of international humanitarian law.

The Council recognizes the importance of the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict, supports his activities and welcomes his cooperation with all relevant programmes, funds and agencies of the United Nations system, which he deems appropriate.

The Council expresses its intention to pay serious attention to the situation of children affected by armed conflicts and, to this end, to maintain contact, as appropriate, with the Special Representative of the Secretary-General and with the relevant programmes, funds and agencies of the United Nations system.

The Council, while dealing with situations of armed conflict, expresses its readiness to consider, when appropriate, means to assist with the effective provision and protection of humanitarian aid and assistance to civilian populations in distress, in particular women and children; to consider appropriate responses whenever buildings or sites that usually have a significant presence of children, such as schools, playgrounds and hospitals, are specifically targeted; to support efforts aimed at obtaining commitments to put to an end the recruitment and use of children in armed conflicts in violation of international law; to give special consideration to the disarmament and demobilization of child soldiers and to the reintegration into society of children maimed or otherwise traumatized as a result of an armed conflict; and to support or promote child-focused mine-clearance and mine-awareness programmes, as well as child-centred physical and social rehabilitation programmes.

The Council recognizes the importance of special training of personnel involved in peacemaking, peacekeeping and peace-building activities in respect of the needs, interests and rights of children, as well as their treatment and protection.

⁴ S/PRST/1998/18.

The Council further recognizes that, whenever measures are adopted under Article 41 of the Charter of the United Nations, consideration should be given to their impact on the civilian population, bearing in mind the needs of children, in order to consider appropriate humanitarian exemptions.

**Decision of 25 August 1999 (4037th meeting):
resolution 1261 (1999)**

At its 4037th meeting, held on 25 August 1999 in accordance with the understanding reached in its prior consultations, the President (Namibia), with the consent of the Council, invited the representatives of Afghanistan, Algeria, Angola, Bangladesh, Belarus, Bosnia and Herzegovina, Costa Rica, Egypt, Finland, Guyana, India, Indonesia, Iraq, Japan, Kenya, Monaco, Mongolia, Mozambique, New Zealand, Norway, the Philippines, Portugal, the Republic of Korea, Rwanda, Slovakia, South Africa, the Sudan, Uganda, Ukraine, the United Republic of Tanzania and Zambia, at their request, to participate in the discussion without the right to vote. The Council also extended an invitation, under rule 39 of its provisional rules of procedure, to the Special Representative of the Secretary-General for Children and Armed Conflict.

The Special Representative of the Secretary-General for Children and Armed Conflict noted a qualitative shift in the nature and conduct of warfare towards civil wars, which was marked by social breakdown and lawlessness and the proliferation of small arms and light weapons. He urged delegations to (1) apply international norms and standards; (2) reinforce traditional value systems; (3) undertake concrete initiatives to prevent or mitigate the suffering of children caught up in the midst of continuing conflict; (4) bring together countries in a subregional setting where cross-border activities affected children; (5) encourage the business community to refrain from trading with parties to a conflict who had a record of abuse against children; (6) place children's protection and welfare on the peace agenda; (7) address the needs of children in the aftermath of conflict; (8) pay attention to the protection and welfare of children in peace operations; (9) report to the Council on the fate of children; (10) review the effects of sanctions on children; (11) encourage forms of information and entertainment for children in situations of conflict and its aftermath; (12) stem the recruitment and use of children in armed conflict; (13) sign and ratify new

international instruments; (14) provide for children; and (15) prevent occurrence and recurrence of conflict.⁵

China was of the view that the General Assembly and the Economic and Social Council were more appropriate forums where more comprehensive, adequate and in-depth deliberations on the question of the protection of children could be conducted.⁶

The representative of Iraq noted that under United States pressure, the Council had insisted on the continued enforcement of comprehensive sanctions against Iraq, which had caused the deaths of 500,000 Iraqi children. That situation made sanctions effectively equal to threats emanating from armed conflict.⁷

Members condemned the targeting of children as an immoral act that violated the principles of international law, pointing out that ensuring respect for children's rights was a collective obligation. They stressed that the United Nations, through the Council, should call on States involved in armed conflict to protect children, using the measures available to it. Many delegations stressed the need for a holistic approach to taking children out of armed conflict. They urged that there be a concerted, systematic and organized effort from all actors in the regional and international community. A number of delegations noted that land mines and small arms were imperative issues in the protection of children from the impact of armed conflict. Several delegations called for greater cooperation between the various United Nations agencies on the issue of protection of children from armed conflict.⁸ Several delegates called attention to

⁵ S/PV.4037 and Corr.1, pp. 2-6.

⁶ *Ibid.*, p. 13.

⁷ S/PV.4037 (Resumption 1), pp. 26-27.

⁸ S/PV.4037 and Corr.1, pp. 9-11 (United States); pp. 11-12 (Slovenia); pp. 13-15 (Malaysia); pp. 15-17 (Russian Federation); pp. 17-18 (Gabon); pp. 18-19 (Brazil); pp. 19-20 (Argentina); pp. 20 (Bahrain); and pp. 21-22 (Gambia); S/PV.4037 (Resumption 1), and pp. 2-3 (Netherlands); pp. 3-5 (Canada); pp. 7-11 (Algeria); pp. 11-12 (Norway); pp. 12-14 (Finland); pp. 14-16 (Bangladesh); pp. 16-17 (Japan); pp. 17-18 (Switzerland); pp. 18-20 (Costa Rica); pp. 20-21 (Republic of Korea); pp. 21-23 (India); pp. 24-26 (Portugal); pp. 28-29 (Slovakia); pp. 29-32 (Afghanistan); pp. 33-35 (Monaco); pp. 37-38 (South Africa); pp. 40-41 (Sudan); p. 42 (Kenya); pp. 43-44 (Egypt); pp. 44-46 (Indonesia); pp. 46-47 (Angola); pp. 47-48 (United Republic of Tanzania); pp. 48-49

the importance of the Convention on the Rights of the Child concerning the age of participation in conflicts, and expressed hope that the age limit would be raised to 18.⁹

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁰ The draft resolution was put to the vote and adopted unanimously as resolution 1261 (1999), which reads:

The Security Council,

Recalling the statements by its President of 29 June 1998, 12 February 1999 and 8 July 1999,

Noting recent efforts to bring to an end the use of children as soldiers in violation of international law, in International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits forced or compulsory labour, including the forced or compulsory recruitment of children for use in armed conflict, and in the Rome Statute of the International Criminal Court, in which conscripting or enlisting children under the age of fifteen into national armed forces or using them to participate actively in hostilities is characterized as a war crime,

1. *Expresses its grave concern* at the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development;

2. *Strongly condemns* the targeting of children in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement, recruitment and use of children in armed conflict in violation of international law, and attacks on objects protected under international law, including places that usually have a significant presence of children, such as schools and hospitals, and calls upon all parties concerned to put an end to such practices;

3. *Calls upon* all parties concerned to comply strictly with their obligations under international law, in particular the Geneva Conventions of 12 August 1949 and the obligations applicable to them under the Additional Protocols thereto, of 1977 and the United Nations Convention on the Rights of the Child of 1989, and stresses the responsibility of all States to

(Uganda); pp. 50-51 (Mozambique); pp. 51-53 (Guyana); pp. 54-55 (Rwanda); p. 55-56 (Belarus); and pp. 56-57 (Colombia).

⁹ S/PV.4037 and Corr.1, pp. 7-8 (United Kingdom); and p. 8 (France); S/PV.4037 (Resumption 1), pp. 5-7 (Namibia); pp. 32-33 (Zambia); pp. 35-37 (Ukraine); pp. 38-40 (Mongolia); p. 51 (New Zealand); and pp. 53-54 (Philippines).

¹⁰ S/1999/911.

bring an end to impunity, as well as their obligation to prosecute those responsible for grave breaches of the Geneva Conventions of 12 August 1949;

4. *Expresses its support* for the ongoing work of the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, other parts of the United Nations system and other relevant international organizations dealing with children affected by armed conflict, and requests the Secretary-General to continue to develop coordination and coherence among them;

5. *Welcomes and encourages* efforts by all relevant actors at the national and international level to develop more coherent and effective approaches to the issue of children and armed conflict;

6. *Supports* the work of the open-ended intersessional working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and expresses the hope that it will make further progress with a view to finalizing its work;

7. *Urges* all parties to armed conflicts to ensure that the protection, welfare and rights of children are taken into account during peace negotiations and throughout the process of consolidating peace in the aftermath of conflict;

8. *Calls upon* parties to armed conflicts to undertake feasible measures during armed conflicts to minimize the harm suffered by children, such as "days of tranquillity", to allow the delivery of basic necessary services, and further calls upon all parties to armed conflicts to promote, implement and respect such measures;

9. *Urges* all parties to armed conflicts to abide by concrete commitments made to ensure the protection of children in situations of armed conflict;

10. *Also urges* all parties to armed conflicts to take special measures to protect children, in particular girls, from rape and other forms of sexual abuse and gender-based violence in situations of armed conflict and to take into account the special needs of the girl child throughout armed conflicts and their aftermath, including in the delivery of humanitarian assistance;

11. *Calls upon* all parties to armed conflicts to ensure the full, safe and unhindered access of humanitarian personnel and the delivery of humanitarian assistance to all children affected by armed conflict;

12. *Underscores* the importance of the safety, security and freedom of movement of United Nations and associated personnel to the alleviation of the impact of armed conflict on children, and urges all parties to armed conflicts to respect fully the status of United Nations and associated personnel;

13. *Urges* States and all relevant parts of the United Nations system to intensify their efforts to ensure an end to the

recruitment and use of children in armed conflict in violation of international law, through political and other efforts, including promotion of the availability of alternatives for children to their participation in armed conflict;

14. *Recognizes* the deleterious impact of the proliferation of arms, in particular small arms, on the security of civilians, including refugees and other vulnerable populations, particularly children, and in this regard recalls resolution 1209 (1998) of 19 November 1998, in which, inter alia, the Council stresses the importance of all Member States, and in particular States involved in manufacturing and marketing of weapons, restricting arms transfers which could provoke or prolong armed conflicts or aggravate existing tensions or armed conflicts, and in which it urges international collaboration in combatting illegal arms flows;

15. *Urges* States and the United Nations system to facilitate the disarmament, demobilization, rehabilitation and reintegration of children used as soldiers in violation of international law, and calls upon in particular the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees and other relevant agencies of the United Nations system to intensify their efforts in this regard;

16. *Undertakes*, when taking action aimed at promoting peace and security, to give special attention to the protection, welfare and rights of children, and requests the Secretary-General to include in his reports recommendations in this regard;

17. *Reaffirms its readiness* when dealing with situations of armed conflict:

(a) To continue to support the provision of humanitarian assistance to civilian populations in distress, taking into account the particular needs of children, including the provision and rehabilitation of medical and educational services to respond to the needs of children, the rehabilitation of children who have been maimed or psychologically traumatized, and child-focussed mine-clearance and mine-awareness programmes;

(b) To continue to support the protection of displaced children, including their resettlement by the Office of the High Commissioner and others as appropriate;

(c) Whenever adopting measures under Article 41 of the Charter of the United Nations, to give consideration to their impact on children, in order to consider appropriate humanitarian exemptions;

18. *Also reaffirms its readiness* to consider appropriate responses whenever buildings or sites which usually have a significant presence of children are specifically targeted in situations of armed conflict, in violation of international law;

19. *Requests* the Secretary-General to ensure that personnel involved in United Nations peacemaking, peacekeeping and peacebuilding activities have appropriate training in respect of the protection, rights and welfare of children, and urges States and relevant international and regional organizations to ensure that appropriate training is included in their programmes for personnel involved in similar activities;

20. *Also requests* the Secretary-General to submit to the Council by 31 July 2000 a report on the implementation of the present resolution, consulting all relevant parts of the United Nations system and taking into account other relevant work;

21. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of the United States stated that the leadership in Iraq was the only party responsible for the inadequacies of the conditions inside the territory it controlled.¹¹

The representative of Iraq also intervened second time and reiterated that the report of the United Nations Children's Fund had stated that the sanctions had led to the deaths of half a million Iraqi children under the age of five.¹²

¹¹ *Ibid.*, pp. 58-59.

¹² *Ibid.*, p. 59.

40. Threats to peace and security caused by international terrorist acts

Initial proceedings

Decision of 13 August 1998 (3915th meeting): resolution 1189 (1998)

At its 3915th meeting, held on 13 August 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the item "Threats to peace and security caused by international terrorist acts" in its agenda. Following the adoption of

the agenda, the President (Slovenia), with the consent of the Council, invited the representative of the United Republic of Tanzania, at his request, to participate in the discussion without the right to vote.