Children and Armed Conflict

Thailand

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS - ADRESSE POSTALE : UNITED NATIONS, N.Y. 10017
CABLE ADDRESS - ADRESSE TELEGRAPHIQUE : UNATIONS NEWYORK

EXECUTIVE OFFICE OF THE SECRETARY-GENERAL
CABINET DU SECRETAIRE GENERAL

REFERENCE:

15 November 2007

Excellency,

Thank you for your letter to the Secretary-General dated 30 October 2007 commenting on the draft of the seventh Annual Report of the Secretary-General to the Security Council on Children and Armed Conflict. We are grateful for the interest you have taken in this important topic and have taken note of your concerns regarding the paragraph detailing the situation in Southern Thailand.

On behalf of the Secretary-General, I would like to inform you that the report is currently in a draft format which is going through internal reviews. Your comments have been conveyed to the Special Representative of the Secretary-General on Children and Armed Conflict, Ms. Radhika Coomaraswamy. She is engaging with the representatives of your Government in New York in order to discuss the substance of the matter and seek to address your concerns to the extent possible prior to the publication of the report. The United Nations looks forward to a fruitful collaboration with your Government on the subject of children and armed conflict.

We continue to follow closely the situation in Southern Thailand, and welcome the efforts being made by your Government to ensure that the rights of children to education are preserved.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Vijay Nambiar
Chef de Cabinet

His Excellency
Mr. Nitya Pibulsonggram
Minister for Foreign Affairs
of the Kingdom of Thailand
Bangkok

27-13302

UNITED NATIONS NATIONS UNIES

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CABLE ADDRESS - ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

EXECUTIVE OFFICE OF THE SECRETARY-GENERAL
CABINET DU SECRETAIRE GENERAL

REFERENCE:

15 November 2007

Excellency,

I would be grateful if you could kindly forward the enclosed letter to His Excellency Mr. Nitya Pibulsonggram, Minister for Foreign Affairs of the Kingdom of Thailand.

A copy of the letter is attached for your information.

Please accept, Excellency, the assurances of my highest consideration.

Vijay Nambiar
Chef de Cabinet

His Excellency
Mr. Don Pramudwinai
Permanent Representative of the Kingdom of
Thailand to the United Nations
New York

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EXECUTIVE OFFICE OF THE SECRETARY-GENERAL
CABINET DU SECRETAIRE GENERAL

REFERENCE:

13 November 2007

Excellency,

Thank you for your letter to the Secretary-General dated 30 October 2007 commenting on the draft of the seventh Annual Report of the Secretary-General to the Security Council on Children and Armed Conflict. We are grateful for the interest you have taken in this important topic and have taken note of your concerns regarding the paragraph detailing the situation in Southern Thailand.

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Vijay Nambiar
Chef de Cabinet

His Excellency
Mr. Nitya Pibulsonggram
Minister for Foreign Affairs
of the Kingdom of Thailand
Bangkok

THE SECRETARY-GENERAL

8 November 2007

Excellency,

Thank you for your letter dated 30 October 2007, concerning the attacks on schools in the southern border provinces of Thailand to be included in my seventh Annual Report to the Security Council on Children and Armed Conflict.

With regards to Your Excellency's assertion that the current situation in the southern border provinces of Thailand does not meet the criteria and threshold for "armed conflict', and is thus beyond the mandate of the afore-mentioned report, I would like to bring to the attention of the Government of Thailand, paragraph 5 of my report. It states, "The present report does not seek to make any legal determination as to whether situations included herein are or are not armed conflicts within the context of the Geneva Conventions and the additional protocols thereto, nor does it prejudge the legal status of the non-State parties that might be involved in these situations. In the performance of her mandate, Ms. Radhika Coomaraswamy, my Special Representative for Children and Armed Conflict, has adopted a pragmatic and cooperative approach to this issue, focusing on ensuring broad and effective protection for children exposed to situations of concern, rather than seeking to define "armed conflict" from a legal perspective."

In addition, the Government of Thailand will note that the reference, to which it takes issue, is not included as a stand-alone country situation of concern in the main body of the text. However, it is noted under cross-cutting issues in a broad ranging set of protection themes of concern to the mandate of Ms. Coomaraswamy.

His Excellency
Mr. Nitya Pibulsonggram
Minister for Foreign Affairs
of the Kingdom of Thailand
Bangkok

FM Thailand
Drafter: CAAC
Proofread by: AG/MZ
Approved by:

Date: 6 Nov. 2007

In this vein, my Special Representative and her partners have noted the worrisome number of attacks against schools, children and teachers around the world, and have indicated several examples of this trend. It will be noted that the information included in this report has also been included in other United Nations reports, such as the United Nations Educational, Scientific and Cultural Organization "Education under Attack" report (ED/EFA/2007/ME/18 of April 2007), and has been addressed in several public press statements.

We would also like to note that the text takes into account the efforts undertaken by the Government of Thailand to ensure the protection of children and their right to education. It is my hope that the Government of Thailand will appreciate that mention of the situation of attacks on schools in the southern border provinces is not meant to confer legitimacy or recognition of any part of the United Nations system on parties who commit grave violations against children, but to signal that the protection of children is both central to the report and the mandate of my Special Representative.

Please accept, Excellency, the assurances of my highest consideration.

Ban Ki-moon

United Nations Nations Unies

Executive Office of the Secretary-General
Cabinet du Secrétaire géneral

To: Mr. Nambiar,

Please find attached, for your approval, the revised draft of your reply to the Foreign Minister of Thailand.

You raised whether to address in this letter the Thai Foreign Minister's claim that the current situation in the southern Thailand does not meet the criteria and threshold for armed conflict" according to international law and therefore is beyond the SRSG/CAAC's mandate and the scope of this report. In my view, for the purpose of this letter, we should avoid entering into a discussion on legal definitions. In fact, the draft of the report includes at the beginning a paragraph qualifying the scope of this report. It states that "the present report does not seek to make any legal determination as to whether situations included herein are or are not armed conflicts within the context of the Geneva Conventions and the additional protocols thereto, nor does it prejudge the legal status of the non-State parties that m ght be involved in these situations. In the performance of her mandate, my Special Representative has adopted a pragmatic and cooperative approach to this issue, focusing on ensuring broad and effective protection for children exposed to situations of concern, rather than seeking to define "armed conflict" from a legal perspective."

Nevertheless, in our discussion with the SRSG/CAAC, we will suggest to her that she provides clarification on the question of legal definitions in the course of her engagement with the Thai counterpart.

Nicholas Haysom
14 November 2007

cc: Mr. Kim Won-soo
27-13061

United Nations Nations Unies

Executive Office of the Secretary-General
Cabinet du Secrétaire géneral

To: Mr. Nambiar,

As per our conversation, please find attached for your approval and signature a letter addressed to Foreign Minister Pibulsonggram of Thailand responding to his letter dated 30 October regarding the mention of the situation in South Thailand in the SG report on Children and Armed Conflict. This letter was drafted by the Political Unit as an alternative to the letter proposed by the Secretariat of the SRSG on Children and Armed Conflict, who has been informed of its content.

It is our suggestion that the Secretary-General does not engage on this issue. We propose that you take note of the letter and inform the Foreign Minister that Ms. Coomaraswamy, in whose competency we have great faith, will discuss the content of the report. We will revert on progress.

As mentioned in a separate note, I have also been demarched by the Permanent Representative of Thailand this morning on this matter and I have conveyed to him the content of this upcoming letter.

Nicholas Haysom
13 November 2007

cc: KWS
27-13061

United Nations Nations Unies

ACTION COPY

OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL
FOR CHILDREN AND ARMED CONFLICT

NOV - 6 2007
27-13302

INTER-OFFICE MEMORANDUM

TO: Mr. Vijay Nambiar
Chef de Cabinet, Executive Office of the
Secretary-General

DATE: 6 November 2007

FROM: Ms. Radhika Coomaraswamy Radhika Coomaraswamy
Under-Secretary-General
Special Representative of the Secretary-General for
Children and Armed Conflict

SUBJECT: **7th draft report of the Secretary-General to the Security Council on Children and Armed Conflict – Demarche from H.E. Mr. Nitya Pibulsonggram Minister of Foreign Affairs of Thailand to the Secretary-General**

Please find attached for consideration by the Secretary-General a draft response to the letter from H.E. Mr. Nitya Pibulsonggram, Minister of Foreign Affairs of the Kingdom of Thailand concerning reference to Thailand in the draft 7th annual report of the Secretary-General to the Security Council on Children and Armed Conflict.

Thank you.

cc: Nicolas Haysom, EOSG

***

OCT 30 2007
27-13061

No. 1002/ 1463

Ministry of Foreign Affairs,
Sri Ayudhya Road
Bangkok 10400

Report #27-10573

ACTION AH
COPY VA KWS

30 October B.E. 2550 (2007)

Excellency,

I have the honour to express my appreciation for your Note dated 15 October 2007 regarding the efforts of the Royal Thai Government in reuniting the 13 Lao Hmong children with their families in Baan Huay Naam Khao. Your Excellency may be pleased to know that since then, three more children have made their way to Thailand and the Thai authorities are in the process of reuniting them with their families.

The cooperation between the Royal Thai Government and the United Nations on this issue attests to our time-tested partnership of trust and cooperation based on mutual respect and commitment to shared principles and ideals during the past six decades. Indeed, my Prime Minister re-emphasized this point in his address to the United Nations community in Thailand as recently as last week on UN Day where he pledged that "Thailand stands by you" in the UN's noble undertakings.

It is therefore with deep disappointment and great concern that I have been informed that, despite the Royal Thai Government's repeated objections that have been conveyed for several weeks now to the offices concerned at the United Nations Secretariat and the UN Country Office in Thailand, **an unwarranted reference to the Southern Border Provinces (SBP) of Thailand**, in particular the attacks on children, teachers and schools there has been included in the annual report on "Children and Armed Conflict" which has been prepared by the Special Representative Mrs. Radhika Coomaraswamy to be issued on 31 October 2007.

The current situation in the SBP of Thailand does not meet the criteria and threshold for "armed conflict" according to international humanitarian law. It is thus beyond the mandate of your Special Representative and scope of the report itself. I cannot emphasize enough the great sensitivity to my Government and the Thai people of having such a reference in a document issued by the United Nations, one which can have broader implications.

Such inappropriate ...

His Excellency
Mr. Ban Ki-moon,
Secretary-General of the United Nations,
NEW YORK.

Such inappropriate references can mislead the international community that there is an armed conflict where there is not. These inflammatory references also can be manipulated by the criminal elements in SBP to give unjustifiable recognition to the sporadic acts of violence in the SBP, thereby serving unwittingly to "internationalize" a situation which is domestic in nature, as recognized by the Organization of the Islamic Conference. While the intentions to include such references may be innocent, the criminal elements in SBP can use those references for their psychological warfare.

The Royal Thai Government has been doing its utmost, through its peaceful approach, to promote safety and security to the people in the SBP, in particular, children and schoolteachers, for whom special security measures have been instituted for quite some time. As a result of these measures, the number of incidents of violence has gone down in recent months. The people in SBP are extending close cooperation to the authorities concerned, whether it be in maintaining law and order or in pursuing socio-economic development. In short, we are making progress. References to the SBP of Thailand in your report, therefore, will do great harm to our efforts and the efforts of people who are fighting violence through adherence to the peaceful approach and the rule of law.

I therefore wish to state categorically that the Royal Thai Government opposes the unwarranted references to the SBP of Thailand or to Thailand itself in the report on children in armed conflict. We therefore seek your kind understanding and cooperation, on the basis of the longstanding Thailand-UN partnership and of relevant international norms and principles, to rectify the situation so as to avoid any misunderstandings by the international community with regard to the situation in the SBP of Thailand.Your Excellency's cooperation would be most appreciated and would enable Thailand to continue to build on our partnership so as to complement and support the UN's good work in our part of the world, something that is in not only our interests but also those of the international community, particularly in the present times.

Accept, Excellency, the renewed assurances of my highest consideration.

/s/
(Nitya Pibulsonggram)
Minister of Foreign Affairs of the Kingdom of Thailand

Signed copy to follow.

CONFIDENTIAL DRAFT
7th Secretary-General's report to the Security Council on Children and Armed Conflict

7. Despite efforts made by the Government to ensure children's "rights to education" are met, violent attacks on schools, children and teachers by separatist insurgents have disrupted children's access to education in the provinces of Pattani, Yala, Narathiwat and Songkhla in Southern Thailand. In the weeks of March 2007, three students were killed and seven injured when insurgents attacked a boarding school in Songkhla; and five primary school students were injured when insurgents fired on their bus in Narathiwat. In June 2007 alone, insurgents burned down 11 schools in Raman district, Yala province. So far, more than 100 schools have been burned down and 73 teachers killed. Efforts by the Government to keep schools open for all children in the region should be encouraged.

No. 56101/ 0637

PERMANENT MISSION OF THAILAND
TO THE UNITED NATIONS
351 EAST 52ND STREET, NEW YORK, NY 10022

30 October 2007

RECEIVED
OCT 30 2007
27-13061

Excellency,

I have the honour to enclose herewith a letter from H.E. Minister of Foreign Affairs of Thailand to Your Excellency concerning the reference to Thailand in the draft 7th Annual Report of the Secretary General to the Security Council on Children and Armed Conflict.

Accept, Excellency, the renewed assurances of my highest consideration.

(Don Pramudwinai)
Ambassador
Permanent Representative

H.E. Mr. Ban Ki-moon,
Secretary-General of the United Nations,
NEW YORK.