

JOAN B. KROC

*Distinguished Lecture Series*

**Radhika Coomaraswamy**

*Children and Armed Conflict:*

*The International Response*



JOAN B. KROC  
INSTITUTE FOR  
PEACE & JUSTICE  
UNIVERSITY OF SAN DIEGO



Joan B. Kroc Institute for Peace & Justice  
*Distinguished Lecture Series*

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JOAN B. KROC INSTITUTE FOR PEACE & JUSTICE

Joan B. Kroc School of Peace Studies  
University of San Diego  
San Diego, California

**Radhika Coomaraswamy**  
*Children and Armed Conflict:  
The International Response*

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*Fostering Peace, Cultivating Justice,*

*Creating a Safer World*



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## TABLE OF CONTENTS

Joan B. Kroc Institute for Peace & Justice	4
Joan B. Kroc Distinguished Lecture Series	6
Biography	10
Interview	12
Student Meeting	24
Welcome and Introduction	33
Lecture – <i>Children and Armed Conflict: The International Response</i>	37
Questions and Answers	56
Related Resources	67
About the University of San Diego	68

## JOAN B. KROC INSTITUTE FOR PEACE & JUSTICE



The mission of the Joan B. Kroc Institute for Peace & Justice (IPJ) is to foster peace, cultivate justice and create a safer world. Through education, research and peacemaking activities, the IPJ offers programs that advance scholarship and practice in conflict resolution and human rights.

The IPJ, a unit of the University of San Diego's Joan B. Kroc School of Peace Studies, draws on Catholic social teaching that sees peace as inseparable from justice and acts to prevent and resolve conflicts that

threaten local, national and international peace. The IPJ was established in 2000 through a generous gift from the late Joan B. Kroc to the University of San Diego to create an institute for the study and practice of peace and justice. Programming began in early 2001 and the building was dedicated in December 2001 with a conference, "Peacemaking with Justice: Policy for the 21st Century."

The Institute strives, in Joan B. Kroc's words, to "not only talk about peace, but to make peace." In its peacebuilding initiatives, the IPJ works with local partners to help strengthen their efforts to consolidate peace with justice in the communities in which they live. In Nepal, for example, the IPJ continues to work with Nepali groups to support inclusiveness and dialogue in the transition from armed conflict and monarchy to peace and multiparty democracy. In West Africa, the IPJ works with local human rights groups to strengthen their ability to pressure government for much needed reform and accountability.

The Women PeaceMakers Program documents the stories and best practices of international women leaders who are involved in human rights and peacemaking efforts in their home countries.

WorldLink, a year-round educational program for high school students from San Diego and Baja California, connects youth to global affairs.

Community outreach includes speakers, films, art and opportunities for discussion between community members, academics and practitioners on issues of peace and social justice, as well as dialogue with national and international leaders in government, nongovernmental organizations and the military.

In addition to the Joan B. Kroc Institute for Peace & Justice, the Joan B. Kroc School of Peace Studies includes the Trans-Border Institute, which promotes border-related scholarship and an active role for the university in the cross-border community, and a master's program in Peace and Justice Studies to train future leaders in the field.

## JOAN B. KROC DISTINGUISHED LECTURE SERIES

Endowed in 2003 by a generous gift to the Joan B. Kroc Institute for Peace & Justice from the late Joan Kroc, the Distinguished Lecture Series is a forum for high-level national and international leaders and policymakers to share their knowledge and perspectives on issues related to peace and justice. The goal of the series is to deepen understanding of how to prevent and resolve conflict and promote peace with justice.

The Distinguished Lecture Series offers the community at large an opportunity to engage with leaders who are working to forge new dialogues with parties in conflict and who seek to answer the question of how to create an enduring peace for tomorrow. The series, which is held at the Joan B. Kroc Institute for Peace & Justice at the University of San Diego's Joan B. Kroc School of Peace Studies, examines new developments in the search for effective tools to prevent and resolve conflict while protecting human rights and ensuring social justice.

## DISTINGUISHED LECTURERS

- April 15, 2003 Robert Edgar  
General Secretary, National Council of Churches  
*The Role of the Church in U.S. Foreign Policy*
- May 8, 2003 Helen Caldicott  
President, Nuclear Policy Research Institute  
*The New Nuclear Danger*
- October 15, 2003 Richard J. Goldstone  
Justice of the Constitutional Court of South Africa  
*The Role of International Law in Preventing Deadly Conflict*
- January 14, 2004 Ambassador Donald K. Steinberg  
U.S. Department of State  
*Conflict, Gender and Human Rights: Lessons Learned from the Field*
- April 14, 2004 General Anthony C. Zinni  
United States Marine Corps (retired)  
*From the Battlefield to the Negotiating Table: Preventing Deadly Conflict*
- November 4, 2004 Hanan Ashrawi  
Secretary General – Palestinian Initiative for the Promotion of Global Dialogue and Democracy  
*Concept, Context and Process in Peacemaking: The Palestinian-Israeli Experience*
- November 17, 2004 Noeleen Heyzer  
Executive Director – U.N. Development Fund for Women  
*Women, War and Peace: Mobilizing for Security and Justice in the 21st Century*
- February 10, 2005 The Honorable Lloyd Axworthy  
President, University of Winnipeg  
*The Responsibility to Protect: Prescription for a Global Public Domain*
- March 31, 2005 Mary Robinson  
Former President of Ireland and U.N. High Commissioner for Human Rights  
*Human Rights and Ethical Globalization*

- October 27, 2005 His Excellency Ketumile Masire  
Former President of the Republic of Botswana  
*Perspectives into the Conflict in the Democratic Republic of the Congo and Contemporary Peacebuilding Efforts*
- January 27, 2006 Ambassador Christopher R. Hill  
U.S. Department of State  
*U.S. Policy in East Asia and the Pacific*
- March 9, 2006 William F. Schulz  
Executive Director – Amnesty International USA  
*Tainted Legacy: 9/11 and the Ruin of Human Rights*
- September 7, 2006 Shirin Ebadi  
2003 Nobel Peace Laureate  
*Iran Awakening: Human Rights, Women and Islam*
- October 18, 2006 Miria Matembe, Alma Viviana Pérez, Irene Santiago  
*Women, War and Peace: The Politics of Peacebuilding*
- April 12, 2007 The Honorable Gareth Evans  
President – International Crisis Group  
*Preventing Mass Atrocities: Making “Never Again” a Reality*
- September 20, 2007 Kenneth Roth  
Executive Director – Human Rights Watch  
*The Dynamics of Human Rights and the Environment*
- March 4, 2008 Jan Egeland  
Former Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator for the U.N.  
*War, Peace and Climate Change: A Billion Lives in the Balance*
- April 17, 2008 Jane Goodall  
Founder – Jane Goodall Institute and U.N. Messenger of Peace  
*Reason for Hope*
- September 24, 2008 The Honorable Louise Arbour  
Former U.N. High Commissioner for Human Rights  
*Integrating Security, Development and Human Rights*
- March 25, 2009 Ambassador Jan Eliasson  
Former U.N. Special Envoy of the Secretary-General for Darfur and Under-Secretary-General for Humanitarian Affairs  
*Armed Conflict: The Cost to Civilians*
- October 8, 2009 Paul Farmer  
Co-founder of Partners In Health and United Nations Deputy Special Envoy to Haiti  
*Development: Creating Sustainable Justice*
- November 18, 2009 William Ury  
Co-founder and Senior Fellow of the Harvard Negotiation Project  
*From the Boardroom to the Border: Negotiating for Sustainable Agreements*
- February 25, 2010 Raymond Offenheiser  
President – Oxfam America  
*Aid That Works: A 21st Century Vision for U.S. Foreign Assistance*
- September 29, 2010 Monica McWilliams  
Chief Commissioner – Northern Ireland Human Rights Commission  
*From Peace Talks to Gender Justice*
- December 9, 2010 Johan Galtung  
Founder – International Peace Research Institute  
*Breaking the Cycle of Violent Conflict*
- February 17, 2011 Stephen J. Rapp  
U.S. Ambassador-at-Large for War Crime Issues  
*Achieving Justice for Victims of Genocide, War Crimes and Crimes Against Humanity*
- May 9, 2011 Radhika Coomaraswamy  
U.N. Special Representative for Children and Armed Conflict  
*Children and Armed Conflict: The International Response*

## BIOGRAPHY OF RADHIKA COOMARASWAMY



Radhika Coomaraswamy was appointed by U.N. Secretary-General Kofi Annan as under-secretary-general, special representative for children and armed conflict in April 2006. She was reappointed by U.N. Secretary-General Ban Ki-moon in February 2007. In this capacity, she serves as a moral voice and independent advocate to build awareness and give prominence to the rights and protection of boys and girls affected by armed conflict.

A lawyer by training, she is an internationally known human rights advocate who was previously special rapporteur on violence against women (1994 to 2003). In her reports to the United Nations Commission on Human Rights, she has written on violence in the family, violence in the community, violence against women during armed conflict and the problem of international trafficking. A strong advocate on women's rights, she has intervened on behalf of countless women throughout the world seeking clarification from governments in cases involving violence against women.

Coomaraswamy was appointed chairperson of the Sri Lanka Human Rights Commission in May 2003. She was also a director of the International Centre for Ethnic Studies in Sri Lanka, leading research projects in the field of ethnicity, women and human rights. She has served as a member of the Global Faculty of the New York University School of Law. She has published widely, including two books on constitutional law and numerous articles on ethnic studies and the status of women.

She has also won several awards, including the International Law Award of the American Bar Association, the Human Rights Award of the International Human Rights Law Group, the Bruno Kreisky Award of 2000, the Leo Ettinger Human Rights Prize of the University of Oslo, Cesar Romero Award of the University of Dayton, the William J. Butler Award from the University of Cincinnati and the Robert S. Litvack Award from McGill University.

Coomaraswamy is a graduate of the United Nations International School in New York. She received her B.A. from Yale University, her J.D. from Columbia University, an L.L.M. from Harvard University and honorary Ph.D.s from Amherst College, the University of Edinburgh, University of Essex and University of Leuven.

## INTERVIEW WITH RADHIKA COOMARASWAMY

*The following is an edited transcript of an interview with Radhika Coomaraswamy, conducted on May 9, 2011, by Robert Fellmeth, professor of public interest law and executive director of the Children's Advocacy Institute at the University of San Diego (USD), and Necla Tschirgi, professor of practice in human security and peacebuilding at the Joan B. Kroc School of Peace Studies at USD.*

**NT: You have done a lot of great human rights work in Sri Lanka. What was it like moving to the international stage?**

RC: I was born into the international stage because my father was with the United Nations, so I went to United Nations international schools until I was 17. My initial values were very much formed by the United Nations. I then went through all the universities in America and went back to Sri Lanka when I was 24 and worked nationally. But I think what caught the attention of the international community was the work I did setting up a regional center for women, law and development. So it was really the women's area where I initially did international and regional work and became the special rapporteur on violence against women. So I was not purely immersed in the national work.

But what I did realize in working in Sri Lanka – the special rapporteur post is independent so I stayed in Sri Lanka and did the work – and then moving to the international is how important my field perspective is at the United Nations. What can happen in the United Nations, and this often happens, is that you get so linked up in policy and trying to bring coherence to things intellectually or in structures, you lose the actual reality of what's going on, on the ground. So to me the key to U.N. success has been the field. And in the area of armed conflict at least, it should be field driven.

As you know Sri Lanka was a country in conflict, so my experience in the human rights commission was to realize the importance of going to those rural areas, speaking to those people, finding out what was going on and then reporting back to the policymakers.

**RF: What is the difference between your work on the ground in Sri Lanka and what you face looking at Uganda or other countries that are much less developed?**

RC: What strikes you initially are the similarities: that children suffer from identical grave violations whenever there's internal war – they are killed and maimed, they're recruited as child soldiers, they're denied humanitarian access, schools and hospitals are occupied. All these grave violations of international humanitarian law occur whether in Uganda or Sri Lanka.

There is a difference between Africa and Asia. In Africa, the states are much more open to international cooperation. They sort of expect us to come in and help. They facilitate us. We don't have a real problem going there and working with them. Asia is much more sovereignty-oriented. Everything is mired in making sure that you're not violating their sovereignty – everything has to get permission, everything has to get cleared, the state is much more reluctant.

**RF: Does the dependence on foreign aid tie into that at all?**

RC: The difference is the state structures in this part of the world are very well developed. There are bureaucracies and strong foreign ministries that are very conscious of international presence. I think in that sense for the international community there is a difference in working in Asia and Africa. But on the ground, similarities are very much there.

**RF: I see the International Criminal Court getting much more active. I read about it independently investigating violations by leaders, but it seems to be more adept and able to hit the tribal leaders as opposed to national leaders, especially tribal leaders who lose. Do you have any comment on that?**

RC: [Omar al-] Bashir hasn't lost; he's the president of Sudan. The Kenyan people it's indicted were in government. So I don't think that's fair. First, there's always this issue of double standards. It's constantly being argued that it's only African countries that are being pursued and nobody else. From the court's point of view, it is also African countries that have actually signed the ICC. It's also consent driven. All these cases that they are following – except

for Sudan – are with the country’s consent. So those are the first things that have to be noted.

Even though this whole issue of double standards is raised often by African and Asian countries, my sense as a practitioner is that even national systems have double standards. You find in many countries, the rich and the powerful very often do not get prosecuted. But that doesn’t mean you don’t have a criminal law or that you don’t have prosecutions. You have to go ahead where you can to impose the rule of law, and advocate in areas that you can’t. So that is my belief: Where we can get the evidence, where we can move, we should do so.

**RF: In these citizens’ uprisings in the Middle East, are you finding likely abuses involving children, for example, by the Qaddafi forces and those opposing him? What do you do about that?**

RC: We have received information that the rebel forces and Qaddafi’s militias are to some extent recruiting children. We have already written to the Libyan government and also to the rebel forces through the U.N. special envoy on Libya, who was a Jordanian foreign minister, and we have alerted the British and French who are sending military advisors to make sure that these violations are not taking place. We’ve managed now to get a commitment from the transnational authority there to not recruit children, so we hope this will actually be implemented in the next few months.

**RF: Apart from remonstrations and letters and citing the various conventions, what can you threaten those who are doing it to lead them to a different path?**

RC: One is the ICC. The other of course is the Security Council process that has been implemented since 2000. The fact that the council is doing this on children and human rights issues is a big thing, and they have moved forward. They have set up a Working Group on Children and Armed Conflict that actually looks at countries and at incidents and perpetrators of violations.

It has a monitoring and reporting mechanism in countries of conflict that collects this information, a list of shame where you are listed as a party that recruits and uses children, and the possibility of targeted measures at a future date if it’s a recalcitrant perpetrator.

I’ve gone to many countries and met with non-state actors who want to get off the Security Council list because they have dreams of legitimacy and becoming leaders. Not every country has an Al Qaeda and Taliban who are not engaging with us. The MILF [Moro Islamic Liberation Front], the five parties in Cote d’Ivoire, Burundi – we’ve had engagement agreements for them to release children because they want to get off the Security Council list. They want to be legitimate. They don’t want sanctions. Most parties don’t want sanctions if they can get away from it.

**RF: Would it be better to use ju-jitsu? My mother always taught me that whenever you want to do something, seriously consider doing the opposite. Would that technique work if the United Nations, instead of saying, “I’m mad at you, I’m cutting you off,” would do the opposite?**

RC: This is in one sense reducing the United Nations to the debate between those who want to pursue peace and engagement and those who want to pursue punishment and sanction. Within the U.N. system you have both those institutions. You have the Department of Political Affairs, Department of Mediation, who want to engage. Then you have the Human Rights Council and the other institutions of the United Nations which say, “Wait a minute, this man should be in jail. No country is safe having a leader who committed this kind of atrocity.” You have that debate just within the United Nations; at any policy meeting you can be sure this will erupt.

You have to have both in the sense that you have to have standards and you have to fight impunity. You can’t have mass murderers running governments if you can avoid it. At the same time, for the sake of the civilians you want to make peace, because more war carries tremendous humanitarian consequences.

One of the things that has happened in the past is sequencing. Human rights organizations may step back while the initial peace is made, and then just after the peace is made bring up the discussion of justice and try and deal with these terrible crimes through the transitional justice process.

But I think there is always this tension between engagement and setting of standards, and that's a tension that will always be there. Being from a human rights background, I prefer the setting of standards and fighting impunity.

**NT: How are you trying to bring children in armed conflict issues in alignment with some of the other normative developments and institutional developments at the United Nations, including the Responsibility to Protect [R2P], the ICC, gender violence, etc.? What are the mechanisms through which these different agendas are supporting each other?**

RC: What I think is interesting is that this unfolded before the Security Council. Children and armed conflict with an emphasis on international humanitarian law and grave violations against children is what the council monitors. What happens then is you become a kind of early warning system for R2P because you're collecting information of tremendous violations against children in armed conflict, and the more that kind of information comes in the more you alert the other parts of the United Nations that are dealing with responsibility to protect issues. So there are those building blocks of an early warning system and you can play a role in uniting all of this.

Basically what we have in the armed conflict area is the new, real emphasis on the protection of civilians; earlier we only dealt with combatants. The United Nations saw its role in peacekeeping as just going and standing between two combatants. Now increasingly warfare targets civilians. It becomes an issue that not only do we have to stand between combatants, but we also have to protect civilians.

This shift in U.N. peacekeeping is only a few years old. The world expects the United Nations to do that. If we're in Congo and women get raped some

miles from our camp, the world says, "What were these peacekeepers doing?" They get very angry, even if that's not what traditionally peacekeepers do – they're not there to protect the women, they're there to make sure two combatants are not fighting each other. But now more and more the role is to protect civilians.

As this whole ideology of protecting civilians catches on in the Security Council and there are more and more resolutions on protection of civilians, more and more resolutions on sexual violence and children in armed conflict, with peacekeeping operations now gearing up, whole departments being set up to protect civilians, you will find that these doctrines will have to work together and reinforce the responsibility to protect, the protection of civilians, children and armed conflict, sexual violence against women. All of this becomes part of the same dialogue and discourse, which is initially to ensure that civilians are spared the terrible consequences of war.

**NT: How do the children and women's agendas come together, especially on gender-based violence?**

RC: The two mechanisms that work with the Security Council are mine and the sexual violence one. We work very closely together because there's also sexual violence against children. We are trying to work together on the monitoring exercise as well as some of the remedies on sexual violence.

**NT: How does that work in practice?**

RC: In the field we are trying to develop common monitoring. What we don't want is one woman being raped and every part of the United Nations coming in to interview her about the rape – that's crazy. So at the field level, we have child protection advisors or the women protection advisors who decide who will go to interview, and then they try to get a common pool of information.

**RF: I'm wondering about the problem of religious extremism. What kind of approach can you take if you have a religion that has a group of fanatics**

**who thinks that their cause is so important that people and children can be sacrificed, if they view them as collateral damage?**

RC: We've been working in Afghanistan. I've been there three times. This last suicide bomber was 12 years old. What is interesting in Afghanistan is some of them didn't detonate, so they were captured. In talking to them and working with them, it is like they go through a delusion and the best thing for that is to take them out of the delusion into another reality. Children quickly recover.

That's needed for children in these fanatical groups: Get them out of there as quickly as you can. The moment they are out of the parameters in which this delusion is created, they go into another reality and talk to other people. Especially children, they come out of it quite fast.

**RF: What do you do to prevent people from giving them the delusion in the first place?**

RC: Well that of course is extremely difficult. First of all, I think every religion has fanatics. But some have taken to violence in a more systematic way than others. To some extent, dealing with that as a U.N. system, there is a military need to deal with some of the more immediate threats. But the other is to work in schools and other places to create ideologies that are based on internationalism. It's a long-term process to try to have peace education in schools. It may sound pie-in-the-sky, but you can begin to do that in some of the communities.

Whoever thought of the Arab Spring? Where did that ideology come from? There was a general understanding – and this is what we need to fight against – that the only thing people in the Arab world understand is force, that the only thing we should do is use force. In some of the security apparatuses, various people would say, “Well, all they understand is force.” But that's not true. They just erupted and demanded a whole different society, which really turns our assumptions of what they want and how they respond on their

heads. Years of working in those areas, giving alternative views and ideas – not only the United Nations but also the international media and others – has created a generation that is very different, very global.

**RF: Do you think in some ways the Internet and the youth embracing media is going to help your cause, because the kids are not going to be as easily brainwashed into a sacrifice because they'll be getting their information from other sources?**

RC: I was just in Afghanistan and this one NGO [nongovernmental organization] converted all these captured Soviet planes into places where children would learn the computer. Some of these children are former child soldiers, some of them are orphans, and their faces when looking at the screen and learning all this stuff is extraordinary. But you must also realize the Internet is used by the extremists also as a recruiting tool, so it's really more than just the Internet. It's also inculcating values in their schools, in their communities.

**NT: We all know that terrorism is the weapon of the weak and it's an asymmetrical sort of war. Is Sri Lanka a laboratory in terms of how terrorism can be dealt with? Hopefully in Sri Lanka it won't raise its head again.**

RC: No, we hope it won't, and we hope the government will be wise enough to take up good policies. In Sri Lanka there was a military defeat of the Tamil Tigers, which resulted in many deaths. There's now a panel report alleging war crimes by the Tigers and the government in that last battle. Sri Lanka tried the peace process. That failed. Then it went to the military option and that succeeded. So at the moment there is no terrorist problem in Sri Lanka. It was eliminated militarily. But whether that's the only option is still up in the air. There's a lot of debate about it – especially the issue of accountability.

**RF: Do the rebels in Sri Lanka have an alternative avenue other than rebellion and terror to seek influence in a political system, a movement toward decentralization?**

RC: I think there was a big chance for the peace process. But that particular rebel leader was a fanatic. He simply did not seize upon that opportunity, even though that was a big chance. And the government also became a bit hard line, so it looked inevitable that it would go into a military solution.

But to get back, you know one of the things I remember, we grew up in the '60s and '70s where in the Third World the liberation movements were on the rise. There was the debate between the Gandhians, which I belonged to because my family was closely involved with Mahatma Gandhi, and the tremendous, passionate belief in nonviolence in one kind of school, and the others who were with the left-wing sort of bias toward Maoists and those who believed in national liberation. But it was always that these were good things, and that you couldn't be a movement unless you got people on your side.

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*“...even if there's tyranny and you resist tyranny,  
you are also judged by the nature of your resistance.”*

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But you now have around the world movements that just survive on money made from natural resources – diamonds or other things. They don't care what people think. It's not based on a majority. You just become a terrorist and get a name for yourself and you don't care about the population at large.

I think it's important to say that even if there's tyranny and you resist tyranny, you are also judged by the nature of your resistance. There is judgment for how you resist. You cannot resist by killing everybody in sight. You have to resist using humanitarian law, by ensuring the protection of civilians. I think for a long time we never judged – especially in the Third World – resistance movements. We assumed if there was tyranny, there would be resistance. But the Tamil Tigers are an example that there may have been valid cause for what you were doing, but in the way you resisted you destroyed the cause, you destroyed everything with it. So I think it's important that there is judgment of how people resist as well.

**RF: That's interesting because one of my early learnings that shocked me was when I learned that during the American Revolution the revolutionaries did a lot of evil things: They strung up Tories, they lynched people, they did all sorts of things no one ever talks about in American history books. Not that the other side didn't too, but to them the end justified the means. You have Gandhi, you have Martin Luther King, saying the “how” is going to be peaceful. We're not going to hurt anybody. We're going to rely essentially on the conscience of the people who have power. What do you do when the people with power have no conscience?**

RC: Many of the people who have power only use violence against you. But history is also about the moral development of the human race to some extent. I think with regard to warfare we have developed over time, and what is contained in the Geneva Conventions and others is really an understanding of the terrible consequences of war and how to minimize it. It doesn't say you can't fight, it just says how you minimize the consequences of war and the protection of civilians. It's not asking too much to ask those who resist to go by those laws.

**NT: I teach a course here on human security and I've noticed in many of the U.N. documents the words “human security” have disappeared. Is there a reason for that? Is there still commitment to a human security agenda or has there been some sort of determination that it is much easier not to create new language?**

RC: I think there was a movement for human security, and I think there was discussion and it was identified with one bloc – you know the way things are designed at the U.N. – and then it was set aside. I think the thinking around human security is very much still there and mainstream. I think human security is more than just about armed conflict or war; it's dealing with the root causes and dealing with the situation in a holistic manner, focusing on how individuals on the ground feel rather than what is done at policymaking levels. That kind of thinking is still very much alive within the U.N. system, but it's just not called human security.

**NT: How are your relations with the Peacebuilding Commission, especially the Peacebuilding Support Office within the commission?**

RC: We work with them in certain countries, such as in the Central African Republic. We've identified that the Central African Republic is where every possible violation that could happen to children happens. We're trying to work with them on a whole host of issues related to that.

**NT: Are you doing anything about Libya?**

RC: Our interest has been on some of the images coming out of children being used as child soldiers, and also trying to make sure that the humanitarian aid in Misurata and other areas can get in. We're working with OCHA [Office for the Coordination of Humanitarian Affairs] and others to make sure that children's humanitarian needs are dealt with especially in Misurata and now in western Libya and in the Tunisian camps. There are issues of IDP [internally displaced people] and refugee children also coming up.

I think people underestimate how much the United Nations does around the world in terms of humanitarian work. We bring food, schools in camps, we do a lot to make sure the camps reach certain standards for children. A lot of work is being done, but quietly.

**RF: What four or five things can the United States do to help what the United Nations is trying to do with regard to the child issue?**

RC: Firstly, I think that the United States should commit to paying its dues. It is important that the United States understand how important it is for the United Nations to function. One of the United Nations' most successful agencies – and my eyes and ears on the ground – is UNICEF [U.N. Children's Fund]. Support it. The person now in charge of UNICEF is a visionary – Tony Lake, an American. I think U.S. support for that vision is really important. He has a vision that not only do we pump money into countries, but also that we should do it with an equity lens. We don't just go into a country and just give money to the Ministry of Education. We make sure that the money actually reaches the poor and the vulnerable. He's trying to restructure UNICEF's

program in that light. So I think really supporting him is extremely important. Secondly, help us in the armed conflict region. We worked with the U.S. Congress and managed to get the Child Soldiers Accountability Act, which is that anyone who recruits and uses children can be prosecuted in the United States, and also military assistance to parties who recruit and use children can now be suspended. Making sure that that is implemented properly is also something we want to support.

Thirdly, support the Millennium Development Goals, especially the child areas. Again that's linked to armed conflict. One of the recent studies on fragile states shows that the highest number of children who are out of school, I think about two-thirds, are in armed conflict areas. Malnutrition rates are much higher in situations of armed conflict.

**NT: What are some of the tools you wish you had in your toolbox that you currently don't have?**

RC: There is a tool in the toolbox but they are reluctant to use it, which is sanctions against parties that commit very bad violations. We managed to get sanctions in the case of DRC, against two or three parties, but the Security Council is still reluctant.

**NT: There are also a lot of mixed results on the sanctions regimes.**

RC: Yes, but those are regimes. That's different. These are targeted measures at individuals. This is not a sanctions regime against a group. We're talking freezing up assets, travel bans, etc.

There was some research done at Yale University that found that not all conflicts produce sexual violence, and even within the same country, one group may allow more sexual violence than the others. The basic argument is that the attitude of the leader is absolutely key as to whether there is going to be sexual violence. So targeted measures are important.

## STUDENT MEETING

*The following is an edited transcript of a meeting held with graduate students from the University of San Diego and high school students from the WorldLink Program at the Joan B. Kroc Institute for Peace & Justice, held on May 9, 2011.*

**Radhika Coomaraswamy:** Thank you all for coming to meet with me. My background is in academia. I used to do some teaching, and one of the things I miss most in my job is students, so it's really nice to meet with you all today.

I'm the special representative on children and armed conflict for the secretary-general of the United Nations. What this means is that basically I'm supposed to be an independent moral voice on these issues and I have to convene and facilitate U.N. response to this question, along with UNICEF as well as the Department of Peacekeeping in the United Nations and all the other U.N. agencies that work on these issues. My purpose is to galvanize and to be an independent moral voice.

The priorities of my office are first to end grave violations against children – stop the impunity. What is considered grave violations against children by the United Nations Security Council is the killing and maiming of children, the recruitment of children as child soldiers, sexual violence against children, abduction, attacks on schools and hospitals, and denial of humanitarian access. These are the six grave violations drawn from international humanitarian law. One of the main purposes of my office is to monitor these violations around the world and to work with the Security Council on that.

The Security Council of the United Nations is actually looking at this particular issue of children in great depth. It has created a working group; it has a monitoring and reporting system in operation on the ground in regard to these grave violations; it asks for lists of parties that recruit and use children as child soldiers; and it is contemplating sanctions against parties that are persistent violators.

Part of my job is that: working with the Security Council to end impunity for violations against children. I go around the world and meet governments and rebel groups that are considered persistent violators to tell them they're on the list of the Security Council and tell them that they have to enter into some kind of plan with the United Nations to release children to us and no longer continue with these violations.

I also advocate for the rights of IDP [internally displaced people] children, children being trafficked from conflict zones, children who are being denied school and who are suffering from malnutrition in these areas. One of the areas we've begun to look at is children with AIDS who are living in these conflicts who really have a hard time.

I enjoy my work and I must say that the most important part of my work is the field visits, where we go and try to get the U.N. system to respond to the children's needs in these conflict areas and where we have an opportunity to meet with children to find out straight from them what the problems are.

Let me stop here so I don't bore you, and let me have some questions from you.

**Q: I've been researching the trafficking of girls into the European Union and child soldiers in Liberia. The new U.N. DDR [Disarmament, Demobilization and Reintegration] standards propose that DDR strategies should coordinate with transitional justice mechanisms. To what extent should that apply to children in terms of rehabilitative redress, and how would such a scheme be implemented?**

A: This is one of the big questions of this whole area, which is, should child soldiers be tried and if not, what should be done? As you know, this comes home in the United States because one of my running battles with your government is that in Guantánamo there was a 15-year-old boy, Omar Khadr, who was a Canadian citizen and was picked up in Afghanistan. I continued to plead with the U.S. government that either they release him to Canada or put

him in a rehabilitation program, that he should not be tried before a military tribunal. In the end he was tried and sentenced, but there was a plea bargain and now he's going to Canada.

But in other parts of the world, of course, the international standards on this whole issue are very different. The International Criminal Court made it very clear that it will not prosecute anyone under 18 for war crimes or crimes against humanity. And the Sierra Leone court [Special Court for Sierra Leone] also made it very clear that through prosecutorial discretion they will not try children under 18 for war crimes or crimes against humanity.

What was emerging as a practice in the international scene is that some of these children had committed terrible crimes, so just sending them home is not an answer. There has to be some kind of mechanism where they are made to realize the gravity of the crime and then are sent home. The emerging practice is to have a truth and reconciliation process or a restorative justice process where they are forced to meet the people against whom they've committed crimes and go through a sense of acknowledging what they had done wrong, rather than a punitive route like jail. I think the DDR process will hopefully be linked to that kind of practice, so that they are demobilized but have to go through some restorative justice or truth and reconciliation process.

**Q: Many of our students are in mediation and negotiation classes and have done workshops. What are some of the negotiation techniques you use?**

A: Well, I'm not skilled in this. But our sense is that, especially with the rebel groups, they're seeking legitimacy and therefore we treat them – even though governments might not like it – with a tremendous amount of respect to show them how they could be treated as legitimate partners, that if they act in a particular way they will get the respect of the international community.

It's really a carrot-and-stick kind of approach: the stick of the Security Council and the carrot being that we will provide their children with programs for

vocational training and education. Especially those rebel groups who really care about their children, like the MILF to some extent I think, there is a response that will allow us to use the funding and provide them with some kind of incentive to give that to their children. But rebel groups vary. Some of them are very personable and some are quite eccentric.

**Q: Regarding the nexus between crime and conflict, one of the issues we discussed this semester was the Mexican case and the role of gangs. How do you treat children caught in the crime-conflict nexus?**

A: Let me just say that the United Nations, made up of a lot of lawyers, likes to put everything in a particular compartment. If you call the Mexican drug wars “armed conflict,” immediately all the drug cartels get certain rights under the Geneva Convention. That's the last thing any government or the United Nations want to do, to give them that added status. Therefore they've been pretty meticulous and very hard on my office to stick to calling it a situation of concern in that context.

But there's no doubt that for people on the ground – my field partners, my UNICEF staff on the ground, child protection officers, UNDP – they say, “We have to deal with these things – they are identical. What happens to children here is identical to what happens in armed conflict.” They are recruited in the same way; the organization is like a military organization. Reintegrating them they have the same traumas, the same problems that children who are soldiers have. So for the humanitarian, this is a meaningless legal distinction. The child is suffering in the same way.

But there are parts of the United Nations that are dealing with that. There is a special representative on violence against children, who's supposed to deal with violence in peace time. She deals with issues from corporal punishment to gang violence. And there's the U.N. Office on Drugs and Crime. Hopefully we can all get together and forge some kind of policy on this issue so we can work with each other to deal with this problem. We have a lot of experience on what happens to children in these kinds of contexts.

Another area besides drugs is piracy. The people who are now doing these operations in Somalia are pirates, young pirates. I met them in November when I went to Puntland, very young kids who are being used by pirates who have now become rich and live in mansions in Nairobi. They send these kids out to do their work. The real pirates are now millionaires and these are just kids being hired by them to take over ships. That also raises the same kinds of issues.

**Q: You mentioned DDR and truth and reconciliation commissions. In post-conflict societies where there are child soldiers or children affected by the conflict, does the United Nations have a definitive policy on what kind of rehabilitation programs there should be for trauma therapy, or do you leave that to the country to decide?**

A: There is a lot of talk about that. The R in DDR is reintegration. There is a lot of concern on that and a lot of work on that by the United Nations. Some of the best practitioners from around the world got together and came up with the Paris Principles, which is how children should be reintegrated back into society if they were child soldiers especially or children associated with armed groups. There are principles: one, that children should never be institutionalized. If anything, what we do is either try to get them back to their families or, if not their immediate families, to relatives – and then support the child with the relatives. We stay away from putting them in orphanages. We find that often orphanages and institutions in Third World societies are horrendous and need sustained help. That's one principle.

The second principle is that after children are taken to their families you don't just leave them there. We have to work with them over a period of a year or two, going regularly to visit them, making sure that the families can adjust to them also. Once children have been soldiers it's a different life experience, and the parents also have to adjust to dealing with someone who was a former combatant.

Another principle is that you don't treat the child soldier alone. If you go into a community and have programs for child soldiers, the other children in these poor communities get very upset because they didn't fight anybody and nobody's taking care of their needs. So the third principle is that you must try and run a program for all the children of the community of which the child soldiers are a part.

These are some of the Paris Principles. With regard to psychosocial counseling, there are also recommendations in the Paris Principles. We prefer to do it with the family, not only the child alone. In the research that's coming out, about 10 to 20 percent of children who have killed and maimed in a very ferocious way or who have been victims of sexual violence will require intense psychiatric care. The other 80 percent will probably recover with minimal psychosocial support. That's what the research is showing from Sierra Leone at least. In those cases, just providing the supportive community environment and a little bit of psychosocial support for the children will work.

**Q: Being a woman from the sub-continent, does your personal background serve as an asset or a liability, or does it not have any impact on your work?**

A: I think being a woman from the south has served as an asset in these areas. A lot of what you're doing is shaking your finger, and men from the south accept women from the south doing that. They don't like women or men from the north doing that. I've had some funny situations, such as when the minister of defense of Congo says, "You white people keep coming and telling me what to do," and I say, "I'm not a white person." He forgot for a moment that I was from the south. There are these kinds of strange moments. But to some extent it has been a big asset being from the south, in the sense that they accept you more than if you were from a different background.

The problem is though when you go to Afghanistan. When I went to internally displaced camps and first met with the children, the adult males, all of them

dressed in black robes with turbans, suddenly turned up and wanted to speak to me. They said, “It’s a good thing you’re doing this for the children, but what about us adults? We’re unemployed.” And then it got a little hostile, and they said, “Where are you from?” If I was either from Pakistan or India it would have spelled terrible trouble. Luckily I’m from Sri Lanka. They relaxed and said, “Ah, yes, come,” and I was given tea. So a lot of this makes me lucky that I am from Sri Lanka because it is not a regional power.

Even though we take an oath that we will not take any advice from anyone outside the United Nations and that we will do our work as international civil servants, still there is perception. When you go to a zone and if you are, say, a Pakistani working in Afghanistan, immediately the people will react. Those factors do play a part.

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*“The reason my role was created is that UNICEF and others found that they couldn’t say unpleasant things to states or rebel groups without compromising their humanitarian work.”*

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**Q: What about other children’s rights besides the issue of child soldiers?**

A: I never go without my UNICEF rep next to me, so if they say, “What are you doing about all the other rights?” I say, “Well, that’s what she is here for.” UNICEF’s responsibility is really to implement the Convention on the Rights of the Child – to make sure there’s education, to make sure there’s security, etc.

The reason my role was created is that UNICEF and others found that they couldn’t say unpleasant things to states or rebel groups without compromising their humanitarian work. Say, for example, Uganda is recruiting child soldiers and UNICEF is doing a development program with Uganda. Then they go and say, “You are doing this, and you are doing that,” and Uganda immediately says, “Go home.” UNICEF wanted somebody who can come from New York

and say all those things that need to be said, so they can continue with their humanitarian work. That’s the role I play with them. Basically the day-to-day programs on the ground with regard to the Convention on the Rights of the Child are really UNICEF’s responsibility. My area is to help them advocate and fight on violations against children and do the hard talk on these issues, and to focus on the six grave violations.

**Q: One of our students gave a very interesting presentation a couple of weeks ago on children born in Iraq after the American invasion and occupation, and the very devastating health impacts of the American intervention. Are you covering those issues?**

A: I went to Iraq three years ago. At that time, [Muqtada al-] Sadr was firing into the Green Zone and there was a lot of conflict there so I couldn’t go to as many places as I wanted. Iraq had one of the highest physical quality-of-life indexes for children. Even though politically things were terrible, for children in terms of school and things like that they had very high indicators. When I went only 55 percent were going to school, compared to 95 percent before the war. There were a lot of other indicators that had actually fallen because of the war, so that was one of the concerns with UNICEF.

The problem when I was there was UNICEF couldn’t function because it was very insecure at that time. Now UNICEF has gone into Iraq and has devised some programs in many of the areas that have now become safer. But during the immediate aftermath of the war, the indicators were very low for children in all of those: malnutrition, education – all the classic indicators had dropped dramatically.

**Q: Our students here are looking to work for the government in their countries, the United Nations or NGOs. What qualities and skills do you look for in people you work with in the field?**

A: First, one thing to realize is that more and more you have to go to the field if you really want to move up in the United Nations. More and more

that's become the rule. The career path would be, beginning in any of these U.N. agencies, to go as soon as possible into the field, get that kind of field experience. Then it's much more likely the career path will go up.

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*“If you feel that what you do will have a result and can change things in a small way instead of waiting for the revolution, that's a quality that is very essential.”*

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What we look for is a basic understanding of international relations and also – it's strange to say – but a certain idealism. It's a quality that you can't put on an indicator. It's a sense that you're going to see so many horrible things, but you have to have that special faith to know that you can make things better and push it along. If you're going to work in the humanitarian wing of the United Nations, that idealism is very key, I find. Those who don't have it lose their way or get frustrated and give it up. But if you feel that what you do will have a result and can change things in a small way instead of waiting for the revolution, that's a quality that is very essential.

## WELCOME AND INTRODUCTION

**Dee Aker**  
**Deputy Director**  
**Joan B. Kroc Institute for Peace & Justice**



Good evening. Welcome. My name is Dee Aker and I'm the deputy director here at the Institute for Peace & Justice. This is a very special evening for the IPJ, as our esteemed guest has been very active in two countries that the IPJ has a strong interest in. First, we've been working in Nepal for the past 10 years, where in 2006 the Maoist rebels agreed to a comprehensive peace agreement, paving the way for them to participate in future governments and address the issue eventually of child combatants. Thousands of Nepalese army soldiers returned to their barracks. Maoist rebels, including those under the age of 18, were confined to cantonment sites across the country to prevent any further outbreak of violence.

In January 2010, the roughly 3,000 identified child soldiers who served in the Maoist People's Liberation Army were discharged and released from the cantonments. A lot of the process leading up to that was about integrating these youth back into their communities with training and support, and that's ongoing. Radhika Coomaraswamy, with the Office of Children and Armed

Conflict, along with the U.N. Mission in Nepal, UNICEF and the government of Nepal, have all played an active role in this process.

Chris Groth [IPJ interim program officer] and I just returned from Nepal last Friday, and while there is still a considerable amount of instability in the country, both the Nepal Army and the Maoists continue to state publicly that they are committed to not recruiting anyone under the age of 18. The IPJ is working with several youth groups and emerging leaders in Nepal to make sure that the concerns of youth are addressed as the country moves forward to a new democracy.

The IPJ is expanding its work also with Women PeaceMakers in the Philippines. There, the Office of Children and Armed Conflict has been very active. Secretary Coomaraswamy has just secured an agreement with the rebel group, the MILF [Moro Islamic Liberation Front], to address these issues of child recruits. The IPJ leaves again next week for the Philippines, where in addition to working with three former Women PeaceMakers on the issue of cease-fire monitoring, the WorldLink Mindanao film “Mindanao’s Youth Working for Peace”<sup>1</sup> – profiling experiences of grassroots youth leaders from the Moro, Christian and indigenous communities – will be shared, as it has been here with our WorldLink community in Mexico and the United States.

It is my pleasure to invite Program Officer Karla Alvarez, who manages the IPJ’s WorldLink youth program and created the Mindanao film on youth, to introduce tonight’s speaker.

**Karla Alvarez**  
**WorldLink Program Officer**  
**Joan B. Kroc Institute for Peace & Justice**



It is my honor to introduce Radhika Coomaraswamy, United Nations under-secretary-general, special representative for children and armed conflict, as tonight’s Joan B. Kroc Distinguished Lecture Series speaker. Ms. Coomaraswamy has an extensive amount of experience addressing human rights, social justice and gender equality. She is a tireless advocate and has been described by her colleagues as a “brilliant scholar.” Since 2006, Ms. Coomaraswamy has had the challenging job of protecting children and young people in the midst of violence and oppression.

A United Nations World Youth Report recently found that, overwhelmingly, young people around the world feel that their voices do not matter and that they cannot make a difference. While they are consistently ignored by policymakers, Ms. Coomaraswamy is someone who does listen. In fact, she recently wrote in an op-ed that while she may forget the faces of the numerous governmental officials and NGO representatives she often meets with, she never forgets the faces and voices of the victims.

The IPJ’s WorldLink Program also recognizes the importance of the voices of the youth. Over the course of 14 years, WorldLink has included more than

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<sup>1</sup> The film can be viewed online at <http://streamer.sandiego.edu/Streamer/StreamPlayer.aspx?Id=56e0e6EK47G&bPN=1>

9,000 high school students from San Diego and Baja California. They show us that young people are deeply passionate about their futures and are committed to addressing social injustice – including some of the very issues that Ms. Coomaraswamy will speak on tonight. We often hear from former WorldLink students years later, who share how important it was to have a space for their voices to be heard and valued and, as a result, continue to consult young people in their own work.

In this, the 10th anniversary year of the IPJ, it is my pleasure to announce tonight that the WorldLink Program recently received a generous \$30,000 donation. This gift will enable WorldLink to reach out to low-income and Mexican youth and to continue its international expansion to connect local students to the plight of youth in other countries.

For the past year, the WorldLink youth have been discussing human trafficking and the small arms trade – crimes that know no borders and leave a deadly, painful trail. Children are one of the most vulnerable groups during and after conflict. After losing siblings, parents and other relatives, they are left defenseless and, as such, targeted for human trafficking and child soldiers. Among several initiatives, Ms. Coomaraswamy is leading a global campaign to stop the recruitment of children under the age of 18 by armed groups. Her office is working on a wide range of violations against children in 22 different conflict zones, and Ms. Coomaraswamy has made personal visits to many of them, including recent visits to Somalia to address the issue of children being recruited into piracy, Kenya where young people were involved in post-election violence, Afghanistan where schools for girls have been attacked and burned, and the Philippines, where she just secured an action plan to remove children from armed conflict.

And now, I invite the students, faculty and community members gathered here to join me in welcoming Radhika Coomaraswamy, United Nations under-secretary-general, special representative for children and armed conflict.



## *Children and Armed Conflict: The International Response*

*Radhika Coomaraswamy*

When I was in Uganda recently I met Moi, a young man who had struggled to reach a UNICEF [United Nations Children's Fund] camp after years with the Lord's Resistance Army (LRA). When he was just 13, he and his friend were playing when the LRA attacked their village. Moi and his friend were abducted and made to carry the products of the LRA looting on their heads back to the LRA camp. On the way his friend slipped and broke his ankle. The LRA commander shot his friend in the head. They made their way to the camp where he was made into a fighter. He watched as those who tried to run away were executed. He was given drugs, shot into his left temple and then made to fight – usually attacking his own network of villages and killing people he knew well. Finally he had had enough. He escaped from the camp and made his way to an NGO [nongovernmental organization] funded by UNICEF. The NGO was trying to trace his family and he was undergoing counseling and being provided with training in vocational skills.

Of all the humanitarian issues prevalent in the world today, the theme of children and armed conflict has caught the imagination of the Security Council of the United Nations. Since 2000 there has been a systematic engagement with this agenda, much of it in the form of, what I would term, an experiment. What I propose to do today is first to describe the background to this engagement, then move on to describe the nature of the engagement and finally to reflect upon the implications of such an engagement for human rights issues and children and armed conflict.

In 1996, Graça Machel presented her in-depth expert study on children and armed conflict to the General Assembly. Responding to the terrible news stories of children in conflict, the assembly had asked the expert to provide guidance on what was necessary at the international level to protect children in times of conflict. Graça Machel, in her report, highlighted the fact that contemporary warfare was changing; that the lines between civilian and combatant were no longer clear; that women and children were often on the frontline and directly targeted. While the Security Council in earlier years was concerned about drawing lines between combatants, today one of its primary concerns is the protection of civilians.

Graça Machel went on to signal issues that required urgent international attention. These included the issue of child soldiers, the problem of refugees and IDP children, sexual and gender-based violence and the effect of landmines on children. She also drew attention to the particular problems posed by generalized sanctions, the terrible impact of warfare on health and nutrition and the need for psychological recovery and social integration for all children affected by war. The assembly responded to her by creating the post of special representative of the secretary-general on children and armed conflict, at the under-secretary-general level, to mobilize a U.N. system-wide effort to protect children in times of war.

Olara Otunnu inherited the mantle and was appointed the first special representative on children and armed conflict.<sup>2</sup> Olara Otunnu was Uganda's ambassador when Uganda was a member of the Security Council, and he saw the potential for Security Council engagement on this issue. He was determined to make the Security Council recognize that children and armed conflict is a peace and security issue under the council's purview, and that the full plethora of tools that the council had at its disposal had the real potential of driving this agenda, with the political muscle of the council behind it.

Security Council engagement with the issue of children and armed conflict began in 1999 when the council, in Resolution 1261, requested the secretary-general to provide a report on children and armed conflict to the council, cementing the recognition sought by Otunnu that children and armed conflict was a peace and security issue. This regular report has become the basis for ongoing Security Council action on this issue. The first report, following the framework of the Graça Machel report, outlined the issues as contained in the initial study and sought to assess developments in the field. It was general and thematic, much like the reports to the Human Rights Council. However, over time the report would change to become a monitoring and reporting document focusing on parties within country specific situations.

The first important decision made by the former special representative was to guide the Security Council process to focus on grave violations against

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<sup>2</sup> Otunnu spoke at the IPJ on April 11, 2006. The transcript of his lecture can be found at [www.sandiego.edu/peacestudies/documents/ipj/Otunnulecturesummaryforweb.pdf](http://www.sandiego.edu/peacestudies/documents/ipj/Otunnulecturesummaryforweb.pdf)

children and to focus on specific incidents and actual perpetrators. This was revolutionary in the council, where most thematic debates usually spoke in generalities. It was felt that programmatic reviews would be misplaced since the council was not a response mechanism, but that grave violations as elements of threats to peace and security would be important for its deliberations. After reviewing international humanitarian law, the former special representative identified six grave violations that occur against children during war time: the killing and maiming of children, sexual violence against children, recruitment and use of children, abductions, attacks on schools and hospitals and denial of humanitarian access. These were not comprehensive – for example, they did not deal with forced displacement – but they were the most practicable in terms of monitoring. These six grave violations have now become the basis for the Security Council process.

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*“The first important decision made by the former special representative was to guide the Security Council process to focus on grave violations against children and to focus on specific incidents and actual perpetrators. This was revolutionary in the council, where most thematic debates usually spoke in generalities.”*

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If one examines the 2009 report of the secretary-general on children and armed conflict, the focus is on violations and compliance by parties within country specific situations. With regard to country situations, they are divided into two: countries that are on the agenda of the Security Council and countries not on the agenda of the council. In all there are 20 country situations of concern. If one looks at the text within these country situations, for example of Iraq, it examines issues such as the recruitment of children, killing and maiming of children, children in detention because of recruitment, as well as issues relating to attacks on educational institutions. The report

presents certain statistics, but the main thrust of the reporting is incident-based reporting with an attempt to identify perpetrators where possible.

Since it is the secretary-general’s report, the process of writing this report with country specific information is also unique and interesting. The information for the report comes from the U.N. country team itself. This information, along with any other relevant information at the headquarters level, is collated and put together by my office. The report is then shared with a headquarters-level task force made up of all the relevant agencies – UNICEF, UNHCR, DPKO, ILO, UNDP, DPA, UNIFEM, OLA<sup>3</sup> – that make additional inputs as necessary. After their inputs, the report is then finalized and then pertinent sections shown to the member states so that they have an opportunity to be heard on the allegations against parties to conflict operating within their territories. If they challenge information, we request the country teams to verify the data. Once that process is complete, the report is given to the Executive Office of the Secretary-General, who may make changes before the report finally comes out.

In the end we can genuinely say that the compilation of the annual report of the secretary-general to the Security Council on children and armed conflict is a U.N. system-wide process. The process is important in itself since it is a consensus-building tool for U.N. partners as how to best protect children. It contains information that the U.N. system has access to and that can be verified by U.N. partners. We only use non-U.N. material if the country teams for some reason feel that they cannot monitor, report or verify information. In that case we use official sources as well as information from child protection partners whose data is credible and based on a sound methodology, and the U.N. country team will stand by their information.

One of the first legal issues to emerge in the compilation of the report was, *What constituted armed conflict?* No country wants to be in a Security Council report. In internal war, regardless of how large the conflict, all countries tell me they are not in a situation of armed conflict but are engaging in a

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<sup>3</sup> UNHCR is the U.N. High Commissioner for Refugees; DPKO is the Department of Peacekeeping Operations; ILO is the International Labour Organization; UNDP is the U.N. Development Programme; DPA is the Department of Political Affairs; UNIFEM is the U.N. Development Fund for Women (now UN Women); OLA is the Office of Legal Affairs.

police operation. The response of our office is that our determination was derived from a humanitarian angle with a pragmatic emphasis on children, what happens to them and how they can best be protected. This approach puts the interests of children as an overriding concern, and that situations requiring scrutiny should be responded to without a legal determination of what constitutes armed conflict. With the help of the secretary-general's office and the Office of Legal Affairs, along with language in the recent Security Council Resolution 1882, we examine what we now call "situations of concern," and inclusion of a country situation in our report is not a legal determination of armed conflict. Still, many countries continue to resist their inclusion with demarches and strong language at the open debate that often accompanies the production of the report.

One important aspect of the reporting to the council that is also included in the annual report is the emphasis on peacekeeping. In recent times, U.N. peacekeeping has grown exponentially in many parts of the world, especially Africa. Increasingly, their mandate is changing from being neutral observers to a more active role in protecting civilians, especially in the Congo. From the very first report on children and armed conflict, there was an attempt to ensure that U.N. peacekeeping missions respond to children's concerns. The report to the



council highlighted the need for U.N. Security Council Resolutions setting up peacekeeping operations to include provisions on child protection. The reports also called for training of peacekeepers and for some time monitored sexual violence and exploitation by peacekeepers against children.

As a result of all this emphasis, the Department of Peacekeeping Operations has formulated a Child Protection Policy. This policy calls for the recruitment of child protection advisors as requested by the Security Council, who would help the mission monitor grave violations along with UNICEF and other child protection partners, train peacekeepers and be the advocate and the interface between peacekeepers, civil society and children in the community.

The second initiative with regard to the Security Council and children and armed conflict took place in 2001 when the council requested that the secretary-general, in his annual report, also include an annex of named parties that continue to recruit and use children as child soldiers. The issue of child soldiers was of particular concern to the council, since Graça Machel highlighted the issue in her study and most council members considered this a universally abhorrent practice. Pictures of small children carrying automatic weapons, killing and maiming under the influence of drugs, had flooded the media ever since the wars in Liberia and Sierra Leone had begun. This was deemed to be an unacceptable state of affairs. The council therefore decided on a listing process, a naming and shaming exercise that would indicate to the world who the perpetrators are, their names and where they are located.

The first "list of shame" contained the names of 23 parties, state and non-state actors from Afghanistan to Sierra Leone. In 2009 there were over 50 parties listed. Over the years the numbers have increased as data availability increased, but there was also greater specificity so as to focus Security Council action on these violators. Today there are 19 persistent violators who have been on the list for at least five years. Resolution 1379 of 2001 also indicated how parties could get off the list: They should enter into time-bound action plans with the United Nations to release and reintegrate the children in a

structured manner and to desist from further recruitment and use of children. The action plan also required that monitors be allowed unhindered access to barracks, training camps and installations to verify that there are no children. The action plan then became the vehicle for delisting parties, and allowed the United Nations to receive and implement commitments.

There are people who are skeptical of the listing process. It is true that a number of parties do not care, and sometimes are unaware, if they are listed by the secretary-general. I do not think Al Qaeda or the Al Shabab particularly care whether they are on a Security Council list. But in many cases the listing process has resulted in compliance. For example in 2008 I visited the Central African Republic and met with Commandant Laurent of the APRD [Popular Army for the Reconstruction of the Republic and Democracy]. He lived deep in the bush and did not have much access to international news. I informed him that he was on the annexes of the secretary-general's annual report, and since it was after Security Council Resolution 1612 there was a possibility of targeted measures being used against him in the near future.

He was initially taken aback and gave me a long lecture – his unique version of the history of the United Nations. However, even though he was a rebel now, he had aspirations of leading the country one day. He did not want to be on any list. He made a commitment to release the children as long as there were proper programs for their care. He is currently releasing the children in a structured manner, and all separated children have been reintegrated into their communities.

In December 2008, I met with the Moro Islamic Liberation Front in their territory in a remote part of Mindanao, Philippines. Though initially they were reluctant to cede any ground, first claiming that they did not have children and then stating that Muslim law defines children differently, they finally relented once the process was explained to them and the cost of remaining on the list became clear. They too wanted to be off the list. Over the course of 2009 they entered into an action plan with the United Nations.

A similar change of heart took place in Nepal. After prolonged negotiations, in February this year the Nepalese Maoists released their 3,000 minors who had been held in the cantonments. Again, they felt that as a past and possible future ruling party, they should not be on the secretary-general's list.

In April I was in the Philippines and met again with the MILF. Having identified the first caseload of children, they were making plans with UNICEF and the ILO for programs for the reintegration of these children for the provision of schools and vocational training. The process is slow but we hope it will gather momentum so that we can delist the MILF. The new Philippine government is also supportive of this work; they feel such interaction strengthens the peace process and allows communities to further value the future of their children. I also began exploratory talks with the NPA [New People's Army], and we will soon begin discussion with them in Utrecht over the possibility of an action plan. Again, they are a recalcitrant group in most of their dealings, but they too do not want to be on the wrong side of the Security Council. We have also had successes with non-state actors in Cote D'Ivoire, Sri Lanka, the Democratic Republic of Congo and Sudan.

Governments too do not want to be on any Security Council list of shame. As soon as Uganda was listed they began discussions with our office, concluded an action plan and are now delisted. We noticed children in the Afghan police force; the moment they were listed, they began discussions on an action plan, and in February I went to Kabul for the signing of such a plan which we hope will be implemented successfully. We are also moving forward on an action plan with the government of Myanmar, and we hope to conclude such a plan before the end of the year.

In August 2009, the Security Council, recognizing the effectiveness of this listing process with regard to children and armed conflict in certain contexts, in Security Council Resolution 1882 asked the secretary-general to expand the scope of his annexes and also list parties that have a pattern of committing sexual violence against children and/or killing and maiming of children contrary to

international law. The May 2010 and 2011 reports therefore contain additional listings of such parties. The listing criteria for these violations are premised on the notion of pattern. The violations cannot be random or isolated; they must be systematic, willful and intentional. This now poses a challenge as it will require my office and partners in the field to gather the kind of information that will meet this standard for these new criteria.

The most significant development with regard to children and armed conflict and the Security Council took place in 2005 with the passage of Security Council Resolution 1612. The resolution called on the secretary-general to set up a monitoring and reporting mechanism and a Security Council Working Group on Children and Armed Conflict. The notion that the Security Council would set up a monitoring and reporting mechanism on anything seemed unthinkable at one time. In fact, it is important to remember that the council for many years refused even to consider human rights issues or allow the high commissioner for human rights to address them.

The setting up of a monitoring and reporting mechanism was therefore a sea change. For the sake of children a unity of purpose was found. Nevertheless, safeguards were in place to ensure the fact that nation states would be fully consulted and their interests protected. Assurances were given and a process set in place for effective action. In May 2005, the resolution was unanimously adopted, much to everyone's surprise. It was, after all, for the sake of the children. Who could publicly oppose such noble sentiments?

The monitoring and reporting mechanism, as initially designed by Olara Otunnu and modified in consultation with partners, established United Nations task forces at the country level to be chaired by the special representative of the secretary-general if there were DPKO or DPA missions, and by the resident co-coordinators in other country situations. The chair would therefore be the highest U.N. representative in the country, signaling the high level of importance the agenda would have politically.

These task forces are also co-chaired by the UNICEF representative. In some countries the representative of the high commissioner for human rights is also



a co-chair. The task force members include U.N. departments and agencies that have information on children, independent national institutions such as independent human rights commissions that meet the threshold of the Paris Principles, and select NGOs who the chair is convinced are doing work on children and are neutral, impartial and independent and who are capable of collecting credible information. However, all information collected by non-U.N. partners must be verified by the United Nations. This task force sends its report to our office, where it is processed in consultation with UNICEF, DPA, DPKO and other important partners at headquarters, in the manner described for the drafting of the annual report.

Finally, the document appears as a secretary-general's report on the country concerned. Again, it is a system-wide report with information that focuses on the six grave violations and especially on incident-based reporting with an attempt to identify perpetrators of these grave violations. However, unlike the annual report, these detailed country reports allow for a fuller appreciation of all background information, violations and protection efforts.

Many governments in these situations of concern had an initial reaction to the fact that they were not represented in the country-level task force due to concerns for neutrality and impartiality. We argued that those against whom there are possible allegations cannot be on the task force. However, a practice is emerging where all the government agencies that deal with children form a government working group which then interacts with the country task force. In

this way the government may be made aware of the type of allegations against all parties to conflict at regular intervals (though without endangering the sources), and also in some countries it has become very useful in responding to these violations through providing services for affected children.

NGOs and UNICEF have also been concerned that monitoring and reporting should be closely tied to programmatic response so that children are not made more vulnerable without any support. Though the monitoring and reporting process has to be kept separate so that it does not look like witnesses and sources of information become beneficiaries, it was recognized that the international community must also provide support to the class of children affected so that they are given specialized programmes and successfully reintegrated back into their communities. These processes also had to be kept separate to shield programmatic actors in more difficult conflict situations.

The reports of the secretary-general on country situations are presented to another innovative creation of Security Council Resolution 1612: the Security Council Working Group on Children and Armed Conflict. In the first few years it was chaired by France; then it was chaired by Mexico and today it is still being chaired by Mexico. Therefore we have in place a special mechanism of the Security Council purely devoted to children and armed conflict. It meets bimonthly and examines the reports of the secretary-general, an informal global horizontal note, and also considers oral or written reports of the special representative of the secretary-general on children and armed conflict of my country visits. This systematic engagement with frequent meetings has deepened the engagement and the knowledge base of the council on issues relating to children and armed conflict.

When the country report is presented to the working group, the national government representative is given an opportunity to respond to the report. After that process, the working group deliberates on conclusions and recommendations, based on the recommendations of the secretary-general, which it then adopts at its next meeting. Since its inception, the working group has come to a consensus on all the country-specific situations placed

before it. There has been no instance of complete deadlock. I urge you to go to our website and read these conclusions and recommendations on specific countries. You will be surprised about how engaging they are and how comprehensive given the fact that these are member states who have such difficulty because of their defense of sovereignty. This again speaks volumes for the fact that children's issues are a unifying factor.

Once there is consensus, these conclusions and recommendations are very useful documents. Our office, UNICEF, DPKO and other child protection partners then use the conclusions and recommendations in our work to try and receive commitments and design programs in the country concerned. I was recently in Afghanistan and I based my visit on the conclusions and recommendations of the working group on Afghanistan. The conclusions have a public statement by the chairman of the working group addressed to non-state actors. It also has very specific recommendations for the government of Afghanistan and has a direct communication to ISAF [International Security Assistance Force] and the international forces. Again they relate to the six grave violations that had been monitored in the Afghanistan report. However, there is no doubt that the next challenge is to ensure effective follow-up to all the conclusions and recommendations of the council.

The Security Council Working Group in its initial sessions also fashioned a "toolkit" of possible actions it could take. There is scope for country visits by the Security Council Working Group. Recently the working group went to Nepal and this year they hope to go as a group to Afghanistan. Interestingly, both Russia and China will participate in this visit.

Processing on average 12 reports a year and coming up with the same number of conclusions and recommendations has resulted in an enormous workload for the chair of the working group. One has to truly commend France, Mexico and Germany as successive chairs for their efforts and dedication.

Security Council Resolution 1612 is also a powerful tool because it threatens action against persistent violators. The structure of Resolution 1612, the gathering

of information that attempts to address accountability all point to, perhaps, one of the most important parts of the resolution, that those who persist in committing grave violations against children may be at the receiving end of targeted measures, which include an arms embargo, assets freeze and travel bans. The mere threat of these sanctions was enough for some parties to enter into action plans – particularly all five parties in Cote d’Ivoire. In other contexts, where the international system is rejected, this threat may of course fall on deaf ears. Nevertheless, it is an important aspect of 1612. The only institution within the U.N. system that is capable of a punitive response is the Security Council. It is for this reason that this complex exercise was initially begun and why it is important that we move ahead with this process.

In August 2009, the council reiterated in Resolution 1882 that sanctions against perpetrators may be considered, especially where there are already existing sanctions committees. This is an important step forward, and in the sanctions committee deliberations on the Democratic Republic of Congo, after I addressed the committee, sanctions have been imposed against individuals for the recruitment and use of children. However, there is no separate sanctions mechanism for children and armed conflict and sanctions, and many child protection partners feel that we should try and influence the council to move in that direction, especially with regard to persistent violators.

The issue of sanctions committee listing and punishment was before the House of Lords recently and before the European Court in the Kadi case.<sup>4</sup> Certain important issues were raised, such as the fact that those against whom sanctions are imposed, if they are individuals, should be given the opportunity to be heard, the evidence should be communicated to them and there should be some form of judicial review. These are important safeguards, and it is my understanding that the council is seeking to make necessary adjustments so that due process is fulfilled. Nevertheless, since the sanction power of the Security Council remains the only punitive power within the system to deal with states and parties, we should not forsake this power, and it should be strengthened so that human rights protection is also embedded. The International Criminal Court does exist but it is based on

<sup>4</sup> Yassin Abdullah Kadi and Al Barakaat International Foundation v. Council of the European Union and Commission of the European Communities

consent jurisdiction and therefore has its limitations with regard to which countries come under its purview.

Reflecting back on the five years after Resolution 1612 was adopted, one may recognize certain issues and problems. The first question that comes to mind is, should we have brought these issues before the Security Council? The council deals with armed conflict, and this is about children in the midst of that conflict. For that reason alone the council has the mandate to deal with these issues. The council also has the power to punish those who are a threat to peace and security – those who commit horrendous violations against children surely fall within that category. By recognizing the link between the protection of children and the threat to peace and security, the council has shown that it is willing to recognize a more comprehensive view of its mandate. In recent times, it has also recognized the importance of the protection of women and the protection of civilians. In modern wars, where the separation of civilian from combatants is rarely acknowledged, this holistic approach displays a better understanding of the true dynamics of modern warfare.

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*“Just because there are double standards because of politics, we cannot operate in a world without any standards.”*

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And yet, the Security Council is essentially a political body. Where countries agree on the political issues, such as in Burundi for example, we have been able to move the agenda effectively. Where there are contested political issues, it is more difficult. This has made many critics charge that the U.N. system has double standards, that some states are more protected than others. For all of us who work in human rights within the U.N. system, we recognize the double standards – but our policy has always been, where we can protect human rights we should do so with effectiveness. Where it is more difficult because of political reasons, we should continue to advocate for the system to recognize the human rights and child protection issues

and to strive to make a difference. Just because there are double standards because of politics, we cannot operate in a world without any standards. There is something disingenuous about the statement that just because we cannot protect all the children all the time, we should not protect some of the children when we can. Surely that cannot be a valid approach.

The other factor that is important to keep in mind is that this process described above is before the Security Council and not the Human Rights Council. The reason for this, as stated earlier, is that children and armed conflict is a peace and security issue – since it involves armed conflict – and we also hoped that the council would move toward targeted measures, a possibility for the Security Council and not for the Human Rights Council. As a result, the process has been somewhat different. From the beginning member states made it clear that this should be a consultative and collaborative process, and they placed a high value on engaging nation states in dealing with grave violations. For this reason both the report writing process and the report review process involves interaction with the member state concerned. This has its advantages and disadvantages, but it actually locks the nation state into a dialogue with our office and the task forces on the ground. This is often very healthy and raises the level of the issue within the country and among government ministries. The disadvantage is that we spend many hours with member states defending our position and the position of the task forces, and there is a constant process of verifying information because of the high level of scrutiny.

The third important aspect is that any report goes to the council as the secretary-general's report. It is not the report of a special representative or a special rapporteur. As a result there is a great deal of consultation within the U.N. system before the report is finalized. The Executive Office of the Secretary-General scrutinizes every detail, as the secretary-general must stand behind the data collected. Since much of this data names and shames, they work closely with our office to ensure that all information is credible and verified. This U.N. system-wide reporting also has its advantages and disadvantages. On the one hand every agency and department has its priority and sensitivities, and this may lead to some intense rounds of consultations

within the system. Secondly, the field [staff], especially UNICEF and those working on child protection, feel that field interests and concerns must be adequately reflected since they are on the frontline. To get the report right we have to balance the information and concerns coming from the field with the data and interests of departments working at headquarters who have access to a different set of information from member states. In recent years we seem to have got the system working quite well, and this year's report was produced with a minimum of glitches and on time.

The true success of the Security Council process is that it has created structures within the U.N. system – the task forces at the country and headquarters level that now focus a great deal of attention on children affected by armed conflict. They gather and share information and they coordinate responses where earlier the efforts were scattered and piecemeal. It has also created a committed group of experts at the technical level from member states who, despite their political differences, do try very hard to move forward on this agenda. At the government level, the high visibility of this issue, precisely because of Security Council attention, has led to many countries setting up implementing machinery that will respond to many of the concerns.

One important factor to note is the position of our development and humanitarian actors who feel this naming and shaming exercise may affect their other work. UNICEF is often in a position in which it works closely with the government with regard to programs and then has to take part in the monitoring exercise. Many of the agencies find this to be difficult. Increasingly we are trying to shield country programs by taking the political heat in New York, but for the collection of information verified by the United Nations the country teams still have an important role to play.

The other important fact to remember is that the monitoring and reporting mechanism is collecting a great deal of information and data on the protection of children. These information management systems exist both in the field and at headquarters. Information is key to the effective protection of children and for any future justice mechanism that may be set up in the post-conflict

era. This information will only be shared, however, with the full knowledge and consent of those who have given the information.

The Security Council experiment on children and armed conflict has been an interesting one. A council once allergic to human rights issues has set up a working group and a monitoring and reporting mechanism; works with lists of shame, naming perpetrators; and is considering targeted measures against individuals for violations against children. The excitement caused by this experiment has led others to try and see whether some of the lessons learned could be applied to other issues such as sexual violence in conflict and the protection of civilians. The next few years may actually see a deepening engagement of the council on these protection issues, recognizing that the children have shown the way.

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*“As Graça Machel did write in her report, children are a unifying factor and they, more than any other group, remind us of our common ethical concerns.”*

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As Graça Machel did write in her report, children are a unifying factor and they, more than any other group, remind us of our common ethical concerns. I have described to you the response of the Security Council to some of these challenges. Like all systems, it has its imperfections, but one must still conclude that these are extraordinary and innovative developments. Recently we brought to the Security Council a young girl who was once a child soldier – raped, beaten and nearly killed by the Lord’s Resistance Army. She rebuilt her life and is now a graduate student in a prestigious American university. After her moving intervention, she received sustained response from every ambassador in the room along with the secretary-general. Those are special moments, when our common humanity trumps our politics. They are also moments that show us the possibility of the United Nations. We hope the children will continue to show us the way.

## QUESTIONS AND ANSWERS

*The audience submitted questions that were read by Deputy Director Dee Aker.*

**DA: Olara Otunnu stood here, toward the end of his time as the first in your position. What's different now than it might have been for him?**

RC: I must celebrate the brilliance of my predecessor. Basically, he could have just decided that the role of the special representative was to be an advocate. But he decided that the United Nations needs to move beyond just saying nice things and advocating for things. He believed the United Nations should do something to stop impunity. I think that was the strength of Olara Otunnu, that he moved against impunity for violations against children. And then he structured the system – which I inherited, which is really quite unique and has created quite a lot of excitement in human rights circles – to move against impunity through the use of the Security Council. He could have decided to be a programmatic actor, that his purpose would be to get funding and fund schools. But instead he decided he was going to fight impunity, and he set the stage for that. And I'm a firm believer in that as well.

**DA: The United States has not signed the Convention on the Rights of the Child. Has there been any change in the last 10 years in the response of the United States?**

RC: The United States has signed the Optional Protocol on child soldiers, even though it hasn't signed the convention. I don't know if you can sign an Optional Protocol to a convention you haven't signed, but anyway. I must say, they have been very supportive of our mandate, and both administrations I must say. The Bush administration was very active, very supportive; the Obama administration very active, very supportive.

We have had our moments of interaction. For example, one of the issues I raised with both governments was the case of Omar Kadr, the 15-year-old

young man detained at Guantánamo. We were trying, if he wasn't released, then at least to have him go the rehabilitation route and not a punitive route. We've had those discussions and there have been differences of opinion. But with regard to the mandate in front of the council, the U.S. has been a very strong supporter.

**DA: Will the new April 2011 anti-trafficking E.U. directive be helpful? How many member states support your work? Is there any support from the Palermo Protocol for your activities?**

RC: My work links with trafficking in two ways. First is that children – girls as well as boys – are trafficked often from armed conflict situations because those create such vulnerabilities that children become easily trafficked. In that sense there is some relevance to my work. But specifically in the actual crime of trafficking, we don't get that engaged. That is done mainly by the Office on Drugs and Crime and also by the special representative on violence against children. But the trafficking of children across borders from armed conflict situations is an area that has not received as much attention. One of the priorities of my office this year is to try and force that link between the trafficking enterprise and children and armed conflict, and see how we can work together on those issues.

**DA: What possible actions are taken against groups who are not responding to the sanctions or naming and shaming?**

RC: That's a very important question because there are quite a few groups that do that. In that case we have to continue advocating. The punitive model works for those who buy into the system, the international system. It doesn't work for those who do not buy into the system. When we work with the Taliban and the Al Shabab, what we try and do is more of a response. We try and see how we can get children out of those systems by using religious authorities. For example, in Afghanistan we have managed to get the *ulema*, the highest religious body there, last month to put out a fatwa on those who



recruit children and a fatwa on those who sexually exploit children through *bacha bazi*, dancing boys. In Afghanistan there is this practice of *bacha bazi*, of commanders and others having these dancing boys whom they sexually exploit. The religious council put out a fatwa on both those issues.

We try to work with the community leaders to persuade some of these rebel groups not to do this kind of activity, to try and create child protection networks in communities that we have access to, to make sure there is an alert if there's a possibility of children being recruited and a way of hiding children. There are all these preventive practices that we go into. [In these situations] we have to forget about the Security Council process and really go into a prevention and response mechanism, have the community be stronger and able to respond to what is going on. That's what we do in Somalia and Afghanistan.

As I was saying earlier, in Africa and Asia mainly the United Nations is very welcome; there's a positive view of the United Nations. We can go anywhere. For example, if I go to the Philippines, the government gives me permission to go into Mindanao, or if we're in Cote d'Ivoire we go from the rebel camp to the government camp, with U.N. protection, and we're given free access everywhere. Everybody meets us and talks to us. But the problem in Afghanistan and Somalia is that we're also seen as the enemy. We are seen as part of the problem. Getting around there becomes very difficult. So these are the challenges we're having with these groups, especially in Afghanistan and Somalia, who reject the international system, who don't want to have access to us.

But I must say, interestingly, while Al Shabab and Al Qaeda are unreachable, the Taliban blows hot and cold. We had a situation where they did agree with us to have no activity on the day of polio vaccinations. That was negotiated through some of the locals. They actually honored that – there was no activity on that day. ICRC [International Committee of the Red Cross] also has some influence with them, so maybe with time we can gain access to them as well.



**DA: Are there other countries on the list who are not responding?**

RC: The number of countries has reduced drastically after the listing process. Now I think we have only four: Myanmar, which is in the process of negotiating; Chad – I just got an email today that they are ready to sign an action plan in June; then there is Sudan and Democratic Republic of Congo.

**DA: What's the legal age for a child according to your office?**

RC: We have the legal age of the child at 18. This is an interesting question. The civil human rights framework puts the age of children as those under 18. But in the criminal law framework – the ICC – the child is defined as 15 and under. Those are the two frameworks, and our office uses 18. One of the issues raised by all these eager lawyers is, we're using 18 for sanctions while the criminal law uses 15. There are issues that do come up, because for criminal punishment it is 15 and under. But we record all cases of children under 18 for the actual reports that go to the council. So there is that discrepancy.

Various people have argued that this is an arbitrary definition of childhood. In some parts of the world children are very active at 14, 15, so they ask why we are defining it in this particular way. According to UNICEF and others, the notion of death is not fully formed until 18 at least. You find that child soldiers are absolutely fearless. They go straight into the line of fire because they have no sense that anything is really going to happen to them – they think it's a game. It's a terrible exploitation of children to send them into combat under the age of 18.

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*“One has to realize that the real life force of all our mandates really comes from civil society in the country areas. They're the ones that first direct us to what is taking place.”*

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**DA: Can you speak to the nature of civil society consultations done with your office, and the nature of civil society analysis and advocacy? What role does it play?**

RC: I have a civil society advisory council. We meet once every two months. On it are Save the Children, Oxfam, CARE, Human Rights Watch, World Vision, War Child, International Crisis Group, etc. Of course in our work, especially on issues such as this, there's no doubt that the initial ideas come from civil society. Why was Graça Machel appointed? Because NGOs in the field were saying that these terrible things were happening to children. One has to realize that the real life force of all our mandates really comes from civil society in the country areas. They're the ones that first direct us to what is taking place. They are really important to us in prevention. They're important to us in monitoring. And they're also important to us in response, both in the field and at headquarters. They are sterling. In the Security Council process, they do half the lobbying. We can't really lobby member states; we're U.N. officials. We can make presentations, etc., but it's basically our civil society child's rights groups all over the world that lobbied Security Council members to pass 1612 and all the others. So they're very active.

**DA: Can you give us some more information or elaborate on how the United Nations has played a role in controlling the LRA in Uganda?**

RC: The LRA is one of the issues that the United Nations is actually internally divided by. Interestingly, you have one wing of the United Nations that is trained to make peace. To them, peace is the most important issue: talking, negotiating, coming to terms. And then you have another part of the United Nations that is very human rights and justice-oriented, like the Office of the High Commissioner for Human Rights, OLA, etc. They're constantly debating.

Earlier, not so much now, we had the part that was saying, *Make peace with the LRA*, and the other part saying, *This man must be in jail; there's no making peace with this man*. We had an envoy who was speaking to him, and then the part of the international community dealing with justice indicted Kony in the middle of the peace process, which sent the U.N. peace negotiators into a complete flurry. And then of course Kony, once he was indicted, stopped speaking. Now everybody is fed up with him. The Ugandan army has pursued him and had some military successes, and now this group is very splintered in small bandit groups working through that area. They create this instability as they go from Congo to southern Sudan to Central African Republic. There's not major devastation but constant insecurity because of their presence.

The United Nations has decided it's going to have a regional approach to the LRA. All the U.N. offices are going to have a regional plan; the African Union is also going to have a regional plan. No one is talking to them at the moment. There will be a regional military strategy and a regional response strategy to what is happening.

**DA: Can you provide an update on the efforts to rehabilitate the 3,000 former Maoist child soldiers back into society in Nepal? Have these efforts been successful?**

RC: Partly successful. What we are hearing the last few months is that the Maoist commanders have maintained contact with some of these minors

and are urging them to join the youth political wing. Now this is interesting: How do we respond to that? They stopped being combatants and then they are recruited to the youth wings of the political parties. Strictly, we can't say they can't, because it's not a violation. So there is that going on which we are not happy about.

The other is that some of the girls who have gone back – some of them have been commanders – do not want to go back into really conservative Hindu society and sit in the back room and wear a sari. They're not happy at all about being docile. They have responded by saying they don't want to go home, they want to go back to the cantonments. So they are having some problems with them. We are trying to see how we can deal with that issue.

**DA: Do you have any information on Burundi?**

RC: I know there has been some trouble brewing recently, but until about six months ago we had delisted all the parties. We got all parties to release their children through UNICEF. South Africa to some extent helped us in the negotiations, as the South Africans were the head of that peace process in Burundi. They have been released. One of the things that I want to do this year is do a tour of the countries in which children were released and see how the reintegration has taken place: Sierra Leone, Liberia, Burundi. There are talks of Burundi going back to war, so we are watching the situation closely to see if new children are being recruited.

**DA: Has the council investigated the recruitment of children in the United States' military?**

RC: The U.S. and Britain give us a little bit of a heartbreak because their recruitment age is 17, as you know. But as a result of the Optional Protocol, it made it clear that you can recruit children between 16 and 18 if you do not put them in combat. So the United States abides by that. It does not put anyone under 18 in direct combat. But you can be recruited between 16 and 18. Of course, the NGOs are pushing for a straight 18, as is our [Zero Under

18] campaign. Europe, except for Britain, has more or less fallen in line with the straight 18. The Netherlands was the last holdout, but now they have a straight-18 policy. But the U.S., U.K. and all the British colonies have 17 as the age of recruitment. This is interesting about colonialism, that everybody mimics the mother country.

**DA: How large a staff do you have to conduct the important work you do? What is their background and training?**

RC: I have only 15 people, but I also have UNICEF and the child protection officers of DPKO. So though we do a lot of the collating of the reports, I work very closely with the part of UNICEF that deals with armed conflict, which is the emergency section of UNICEF. I work very closely with them as well as the peacekeeping operation's child protection unit. They are my field presence. So my New York office is 15. Their background is human rights and child protection mainly. Those are the two areas that we look for, and we look for a lot of field experience especially in those areas.

**DA: Can the Security Council name and shame or include on a list a group whose conflict has not officially been recognized – for example, the recruitment of children in Mexico by the drug cartels?**

RC: That's an interesting question. A lot of the work of the United Nations is defined by law, so basically for an issue to be in the Security Council it has to be a peace and security issue and to some extent armed conflict. The reason why countries are so nervous to call something an armed conflict is because that immediately triggers the Geneva Conventions and protection for parties to the conflict. So you would then give these drug cartels the protection of parties to the Geneva Conventions. That is why people are very careful not to use "armed conflict" with regard to the drug wars in Mexico.

But the humanitarians, UNICEF and the child protection people on the ground will say, "Look, the issues we actually have to deal with day to day are identical to children in armed conflict. The way children are recruited,

the way these gangs operate (many of them are former army or military personnel, so it's run like a military operation), the trauma and psychological effects on children are very much like armed conflict." The humanitarians want to see how we can work on this issue together, but the lawyers are very clear that you keep this separate.

There are other parts of the United Nations that are dealing with this issue: the U.N. Office on Drugs and Crime, and there's a special representative on violence against children who deals with the issue of gangs. I think we all have to work together.

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*"For the first time in the history of the world there is going to be an international statement on what is a child soldier, what is recruitment and use, what is conscription – all this is going to be defined."*

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**DA: What's the relationship of your office to the ICC? Do you refer perpetrators?**

RC: We can't refer; the Security Council can refer. But I can file an amicus curiae with the ICC. The first case the ICC decided to prosecute was against Thomas Lubanga for the recruitment and use of children. I filed an amicus curiae basically urging a broad definition. For the first time in the history of the world there is going to be an international statement on what is a child soldier, what is recruitment and use, what is conscription – all this is going to be defined. So we were pushing for a broader definition, saying the nature of modern war is such that it should also include girls who have been abducted – made into wives but also into combatants – and that children play multiple roles in these rebel forces. It should not be a strict military notion of combatants. That was one of the cases we spoke about – the girls being abducted by Lubanga's army in the Congo. They are taken in, raped and

become wives, and at the same time they are also given a gun and trained to be combatants. They have to play all these roles. So we wanted to make sure that the court didn't deal with this in a classic notion, but understood the reality on the ground so that the girls can also get some justice.

**DA: Many of us remember that you were the special rapporteur on violence against women. Was this change to your current position a difficult one?**

RC: Often the women's and children's issues are very closely linked. I do remember when Kofi Annan called me and said he wanted to give me this position. I said, "I'm a specialist on women." And he said, "No, no, we want a human rights and a women's rights person in this position." But I must say, I didn't find it difficult because my main training was in human rights.

There are commonalities and there are also differences between the children's and women's agenda, in the sense that when I was special rapporteur on violence against women I put a lot of emphasis on the agency and empowerment of women, and less on protecting them [as victims]. For me, to deal with a woman victim of violence is to really empower her to make a life. With children there's a need to ensure that they participate, that they express themselves, but of course we have to ensure that it's in a guided framework in a much more protective environment than for women. So there is a difference in the response.

Of course I never left the women's movement. Wherever there's a women's event in New York I arrive there. I'll probably see you there.

**DA: Anne Frank in her diary said that she still believed in the basic goodness of all people. With all the atrocities you see on a regular basis, do you agree or disagree with Miss Frank's assessment?**

RC: I believe that people are basically good. I really do; maybe we are all idealists. I do believe that there are terrible atrocities, there is terrible evil in

the world, but that people are good. If they have leaders who bring out that goodness, then the society becomes good. I think we have the capacity for good and evil in all of us, but our environment and how our leaders deal with us influence which part of us will come forward.

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*“Without that basic belief in the goodness of man,  
a lot of this humanitarian work would not be possible.”*

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In these armed conflict situations, you see the best and worst of people. You see these terrible atrocities, but you see people doing all kinds of yeoman's work to protect each other, to care for each other, a little boy protecting his little sister – you see the most extraordinary things, good things that people do as well. Yes, I believe man is basically good.

Someone asked me what quality I look for in people when I hire them, what skills. I said I look to see if they have that little bit of idealism, if they believe that people are good and if they push for that idealism in a practical way. But without that basic belief in the goodness of man, a lot of this humanitarian work would not be possible.

## RELATED RESOURCES

**Machel, Graça.** *Impact of Armed Conflict on Children.* U.N. Children's Fund. 1996. [www.unicef.org/graca](http://www.unicef.org/graca)

**Office of the Special Representative of the Secretary-General on Children and Armed Conflict.** [www.un.org/children/conflict/english/index.html](http://www.un.org/children/conflict/english/index.html)

**Otunnu, Olara.** “Saving our Children from the Scourge of War.” Lecture at Joan B. Kroc Institute for Peace & Justice. April 11, 2006. [www.sandiego.edu/peacestudies/documents/ipj/Otunnulecturesummaryforweb.pdf](http://www.sandiego.edu/peacestudies/documents/ipj/Otunnulecturesummaryforweb.pdf)

**Paris Principles.** 2007. [www.un.org/children/conflict/\\_documents/parisprinciples/ParisPrinciples\\_EN.pdf](http://www.un.org/children/conflict/_documents/parisprinciples/ParisPrinciples_EN.pdf)

**United Nations Security Council Resolution 1612 on Children and Armed Conflict.** 2005. [www.un.org/Docs/sc/unsc\\_resolutions05.htm](http://www.un.org/Docs/sc/unsc_resolutions05.htm)

## ABOUT THE UNIVERSITY OF SAN DIEGO

Chartered in 1949, the University of San Diego (USD) is a Roman Catholic institution of higher learning located on 180 acres overlooking San Diego's Mission Bay. The University of San Diego is committed to promoting academic excellence, expanding liberal and professional knowledge, creating a diverse community and preparing leaders dedicated to ethical and compassionate service.

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The USD campus, considered one of the most architecturally unique in the nation, is known as Alcalá Park. Like the city of San Diego, the campus takes its name from San Diego de Alcalá, a Franciscan brother who served as the infirmarian at Alcalá de Henares, a monastery near Madrid, Spain. The Spanish Renaissance architecture that characterizes the five-century old University of Alcalá serves as the inspiration for the buildings on the University of San Diego campus. The architecture was intended by the founders, Bishop

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