

PREFACE

There are few missions that could be more compelling for the world today than the task of saving our children from the scourge of war. This is a central issue of peace and justice.

When adults wage war, children pay the highest price. Children are the primary victims of armed conflict. They are both its targets and increasingly its instruments. Their suffering bears many faces, in the midst of armed conflict and its aftermath. Children are killed or maimed, made orphans, abducted, deprived of education and health care, and left with deep emotional scars and trauma. They are recruited and used as child soldiers, forced to give expression to the hatred of adults. Uprooted from their homes, displaced children become very vulnerable. Girls face additional risks, particularly sexual violence and exploitation.

One can imagine no group of persons more completely vulnerable than children exposed to armed conflict. Yet, until very recently, their fate did not constitute specific and systematic focus and response by the international community. Indeed when policymakers convened to discuss issues of peace and security, the fate and well-being of children did not feature in their deliberations. This has now changed. Children do not only deserve but, indeed, have a right to protection and well-being. Those who brutalize children and deny them schooling and medical care in situations of war, are committing two crimes simultaneously – they are destroying the present, as well as the future. These violators need to be identified, named and held accountable by the international community.

In post-conflict situations, it is imperative to invest in the healing, rehabilitation and development of children. This should constitute a real concern that is reflected in the setting of priorities, the formulation of policies and programmes, and the allocation of resources. When they are constructively engaged and are active participants, war-affected children can be an important force for rebuilding their societies. But when they feel marginalized, alienated, embittered and without hope, the same youth can easily turn into an army of spoilers, and a recruiting pool for other warlords to fight new wars. Such youth also become much more vulnerable to radical indoctrination and enlistment by terrorist entrepreneurs. Ensuring protection for our children and investing in their education and development is therefore among the most important and effective means for building durable peace and justice in society.

LES ENFANTS SOLDATS EN DROIT INTERNATIONAL

Since 1999, the UN Security Council has been engaged actively in addressing violations against children in situations of armed conflict. Under my guidance, a UN-based campaign was created to mobilize international action on behalf of children exposed to war, promoting measures for their protection in times of war and for their healing and social reintegration in the aftermath of conflict. I undertook this mission by developing and implementing specific strategies, actions and initiatives. The campaign was organized in four phases, namely: laying the foundation; developing concrete actions and initiatives; instituting a 'naming and shaming' list of offenders; and instituting the Children and Armed Conflict compliance regime.

The first phase – laying the foundation – consisted of defining and framing the Children and Armed Conflict agenda, gaining acceptance and legitimacy for the new agenda, establishing a network of stakeholders within and outside the UN, and laying the groundwork for broader awareness-raising and advocacy.

In the second phase I led initiatives and efforts (involving UN entities, governments, NGOs and regional organizations) to develop concrete responses and actions and initiatives. During this period, our initiatives and advocacy yielded significant advances and innovations, most notably: a rise in the awareness, visibility and advocacy on Children and Armed Conflict issues; the protection of war-affected children has been firmly placed on the international peace-and-security agenda; a comprehensive body of protective instruments and standards has now been put in place; a systematic practice of obtaining concrete commitments and benchmarks from parties to a conflict has been developed; children's concerns are being included in peace negotiations and peace accords, and have become a priority in post-conflict programs for rehabilitation and rebuilding. These efforts and initiatives created strong momentum.

Yet, in spite of these impressive gains, I remained deeply preoccupied by one phenomenon. On the one side, we had now developed clear and strong standards for protection, and important concrete initiatives, particularly at the international level. On the other side, atrocities and impunity against children continued on the ground. The key to overcoming this gulf lay in embarking on a systematic campaign for the 'era of application' – transforming international instruments and standards into an actual protection regime on the ground. Words on paper alone cannot save children and women in danger, what was needed was a formal and structured compliance system that would ensure the application of such standards.

Consequently, in a major and ground-breaking development, the UN Security Council on July 26, 2005 unanimously adopted Resolution 1612, endorsing the series of far-reaching measures designed to institute a serious, formal and structured compliance regime for the protection of children exposed to war. This was a turning point of immense consequence; the compliance regime contained in Resolution 1612 was the first of its kind and breaks new ground in several respects.

First, it established a 'from-the-ground-up' monitoring and reporting system, which gathers objective, specific, and timely information on grave violations being committed against children in situations of armed conflict. UN-led task

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forces in conflict-affected countries focus on six especially serious violations against children: killing or maiming; the recruitment or abduction of children for use as soldiers; rape and other sexual violence against children; attacks against schools or hospitals; and the denial of humanitarian access to children.

Second, all offending parties, governments as well as insurgents, are identified publicly, in a 'naming and shaming' list submitted annually to the Security Council since 2003. The latest report lists 56 offending parties (both state and non-state) in 20 countries. These include concerning situations in Afghanistan, Burundi, Central African Republic, Chad, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Georgia, Haiti, Iraq, Lebanon, Myanmar, Nepal, Occupied Palestinian Territory and Israel, the Philippines, Somalia, Sri Lanka, Sudan, Thailand and Uganda.

Third, the Security Council has ordered offending parties, working in collaboration with UN Country Teams immediately to prepare and implement very specific action plans and deadlines for ending the violations for which they have been listed. Typically, these should include: immediate end to all violations by the listed party; commitment by the listed party to the unconditional release of all children within its ranks, within a time-frame agreed with the United Nations team; time-bound plan and benchmarks for monitoring progress and compliance, agreed with the United Nations team; and agreed arrangements for access by the United Nations team for monitoring and verification of the action plan.

Fourth, where parties fail to stop their violations against children, the Security Council considers targeted measures against those parties and their leaders, such as travel restrictions and denial of visas, imposition of arms embargoes and bans on military assistance, and restriction on the flow of financial resources.

Fifth, to monitor and assess progress on this issue, the Security Council has established its own Working Group to oversee compliance with all the elements of Resolution 1612.

Under the guidance of the Security Council Working Group, this compliance regime has brought about vast and significant results, all over the world: many military and rebel groups have entered into negotiations and created action plans to end recruitment of children into their ranks, thousands of children have been disarmed, demobilized and rehabilitated, and the monitoring and reporting body has strengthened and gained much respect and importance within the UN system.

Furthermore, the monitoring and reporting body, in targeting offending parties, complements and supplements the efforts of the International Criminal Court (ICC) – which targets offending individuals. As of this moment, there are over 56 offending parties being monitored by the 1612 reporting body, and ICC has instituted its proceedings against Thomas Lubanga Dyilo, a former rebel leader in the DRC, and the first person ever to be tried by the ICC for conscripting, enlisting and using child soldiers.

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While these are advancements are both significant and promising, much remains to be done. Children continue to be conscripted into military groups and currently form the ranks of armies in over 17 countries around the world. Of the 56 parties under the eye of the reporting and monitoring body, 16 of these parties have been included in each of the naming and shaming lists each and every year since Resolution 1612 came out: Burma, Chad, and the Democratic Republic of Congo, and the armed groups the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) in Colombia, and the Lord's Resistance Army (LRA) in Uganda. Obviously, more needs to be done, to deter recruiters and armed groups; to assist children forced to participate in armed conflict; and to bring the issue of child soldiers to the forefront of the international community's attention.

As such, the importance of work like Magali's cannot be overstated, and her efforts in researching, analyzing and highlighting the plight of child soldiers cannot be commended enough. There are still thousands of children fighting, denied their families, education, childhood. For those children, this work goes a long way in hearing and addressing their cries for help.

OLARA A. OTUNNU

*(former United Nations Under-Secretary General & Special Representative
for Children and Armed Conflict,
President of LBL Foundation for Children)*