

2.1. Introductory Evidence

Overview of issues associated with war-affected children:

Keynote Address by Chetan Kumar, NGO Liaison Officer representing Olara Ottunu, Special Representative of the Secretary-General for Children and Armed Conflict.

Mr. Kumar began by extending the greetings of Olara Ottunu, Special Representative of the Secretary-General for Children and Armed Conflict to the Tribunal and referring to the recent *Conference on Children's Rights in the New Millennium*, organised by the Bureau in Montreal in November 1999, which had been attended by Mr. Chetan Kumar as the representative for Mr. Ottunu. Based on this experience, the Special Representative not only sent his good wishes but also wished to convey his excitement about the innovative approach taken by the Bureau, which he expects to contribute to strengthening existing norms and instruments. The Special Representative also wished to communicate his hope that a co-operative plan of action would result from the Hearings through the synergism created between all actors in this field.

Mr. Kumar then sketched the parameters of the main issues and broad areas of work undertaken by the Special Representative.

Referring in particular to the CRC, and the *Optional Protocol on the Involvement of Children in Armed Conflict*, as well as ILO Convention 182, he stated that international human rights instruments are not as effective as they might be in protecting children in conflict situations. The CRC, he stated, may be the most ratified instrument in human rights law, but it is also the most violated. The same lack of implementation applies to international humanitarian law, including the Geneva Conventions and what Mr. Kumar referred to as the 'strongly worded', 'landmark' UN Security Council Resolution 1261 of August 1999.

The Office of the Special Representative has invested time in analysis and suggestions in response to two main aspects related to implementation. The first of these concerns the uneven judicial process, including enforcement by States Parties and other international bodies. The second is the need to accept and understand how international norms relate to local cultures, including systematic identification of local mechanisms, perhaps at the community level, that

would help the process of implementation. Mr. Kumar cited the example of the way traditional courts in Rwanda have been supported by indigenous healing processes, with respect to both the administration of justice and the rehabilitation of combatants and victims.

The challenges identified by the Office of the Special Representative are threefold:

1. The need to know the underlying reasons why parties to conflicts, who routinely violate the rights of children, act in this way, together with means for preventing such violations, perhaps by raising awareness of children's rights;
2. Identification of competent bodies to report on and monitor violations as well as compliance options that might work; for example, inducements (a place at the bargaining table) or sanctions. In the latter case, it is also necessary to monitor the effects of sanctions, especially on children. The preferred option would be to sanction points of origin (resource base) not the point of impact (children);
3. Meeting the challenge of mitigating the impacts of conflicts on children. This would include:
 - (a) Conflict-related trauma;
 - (b) Peaceful co-existence for generations that have grown up through conflict;
 - (c) Systematically making children the priority in peace processes.

In considering these challenges, the Office of the Special Representative uses two main principles. In the first case, concern for children should be central and in the second, the community level is regarded as the most important sphere of operation. Both principles imply that children are subjects of rights and potential citizens, rather than objects of concern and/or victims. This means that those involved in peace keeping operations should be aware of child rights issues and how to work with children. Mr. Kumar referred to the appointment of Child Protection Advisors mandated by the Security Council in Sierra Leone, Kosovo and East Timor. In each instance, NGO assistance on the ground is crucial to

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- Public Advocacy to build greater awareness and to mobilize the international community for action;
- Promoting the application of international norms and traditional value systems that provide for the protection of children in times of conflict;
- Undertaking political and humanitarian diplomacy and promoting concrete initiatives to protect children in the midst of war;
- Making the protection and welfare of children a central concern in peace processes and in post-conflict programmes for healing and rebuilding.

General Assembly, Fifty-fourth session Agenda item 12, 1 October 1999, A/54/430, Report of the Special Representative of the Secretary-General for Children and Armed Conflict, p.5, para. 2.