



The 2007 Chancellor's Human Rights Lecture

The Protection of Women and Children during Armed Conflict: Whose Responsibility?

Delivered by

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“Protecting Women and Children During Armed Conflict: Whose Responsibility?”

Let me begin by saying that I am delighted to be here with you today. I would like to thank the University of Melbourne for inviting me to deliver the 2007 Chancellor's Human Rights Lecture on a topic of such urgent concern.

I. Shocking the World's Conscience

Recently, I was in a New York film theatre watching the film *The Devil Came on Horseback*. When UN officials like myself go to the field and visit scenes of armed conflict, it is often after the fact when the UN Department of Security has given us security clearance. The villages and cities resemble ghost towns with destroyed buildings, burnt livelihoods and traumatized people. They shatter the comfort and equilibrium we have gained being polite and respectful in UN corridors. But here on the screen, at this film, it was even worse. We watch the scenes as they actually happen, men on horseback hacking, killing, and mutilating everything before them. Women, children, the elderly - none are spared. The horror at first numbs you, then there is anger and finally a sense of shame - for all of us - for we have done very little to stop it. Whose responsibility is it to protect the innocent, especially women and children, in situations of armed conflict?

The line distinguishing civilians from combatants is swiftly evaporating. Around the world, many parties to conflict vying for power and influence are deliberately targeting civilian populations - particularly women and children - through indiscriminate violence and grave human rights violations. In the “new wars” fought within state borders that have become so prevalent, civilians have been forced from the protected periphery to the chaotic center of armed conflict and subjected to direct attacks, forced displacement, sexual and gender-based violence, forced conscription, indiscriminate killings, and other grave dangers.

The deadly conflict in Sudan's tumultuous Darfur region epitomizes this disturbing trend. For the past several years, Janjaweed militias have terrorized and brutalized the women and children of Darfur with complete impunity and a pitiful response from the international community. The horror of the conflict continues to spread as rebel groups also begin to mimic the tactics of their oppressors both in Darfur and across the border in Chad. Today the violence comes from all quarters as we await the deployment of the hybrid U.N. peacekeeping forces in January. The atrocities committed are no longer invisible, however, and neither are those who have been complicit in their commission. Important steps to end impunity such as the issuing of arrest warrants by the ICC for Ahmad Harun and Ali Kushayb on multiple counts of crimes against humanity and war crimes, and eye-witness accounts presented in films such as “The Devil Came on Horseback” and “Darfur Now” have startled our conscience, brought the unconscionable violence taking place “over there” directly into our line of sight, and created new momentum for international intervention in the conflict.

In March this year, I met Eva, a beautiful teenage girl, in the Eastern Congo. On her way to school one day, she was waylaid by some young men with guns. She was taken to a camp, forced to remain nude, raped at will by the gang members, and also made to do domestic chores. She soon realized that her body had changed and that she was pregnant. She ran away from the camp but the villagers were too afraid to help her. She finally jumped into a vehicle on the main highway and the driver took her to Panzi Hospital where she had her baby. Her large sad eyes filled with resignation continue to haunt me. She was only thirteen years old.

In the town of Bikavu in eastern DRC, Panzi Hospital specializes in treating victims of extreme sexual violence, a preferred instrument of warfare in the DRC. As an illustration, 27,000 cases of sexual assault were reported in the eastern province of South Kivu alone in 2006.¹ In the previous year, Panzi Hospital admitted as many as 300 rape victims every month, many of them fistula cases.² Fistulas are an indignity to women beyond description. Panzi is one of many hospitals in the DRC struggling to ameliorate the suffering of women who have endured an inhuman level of violence.³

In telling you these stories, I want to talk to you about the gruesome reality civilians caught in situations of armed conflict face every day.

Killing and Maiming Women and Children

The carnage of armed conflict has exacted a gruesome toll on civilians, as state forces, armed groups, and militias have ignored the protections granted to the most vulnerable members of society. In my work as UN Special Representative on Children and Armed Conflict we monitor six grave violations against children in war time- the killing and maiming of children, sexual violence, recruitment and use of children as child soldiers, abduction, denial of humanitarian access and attacks on schools and hospitals.

Let us begin with killing and maiming. The following incidents illustrate this alarming dynamic with regard to the killing and maiming of women and children.

- UNICEF estimates that more than 2 million children have been killed in the context of armed conflict around the world, another 6 million have been permanently disabled or seriously injured, and more than 1 million have been orphaned or separated from their families.⁴
- 8 – 10,000 children are killed by landmines every year.⁵
- Hundreds of thousands of cluster bombs left in Lebanon in 2006 pose a tremendous risk to children.⁶

¹ Jeffrey Gettleman, "Rape Epidemic Raises Trauma of Congo War," *The New York Times*, 7 October 2007, <http://www.nytimes.com/2007/10/07/world/africa/07congo.html>.

² Rod Nordland, "More Vicious Than Rape," *Newsweek*, 13 November 2006, <http://www.newsweek.com/id/44653>.

³ Rod Nordland, "More Vicious Than Rape," *Newsweek*, 13 November 2006, <http://www.newsweek.com/id/44653>.

⁴ UNICEF, "Children in Conflict and Emergencies," http://www.unicef.org/protection/index_armedconflict.html.

⁵ UNICEF, "Children in Conflict and Emergencies," http://www.unicef.org/protection/index_armedconflict.html.

Killing and maiming women and children, in direct contravention of international humanitarian law, is a tactic often used by governments and non-state armed groups to strike terror in the hearts of the civilian population. It is usually associated with military strategies related to ethnic cleansing or ethnic retaliation. Even in non-ethnic wars civilians are not spared. When military targets are near civilian centres, the killing of women and children is euphemistically called “collateral damage.” There is also the phenomenon where armed groups use women and children as human shields to protect combatants and to divert the attention of attacking troops. In these so-called “new” internal wars, the fundamental international legal premise of separating civilian from combatant is increasingly observed only in the breach.

Terrorism and counter-terrorism also involve tactics that harm women and children. Terrorists are called as such because they leave bombs and explosives in civilian areas with civilians as the direct target. Counter-terrorism is also increasingly posing painful dilemmas. While in the past terrorism elicited a primarily police response, today there is a belief that draconian military action is justified in the face of terrorist action. If a suspected terrorist is in a home, some believe that bombing that home and killing the wife, the children, and the grand parents is justified. One of the aftershocks of that terrible day September 11th 2001 was the failure to include international humanitarian law in the discourse on fighting terrorism. It is imperative that we struggle to reintroduce it so that the centuries of international deliberation and consensus after two terrible wars are not lost to us altogether.

Sexual Violence

During wartime, another common feature is sexual violence directed at women and children, and sometimes men and boys. Amnesty International reports that more women and girls die every day as a result of SGBV, including the use of rape as a weapon of warfare, than by any other human rights violation. The following statistics and vignettes help to illustrate the scope and severity of sexual violence in armed conflict:

- Sexual abuse of women and girls by rebels in Cote d’Ivoire has taken the form of rape, gang rape, sexual assault, forced miscarriage, and forced incest, and has been accompanied by violent acts such as beating, torture, killing, mutilation, and cannibalism. In several instances, women were raped with pieces of firewood.⁷
- Approximately 500,000 women were raped in Rwanda during the 1994 genocide, a number which includes every female adolescent survivor.⁸
- Between 215,000 and 257,000 women and girls in Sierra Leone may have been affected by sexual violence.⁹

⁶ United Nations General Assembly, “Report of the Special Representative of the Secretary-General for Children and Armed Conflict,” 13 August 2007, A/62/228,

<http://daccessdds.un.org/doc/UNDOC/GEN/N07/457/60/PDF/N0745760.pdf?OpenElement>, p. 18.

⁷ Human Rights Watch, “My Heart is Cut: Sexual Violence by Rebels and Pro-Government Forces in Cote d’Ivoire,” August 2007, <http://hrw.org/reports/2007/cdi0807/cdi0807web.pdf>, p. 23.

⁸ Human Rights Watch, “Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath,” September 1996, <http://www.hrw.org/reports/1996/Rwanda.htm>.

⁹ Physicians for Human Rights, “War-Related Sexual Violence: A Population-Based Assessment,” 2002, <http://physiciansforhumanrights.org/library/documents/reports/sexual-violence-sierra-leone.pdf>.

- More than 20,000 women were raped as part of the ethnic cleansing campaign in Bosnia-Herzegovina in the mid-1990s.¹⁰

Women and girls are affected by war in different ways. Firstly, they are direct victims of such violence, either being killed, raped or mutilated during the conflict. This phenomenon reached unacceptable proportions in the 1990s, and the wars in Bosnia-Herzegovina and Rwanda produced strong provisions on sexual violence in the International Criminal Court, and important prosecutions before the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. The judgments by the Tribunals have created important precedents with regard to international legal action and will hopefully serve as some form of deterrence in the future.

Women and girls are affected in other ways during armed conflict. Over 80% of refugees and IDPS are women and children. Women and children become so vulnerable that they are easily trafficked to destinations for unlawful, exploitative activities. In deeply, patriarchal societies, female survivors of conflicts are often widows at the receiving end of sexual harassment and gender discrimination, eking out a pauper's life. Finally, some young women become combatants. They are often abducted, but some join voluntarily, either out of poverty or drawn in by the romance of heroism and the search for a political cause. These women then often avoid or are neglected in official demobilization processes, especially in cases in which they may have been both combatant and "wife" within the ranks of armed groups.

Denial of Humanitarian Access

Humanitarian access to affected populations is crucial in situations of armed conflict. Civilians denied humanitarian assistance are left to fend for themselves without adequate food, shelter, or healthcare. The targeting of humanitarian personnel, an absolutely unacceptable practice, has become an increasingly prevalent practice in armed conflicts.

- In 2004, UN agencies were denied access to an estimated 10 million people in need of assistance and protection.¹¹
- In Chad, the Secretary-General reported that the theft of 118 humanitarian vehicles by armed persons in 2006 seriously deterred humanitarian efforts.¹²
- In Darfur, 64 humanitarian vehicles were hijacked or stolen, 132 humanitarian staff persons were temporarily abducted at gunpoint, 35 relief vehicles were ambushed and looted, and aid agencies were forced to suspend operations and relocate staff due to security concerns 15 times between January and July 2007.¹³

¹⁰ UNIFEM, "Issue Brief on Violence,"

http://www.womenwarpeace.org/Portals/0/Documents/violence_archive.pdf.

¹¹ United Nations Security Council, "Report of the Secretary-General on the protection of civilians in armed conflict," 28 November 2005, S/2005/740,

<http://daccessdds.un.org/doc/UNDOC/GEN/N05/610/43/PDF/N0561043.pdf?OpenElement>, p. 3.

¹² United Nations General Assembly, "Report of the Special Representative of the Secretary-General for Children and Armed Conflict," 13 August 2007, A/62/228,

<http://daccessdds.un.org/doc/UNDOC/GEN/N07/457/60/PDF/N0745760.pdf?OpenElement>, p. 19.

¹³ Human Rights Watch, "Darfur 2007: Chaos by Design: Peacekeeping Challenges for AMIS and UNAMID," September 2007, <http://hrw.org/reports/2007/sudan0907/sudan0907web.pdf>, p. 20.

One consequence of obstructed humanitarian access is malnutrition and hunger. The creation of hunger and famine by attacking food supplies, livestock, and health facilities is a specific tool of violence visible in many contemporary armed conflicts.

- Ongoing violence and the displacement of hundreds of thousands of Iraqi people have made the delivery of monthly food rations to needy families very difficult. According to UNICEF, about 1 in 10 children under 5 are underweight and 1 in 5 are short for their age.¹⁴
- Approximately 10,000 children are severely malnourished and at risk of death in the Lower and Middle Shabelle regions of Somalia as food prices have sharply increased and violence has hindered humanitarian access.¹⁵
- In Southern Sudan, inadequate attention to the nutrition status of adolescents at point contributed to mortality rates above 20 per 10,000 people per day.¹⁶

Abduction of Children

To terrorize civilians and fill their ranks, parties to conflict have often taken to kidnapping children. In Uganda, 25,000 children have been abducted since the onset of the conflict. This epidemic of kidnapping has given rise to the phenomenon of night-commuting, wherein women and children move from town to town during the night to avoid abduction. There were approximately 44,000 night commuters in 2004. The situation has eased to some extent as a result of the current Juba peace talks.

- In Nepal, 79 mass abductions of children were documented between August 2005 and September 2006.¹⁷
- In eastern Chad, girls as young as 12 years of old have been abducted and forcibly married.¹⁸
- In Sri Lanka, there were 237 reported cases of children abducted between November 2005 and October 2006.¹⁹

Recruitment and Use of Boys and Girls as Soldiers

¹⁴ United Nations Office for the Coordination of Humanitarian Affairs, "Iraq: Malnutrition among under-fives," IRIN, 5 March 2007, <http://www.irinnews.org/Report.aspx?ReportId=70509>.

¹⁵ United Nations Office for the Coordination of Humanitarian Affairs, "Somalia: Malnutrition increases as humanitarian emergency worsens in the Shabelles," IRIN, 1 November 2007, <http://www.irinnews.org/Report.aspx?ReportId=75099>.

¹⁶ United Nations General Assembly, "Report of the Special Representative of the Secretary-General for Children and Armed Conflict," 13 August 2007, A/62/228, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/457/60/PDF/N0745760.pdf?OpenElement>, p. 20.

¹⁷ United Nations Security Council, "Report of the Secretary-General on children and armed conflict in Nepal," S/2006/1007, 20 December 2006, <http://daccessdds.un.org/doc/UNDOC/GEN/N06/666/94/PDF/N0666694.pdf?OpenElement>.

¹⁸ United Nations Security Council, "Report of the Secretary-General on children and armed conflict in Chad," S/2007/400, 3 July 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/390/23/PDF/N0739023.pdf?OpenElement>.

¹⁹ United Nations Security Council, "Report of the Secretary-General on children and armed conflict in Sri Lanka," S/2006/1006, 20 December 2006, <http://daccessdds.un.org/doc/UNDOC/GEN/N06/667/18/PDF/N0666718.pdf?OpenElement>.

The abduction of children is usually associated with the recruitment and use of children as child soldiers. This disturbing phenomenon has rapidly escalated since the end of World War II. One reason for this trend is the proliferation of small arms and light weapons. It usually takes a child forty-five minutes to learn how to use an AK-47. During other wars, children found it difficult to carry weapons of such severity, but today they can easily master weapons that have terrific destructive potential. In addition, children are supposed to have an under-developed “death concept” and are therefore fearless in the face of combat. Young people and children are also drawn to the romantic idealization of the warrior-hero carrying his gun and earning respect. For this and other reasons, we are faced today with the phenomenon of child soldiers, mainly boys but also girls. While global awareness of the child-soldier problem has made enormous strides in the last ten years, far too many children are still participating in hostilities as combatants. The UN estimates that more than 250,000 children are participating actively in hostilities in 30 armed conflicts worldwide.²⁰

Let me tell you the story of Moi, who I met in Northern Uganda. Moi was eleven years old and playing with his best friend when LRA rebels came to his house and abducted both of them. Along the way back to the camp they were made to act as porters and carry goods looted from the village. His best friend slipped and broke his leg. The rebel leader then shot his friend in the head for being weak. Moi went on to become a child soldier and was often injected with a mixture of marijuana and cocaine so that he would be ruthless in combat. He was made to raid the very villages that he played in as a child. Finally, around 2006, he ran away and came to a UNICEF-sponsored programme. When I met him, he was waiting for his father who was being traced by UNICEF. He looked at me and quietly asked “What am I to do Madam? All I know is how to fight.”

However, it is not only abducted children that fill the ranks of armed groups. Some children join of their own volition, because of either poverty, revenge, or wrong done to a family member, or because of a political cause and the heroic death of a warrior. Either way, the vulnerability of children is exploited by adults for short-term political and military gain. This betrayal of trust, whereupon adults turn children into fighting machines, is the starting point for a discussion of the recruitment and use of children as a war crime. It is fitting to note that the first case the ICC has decided to prosecute is that of Thomas Lubanga, for the recruitment and use of child soldiers.

Attacks on Schools and Hospitals

Increasingly, we are being faced with the disturbing phenomenon of attacks on schools and hospitals, once-hallowed sites under international humanitarian law. Though they should be protected safe havens for children, schools and hospitals are becoming targets of violence in armed conflict. Children’s livelihood, health, and well-being are severely impacted when schools and hospitals are damaged or destroyed.

²⁰ Office of the Special Representative to the Secretary-General for Children and Armed Conflict, “Situations of concern,” <http://www.un.org/children/conflict/english/conflicts2.html>.

- In 2006, attacks on schools and hospitals as a strategy of targeting the civilian population took place in the CAR, Côte d'Ivoire, the DRC, Israel, Lebanon, Nepal, the occupied Palestinian territories, Sri Lanka, and Sudan.²¹
- On the morning of 23 April 2007, the SOS Hospital in Mogadishu was struck at least 3 times by rockets fired by Ethiopian forces. One round hit the hospital's children's department, destroying one room and damaging another.²²
- Over 100 bombing, arson, and missile attacks against educational facilities took place in Afghanistan in the first half of 2006, and approximately 105,000 children were denied access to education because of insecurity.²³

Attacks on schools are also disturbing because they are often supported by intolerant ideological visions. In some parts of the world, teaching science, math, and other secular subjects is seen as immoral. Even in the West, there are individuals who want to teach creationism or other religious beliefs instead of accepted science. But in other parts of the world, this tension leads to violence. In Afghanistan, any school that is not a madrasa is seen as a target; no matter how many children and teachers are killed, the attacks continue. The same is true in southern Thailand. Education itself – what we teach and how we teach – is becoming a contested terrain, and this poses important challenges for the future.

Internal Displacement

To crush opposition and consolidate territory, armed groups forcibly displace civilians from their homes, communities, and countries, leaving women and children without adequate food, shelter, or health care.

- The Internal Displacement Monitoring Centre estimates the existence of roughly 24 million IDPs around the world.²⁴
- According to the UNHCR 2006 Global Trends report, there are approximately 9.9 million refugees around the world – the highest number in five years.²⁵
- Nearly 2.3 million Iraqis, more than 83% of them women and children, have fled their homes but remain inside the country's borders and are in urgent need of basic care, according to the Iraqi Red Crescent.²⁶

²¹ IDMC, "Internally displaced children," [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/28E0FA48E03EA9D2C12572BF003DE704/\\$file/Global_Overview_2006_Children.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/28E0FA48E03EA9D2C12572BF003DE704/$file/Global_Overview_2006_Children.pdf).

²² Human Rights Watch, "Shell-shocked: Civilians under Siege in Mogadishu," August 2007, <http://hrw.org/reports/2007/somalia0807/somalia0807web.pdf>, p. 57.

²³ United Nations General Assembly, "Report of the Special Representative of the Secretary-General for Children and Armed Conflict," 13 August 2007, A/62/228, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/457/60/PDF/N0745760.pdf?OpenElement>, p. 18.

²⁴ IDMC, "Global Statistics," December 2006, [http://www.internal-displacement.org/8025708F004CE90B/\(httpPages\)/22FB1D4E2B196DAA802570BB005E787C?OpenDocument&count=1000](http://www.internal-displacement.org/8025708F004CE90B/(httpPages)/22FB1D4E2B196DAA802570BB005E787C?OpenDocument&count=1000).

²⁵ United Nations High Commissioner for Refugees, "2006 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons," 16 July 2007, <http://www.unhcr.org/statistics/STATISTICS/4676a71d4.pdf>, p. 4.

- Currently, there are approximately 2.2 million IDPs in Darfur. Since January 2007, 160,000 people have been newly-displaced.²⁷

Internally displaced people live at the mercy of aid agencies and humanitarian workers. In camps run by very efficient aid organizations, the IDPs live a secure life with their minimum necessities met by these overstretched agencies. In other camps run by less- efficient organizations, rising levels of malnutrition, lack of proper sanitation, no schools for the children and no medical facilities create an appalling situation. Sometimes people spend a lifetime in a refugee camp. The Palestinian children I visited in Shatilla camp in Lebanon never knew any other life. They live in cramped conditions with minimum facilities, though UNRWA does the best it can. With no employment opportunities, they drop out of school early and provide a ready pool of angry young men for anyone who wishes to exploit their bitterness. In other parts of the world, armed groups recruit from the camps. In fact, research has indicated that if camps are securely guarded, child recruitment decreases. The camps also become sites for alcoholism, domestic violence, and drug trafficking – creating a captive population that is often living without hope.

Once out of the camp, women and children are not always better off. Women whose husbands have been killed as a consequence of armed conflict face extraordinary hardships in their struggles to live on their own with limited economic means and educational opportunities and little support from society.

In Afghanistan, a country of 20 million in which approximately 1 million are widows, the situation of women is acutely bleak. Afghan widows cannot inherit their husband's property and nearly 94% of them are unable to read or write.²⁸ Without their sole provider, women have incredible difficulty providing income, shelter, and food for their children. An Afghan woman named Shaima describes her harrowing choice:

- “We had no means to feed ourselves and two of my children died of hunger. When I saw that my other children were also close to dying, I had no other choice but to sell two of my children to a childless neighbor for 150,000 Afs (under their old currency, the rough equivalent of \$30). They were crying when they took them away, and I fell unconscious. However, with the money I made, I was able to feed my other children...I regret that I lost four children because of poverty and I know that without [the CARE] ration, none of us would be alive.”²⁹

II. International Frameworks of Protection

Though the situation on the ground clearly shows that much more must be done to ensure the safety and security of women and children, I must emphasize that significant steps have

²⁶ Lauren Frayer, “Iraq: Nearly 2.3 million displaced,” *Time*, 5 November 2007, <http://www.time.com/time/world/article/0,8599,1680609,00.html>.

²⁷ Human Rights Watch, “Darfur 2007: Chaos by Design – Peacekeeping challenges for AMIS and UNAMID,” September 2007, <http://hrw.org/reports/2007/sudan0907/sudan0907web.pdf>, p. 37.

²⁸ Deborah Zalesne, “The Gendered Politics of Water: Stories of Afghan Widows,” *Beyond the 11th*, <http://www.beyondthe11th.org/Gendered%20Politics%20of%20Water.pdf>, p. 2.

²⁹ Deborah Zalesne, “The Gendered Politics of Water: Stories of Afghan Widows,” *Beyond the 11th*, <http://www.beyondthe11th.org/Gendered%20Politics%20of%20Water.pdf>, p. 6.

been made to ameliorate the suffering of the vulnerable and end the impunity of human-rights violators. The following international standards and principles comprise the normative framework which protects non-combatants in armed conflict.

Standards and Instruments of Protection

- Relevant provisions of the Geneva Conventions of 12 August 1949, which protect non-combatants in inter- and intra-state armed conflicts.
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which establishes the basic rights of all women.
- The Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict, which has been either ratified or acceded to by 115 countries.
- The 1998 Rome Statute of the ICC, which criminalizes grave violations including rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, attacks against school and hospitals, pillaging, and the conscription, enlistment, and use in hostilities of children under the age of 15.
- The Paris Principles on the recruitment and use of child soldiers
- Security Council Resolution 1325, which specifically addresses the impact of war on women and women's contributions to conflict resolution and sustainable peace.
- Security Council Resolution 1612, which calls for the establishment of MRM and the creation of a SC Working Group on CAAC.

Progress in Ending Impunity

In addition to the establishment of legal instruments and norms, the international community has begun to make progress in ending impunity on the ground. The following examples illustrate the inroads made by tribunals like the ICC and the Special Court for Sierra Leone in holding violators of human rights and IHL accountable for their heinous crimes.

In March 2006, Thomas Lubanga Dyilo, founder and leader of the Union of Congolese Patriots in Ituri, DRC was indicted by the ICC for commission of war crimes, conscription and enlistment of children under the age of 15 and the use of children as active participants in hostilities.

In June 2006, Charles Ghankay Taylor, former president of Liberia, was transferred from the Special Court of Sierra Leone to the Hague and now faces 11 counts of war crimes and crimes against humanity, including conscription or enlisting children under the age of 15 years into armed forces or groups and using them to participate actively in hostilities.

In October 2005, the ICC issued arrest warrants for 5 senior members of the Lord's Resistance Army, including its leader Joseph Kony, who is charged with 33 counts of war crimes and crimes against humanity including the forcible enlistment and use of children under 15 years of age in hostilities.

The Special Court for Sierra Leone convicted and sentenced Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu, 3 former leaders of Sierra Leone's Armed Forces Revolutionary Council, and Allieu Kondewa of the Civil Defence Forces militia, for the recruitment of children.

Germain Katanga, commander of the Patriotic Resistance Force in Ituri, was transferred by Congolese authorities to the ICC on 17 October 2007 and has been charged with 6 counts of war crimes, including using children under 15 to participate actively in hostilities, and 3 counts of crimes against humanity.

The ICC is seeking arrest warrants for Ali Kushayb and Ahmad Mohammed Harun for their roles in facilitating the Janjaweed's attacks on Darfur's civilian population.

On May 2007, the Office of the Prosecutor of the ICC announced the opening of an investigation in the Central African Republic based on many allegations of rape and other acts of sexual violence perpetrated against hundreds of reported victims in a short period of 5 months.

Cooperation and Commitments from Armed Groups

We have also made progress in securing commitments from armed groups to more fully comply with IHL. Under the framework of Security Council resolution 1612, armed groups have agreed to enter into action plans for the demobilization of child soldiers rather than face the possibility of targeted sanctions.

In the CAR, the Government, the Assembly of the Union of Democratic Forces rebel group and UNICEF signed an agreement in June 2007 for the release and reintegration of some 400 children associated with armed groups.

In South Kivu, DRC, the National Military Tribunal successfully prosecuted, convicted, and sentenced Major Pierre Biyoyo of the Mudundu Forty armed group for the recruitment and use of children in armed conflict.

In June 2007, the SLM/A, one of the signatories of the Darfur Peace Agreement, agreed with UNICEF the modalities for the identification and release of children associated with its forces and ongoing verification to prevent child recruitment.

In April 2007, dialogue between UNICEF and the Government of Chad led to the signature of a protocol of agreement on protecting children who are victims of armed conflict and their sustainable reintegration into communities and families.

On the Thai-Burmese border the Karen National Liberation Army has indicated a commitment to take action to ensure that no children are within its ranks and would cooperate to allow unhindered UN access to monitor and verify compliance.

In addition to these legal proceedings, the Security Council Working Group on Children and Armed Conflict is very active. It meets on a bimonthly basis and examines reports compiled by the Monitoring and Reporting Mechanisms in situations of concern, following up with conclusions and recommendations which in time could mean targeted sanction against

individuals, group or states if they do not comply. My office plays a central role in this process and co-ordinates efforts for the gathering and collating of information and to convene a UN system wide process for verification and acceptance. These reports are presented to the working group for necessary action. The Council has begun deliberations, adopted conclusions and recommendations and is in the process of considering the possibility of targeted measures against errant parties.

III. The Responsibility to Protect

I have discussed the reality civilians in armed conflict face and some of the progress we have made in the past decade to end impunity and bring grave violators of human rights to justice. It is clear, however, that much more must be done by the international community to protect non-combatants. I want to talk now about the concept of the Responsibility to Protect, an emerging norm in the international community, and its significance for women and children affected by armed conflict. To understand the significance of the Responsibility to Protect, it is first necessary to talk about sovereignty.

Sovereignty

For more than 300 years, the world has been organized as a system of inviolable sovereign nation-states, each country with its own king or sovereign. This is not the only way an international need could have developed, for in the past we were ruled by empires and dynasties. However, by the twentieth century the concept of the nation-state as the principal unit of an emerging international order was taken for granted. Since its creation, the UN has recognized this status-quo, enshrining the sovereign authority of member nations in Article 2 of the UN Charter. Thus, the primacy of sovereignty and the principle of non-intervention – the notion that no state has the authority to interfere in matters within the physical borders of another state - have been intensely protected.

The principle of sovereignty has only been challenged by a more recent development in international jurisprudence - the concept of human rights. Drawn from older principles regarding the protection of aliens and based on the democratic charters of western democracies, human rights, with an effective input from the Soviet era on economic, social and cultural rights, has now emerged as a primary challenge to the doctrine of sovereignty. The elevation of the Human Rights Council to one of the principal organs of the United Nations has made this even more meaningful, though the actual deliberations of the Council have given some people reason for concern. The human rights principle basically recognizes the duties that states have toward their citizens; duties that, though they may have resonance with internal standards, are also grounded in international law and international jurisprudence. Human rights principles then present the possibility of piercing the veil of the sovereign to protect the rights of individuals and groups living within the states.

The thrust toward one international standard for the treatment of human beings parallels another development - the phenomenon of globalization. Today, the forces of globalization are placing unprecedented pressure on national sovereignty. The swift spread of internet and communications technology, quickening movement of peoples across borders, cross-cutting media channels, accelerating urbanization and environmental change, and proliferation of non-state actors has made every nation's efforts to regulate and control its internal affairs a greater burden to bear.

A Right to Intervene?

International human rights and norms then raise the concern as to what the international community should do if these norms are not complied with and are systematically violated by member states. The catastrophic harm caused to civilian populations in Somalia, Rwanda, Haiti, Bosnia and other countries in the 1990s sparked a new imperative for intervention in the name of collective peace and security. Intervention, however, has always been a hotly-contested concept. The humanitarian impulse to protect civilians has met with stiff resistance from many states in the Global South who recall that imperialism has often been couched in humanitarian terms in the past. For many states, susceptible to civil unrest and struggling to stay afloat in the turbulent waters of the global economy, sovereignty has become a line of last defense.

For others, the notion of sovereignty as a defense for the prerogative of the nation-state does not mesh with the emerging view of sovereignty as a responsibility. As Louise Arbour said in a recent lecture in Ireland, the international community now recognizes a duty of care toward civilians. We know that in some cases sovereignty has been used by tyrants and dictators as a shield to conceal the abuse and neglect of their own populations. In other situations, we must share the blame, as the international community has pretended that governments that have lost control of their borders and the capability to provide positive political goods to their citizens should still be regarded as fully-functioning political entities. Our failure to confront this reality and hold all states to the responsibilities of statehood has cost the lives of countless innocent civilians. These failures led to the clamour for the notion of sovereignty as responsibility reinforced by an international duty of care.

The nature of violence against non-combatants in Somalia, Rwanda, Bosnia, and Kosovo fundamentally altered the international community's complacency toward the internal affairs of other nation-states. Horrific atrocities and human rights could no longer continue behind closed doors. There is an emerging consensus that, to enjoy the privileges of sovereignty, states must also accept its obligations. Today, the notion of state sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself. But where it fails, the international community must act.

The Responsibility to Protect

At the World Summit in 2005, world leaders accepted the doctrine of The Responsibility to Protect and called on the United Nations to operationalise this concept.

Paragraphs 138 and 139 of the World Summit's Outcome Document flesh out the concept further:

“Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance

with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity...”

This is an important step forward, one that those of us working in the field of women and children were the first to welcome. The doctrine recognizes that states bear the primary duty of responsibility to protect their citizens, and accepts that if States fail in that duty, the international community has a corresponding duty to act. The Responsibility to Protect – R2P, as it is called - is intended to bolster state sovereignty by drawing attention to its full implications. The doctrine must be rooted in human rights and humanitarian law but calls upon the notion of state sovereign responsibility.

In operationalising this concept, we must also clarify what we mean by intervention. Some have a narrow reading, wherein the doctrine is one of military intervention. This is a mistake. In actuality, capable states are obligated to exhaust all other preventive means before deciding whether or not to consider military intervention. In addition, there must be a commitment to peace-building, and states must play an active role in the reconstruction of the state and civil society following the end of hostilities. The following are the three essential elements of R2P:

The Responsibility to Prevent: Prevention is the single-most important dimension of the Responsibility to Protect. The purpose of prevention is to address the root and immediate causes of internal conflict and other man-made crises placing populations at risk. Prevention options should always be exhausted before intervention is considered. More commitment and resources must be devoted to preventive measures. This implies setting up early warning systems, and concerted diplomatic engagement with the country concerned. These are crucial to preventing the conflict from escalating. The Secretary General has appointed Mr. Edward Luck as his special advisor on the Responsibility to Protect. His main task is to set forth this process of clarifying definitions and establishing systems of information-gathering and preventive intervention.

The Responsibility to React: If measures to prevent violence and the commission of atrocities have failed, the international community must react swiftly and appropriately. The notion of reaction provides that states will respond to situations of compelling human need with appropriate measures which may include active diplomacy, robust peacekeeping and where necessary coercive measures like targeted sanctions, international prosecutions, and in extreme cases, military intervention.

The Responsibility to Rebuild: After an intervention, states must contribute full assistance with recovery, reconstruction and reconciliation programs, addressing the causes of the harm the intervention was designed to halt or avert

Why Humanitarian Intervention Must be Multilateral

The sine qua non of humanitarian intervention of any kind is international legitimacy. To be deemed legitimate, a campaign to protect civilians must be multilateral. The events in Iraq must underscore the problems of legitimacy if unilateral action is taken without either a

regional or international consensus. If indeed an intervention has humanitarian overtones, the final result must convince us that there has been a proper legitimate process. Scores have died there and protection concerns are now even greater. A unilateral intervention, no matter how altruistic its intent, will be viewed as an act of self-interested imperialism if it is not sanctioned by a regional organization or the United Nations on behalf of the international community.

It is for this reason that international processes for peace and security have to be strengthened, especially the Security Council. This means not only an expansion of membership so that the Security Council better represents the diversity of the world, but also an expansion of the ways and means of decision-making - so that it can act effectively and responsibly. One important factor will be the development of a comprehensive "toolkit", listing all the possible types of engagement that are related to the responsibility to protect so that the full array of measures short of military involvement can be taken if intervention under the Responsibility to Protect is necessary.

III. The Road Ahead: Collective Responsibility

The international community often speaks about the Responsibility to Protect, but it consistently fails to live up to its obligations. Summoning political will remains the main obstacle to converting R2P from an emerging norm into a concrete program of action. In many ways the world is at a crossroads. In all our societies, including the most modernized ones, there is a call to look inward, to become parochial and suspect everything that is global. This takes different forms, whether it is Islamic fundamentalism, Hindu nationalism, or being a "red" state in the United States of America. Though the need to celebrate the local is welcome, it can only be sustained if it interacts healthily with the global. Gone are the days when we could hide away "in the wild." Media forces, market forces, and even civil society forces penetrate all our boundaries. We have no option. As we have to embrace the global, the best we can do is to help fashion it in our best interest. As someone who has been advocating for women's rights and children's rights for over two decades, I must work toward ensuring that doctrines like the responsibility to protect are implemented today and have a vibrant tomorrow.

As I speak to you, I remember this young Palestinian boy. His father was killed, he had lived a lifetime in a refugee camp, he had to go through a wall to go to school, his head was filled with diverse conflicting emotions, and yet he was playful. And at the end of our conversation he sidled up to me with a grin and said, "Madam, why does the UN talk so much and do so little?" I hope the international community's implementation of concepts like the Responsibility to Protect in a fair and responsible manner will enable me to return to Palestine and face that young man again.