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Interview with Marta Mauras, Chief, Africa Section, UNICEF New York; Background to Mozambican involvement in the Convention; Meeting in Lisbon 1988; African Reactions to SEE ITEMS FOR MORE INFORMAIION

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New York

1 November 1989

Has been with UNICEF since Dec 1974. In Latin America, then Pakistan, went to Mozambique in 84. Saw some hard times there, but you felt you could do something. Samora Machel most unusual person (see later parts of interview)

UNICEF didn't picture itself until very recently as an organization that had to do with children's rights. Understanding of children's rights was in a very formal way, almost as a sector rather than as a holistic concern.

This whole thing of a new ethic for children, the idea that societies need to have children as a priority, constantly being reminded of need of children--this is relatively new, and probably has been triggered by work on the Convention recently.

From point of view of person who got at it while still in the field, it was probably '87 when I first heard of it.

No, take that back. Had heard of it earlier from "Mafalda". Do you know Mafalda? Creation of Latin American, Argentinian cartoonist--a little girl who is something like Charlie Brown. She reflects about the world and social issues. When the Rights of the Child were adopted, as a Declaration, Victor Soler-Sala, who was in Colombia at that time, got Quino (the cartoonist) to do something on the Declaration of the Rights of the Child. There is a wonderful poster on the ten rights. This was for IYC. This was Victor's initiative as rep in Colombia.

This was first time I heard about this within the UNICEF context. But never heard about it again until Marjorie and Kimberly brought it up and realized it was important for UNICEF. I think it was those two women. They have done a lot of work in the last three years.

Mozambican involvement in Convention--background

Because UNICEF Mozambique had been so involved in the question of war and children as victims of war. I was the focal point for putting together Children on the Front Line. This raises these issues in terms of needs, not so much as rights, shows how war made it impossible to meet children's needs.

PHS: Very important, because it was one of the first times that U spoke out on an issue that had such political implications, but it had clear impact on children.

MM: Because of Ch on Fr Line, Kimberly asked me in early 87 to start working and seeing how in the Moz'n context, with the Govt, we could move the Convention forward. It wasn't a very formal thing. Mr. Grant had not taken a

decision, don't think, in fact I think he was against it. We would support this group, DCI, precisely because we didn't want to be directly involved ourselves. We got a very credible NGO to do the frontline work for us.

July 1987 - Mary Racelis (who was also instrumental in this), together with others in the regional office, esp representatives in countries with war situation--Mozambique, Ethiopia, Angola, etc.--called conference in July 87 in Nairobi. ANPPCAN organized it. U and Radda Bärnen supported it. This was first time that U was quite openly after front line bringing people together to talk about children and war, violence. First time to get this involved openly. Objective: to get more people aware of effects war and conflict were having on children.

The draft Convention was one item on the agenda. This was first time we looked at draft Convention as an instrument that would help us at the country level.

We met people like DCI, Amnesty International, rep of UNHCR, people dealing with human rights there who thought maybe they should think of children in this regard, too. Red Cross, etc.

When we came back to our respective countries, that is the time when I decided, yes, we needed to do much more on the Convention.

I contacted the Ministry of Justice first. Not much response. Then contacted the Min of Edn. Had to explore to find a sympathetic ear within the Govt. This took 6 - 8 months. Therefore momentum really began in early 88.

Moz'n Govt involvement

Thanks to the interest expressed by the widow of Samor Machel, who was the Minister of Education... She is very concerned about children's rights and general well-being.

In 87 we had been trying to work out a program for children who were victims of war, U working with the Min of Edn on this. In these months of work--trying to see how it would articulate with schools, etc. and with welfare--all this thinking prepared the way for us to move into this issue of the Convention. It allowed us to air the tricky questions...

For example, the whole question of children participating in war. Had we not been so openly involved with the Govt on children in war, established out credentials, legitimized our concern on this...we would probably not have been able to establish a dialog with the Govt on this. But the doors were open to us because of the Min of Edn and Mrs. Machel.

Early 88

Moz did a very good thing: they formed an inter-sectoral group to reflect on the Conv. It included university professors, Min of Jus and Min of Health, Edn, Attorney General's office. They started getting together because we told them, "You must get involved when this comes to the General Assembly for adoption, but it is important for developing countries to be involved also in the drafting, so that you are prepared for adoption and ratifying and so you can influence what goes into the draft text."

They devoted much time and did a very serious job. Moz govt sent reps to two meetings in Geneva, Nov 88, Informal Consultation and W.G. I think it was the Chairperson of this Governmental Task Force who went.

Meeting in Lisbon for Portuguese speaking countries

Then in early 88 there was a meeting that Victor organized. He was in Geneva then. Meeting sponsored by Gulbenkian Foundatin (which works with ex-Portuguese colonies). Portuguese-speaking countries brought together to prepare for Convention.

Two things important: they could do it in their own language
they have common historical background and concerns

African reactions to Convention: Moz and Swaziland compared

In Mozambique, UNICEF was putting time and money into this and Govt very active.

PHS: Unusual to find this much national involvement at this early stage.

MM: This was partly a function of the Moz Govt, which was very serious and devoted. When they decided that this was important, and when it was cleared by the Party, they did devote time to it.

MM was also U rep for Swaziland at same time. Very different situation there. Different system of Government, Swaziland dependent on South Africa.

Issue of children's place in that society--you knew the Convention was just not going to float.

Tradition is so important there. There is a Ministry for the Preservation of Tradition. Minister is an elder, very respected. He sits in the cabinet, which is all men. They have a system of chiefs, this is the formal Government. It links the chiefs right down to the village level. King has many wives, new one each year, so half the population in this small society is linked to the king by blood. This is a way of ruling.

Only if you could get through to that establishment could you get things like the Conv even looked at in a serious way. Perhaps if we had had more staff or time to work on this there, but....

Plus, there were things in Swaziland that ...you probably would have to work with two or three individuals for many years, gain their confidence: the King, the Queen mother, the Minister of Tradition. Queen Mother is the supreme keeper of tradition. She can overrule the King (her son) on matters of tradition. Example: once there was a bad harvest, and she ruled that no one could take a morsel of food or a drop to drink for 24 hours--including breastfeeding babies! It was that firm. It is very difficult to penetrate.

Place of children in African Society

MM speaking now about southern Africa, part she knows.

Children very important in African culture, more important than women for example. Question of girls being more important than boys...there are degrees, but generally boys more important.

In most African societies, families don't consider children as full human beings until they are one year old or beyond the age when they are likely to die. There is not much investment in them in terms of affection, care and even death of very small child is considered almost normal. They are almost expected to die.

This is not to say that children are not important, but relative importance in society varies.

Convention and traditional justice

If it is seen only as a formal instrument of the law, it probably won't relate to the majority of the people. There will need to be lots of adaptation.

The important work is to convert the Convention into a set of principles that will penetrate the traditional societies and values and the ways of doing justice.

Based on traditional ways of doing justice in Moz, FRELIMO introduced people's courts or tribunals. Women and men participate equally. Most minor disputes are settled by these people. Don't know if there is a formal legal code. It is a way that Govt found, a) to allow a democratic based for justice, and b) also because they were not ready with a Constitution, a legal code and fully adequate judges, etc. and they won't have them for some time, like doctors.

People's tribunals will be there for a long time. Their code of justice needs to be influenced by the Convention. This probably applies to most Govts in Africa, where there is often a parallel traditional system with the modern Government.

PHS: Sounds as if Moz is really quite advanced in its thinking about the Convention, taking it more seriously perhaps than some countries that are prepared to ratify without thinking too much about what that means in terms of implementation.

MM: This Moz'n working group or task force-- their terms of reference were to examine the draft Convention in terms of what were the implications for them and how much they could support it or not, and how they would propose to modify it if necessary. They did propose some modifications, I believe.

There were implications for all of southern Africa, apartheid, etc. I think there were regional consultations. Moz is part of Southern African Development Conference (SADEC?)

More meetings

UNICEF sponsored a symposium of artists in Harare in mid 88. Rallied them around "Children on Front Line". Didn't look at Convention at that meeting, formally. This was more trying to bring to consciousness of these people the situation of children in the front line states.

Earlier, in March 88, there had been a meeting on Children's Rights in Southern Africa and South Africa. This was also in Harare, but not sponsored by UNICEF. Think it was organized by Scandinavian associations.

Machel

MM: I came to Moz in 84. Knew Machel well. He was brought up by Swiss missionaries. Had this sort of puritanical streak in his background, and great fervor. He was a nurse. He was given a trade. Then he became a politician and thinker with FRELIMO. He led the armed struggle in the jungle. They fought from Tanzania down, took territory in the north of Moz. But they had different tactic: tried to win the people, get the people with them. They got the people on their side. They set up services for them that had not existed up there before. Set up health posts (gave crash courses for barefoot doctors) and schools. They got people with them instead of destroying everything.

Their policy on health was very advanced. Long before Alma Ata they had very advanced health policy, they were doing ORT, vaccinations, clean water and hygiene. At Alma Ata they went with a clear cut health policy.

At independence they applied this knowledge and had one of most advanced PHC policies in Africa.

PHS (tells of hearing about Machel as refugee in Botswana--extraordinary person.)

MM: He was very overpowering person. To be around him 24 hours a day must have been a challenge.

Mrs. Machel is no longer Min of Education but has remained interest in children. She is being asked by UNICEF to go around African countries and work for Education Conference.

MM's views of future - U and Convention

PHS: What will it mean in Africa, in programming?

MM: Conv provides us with clear framework for action. It sets it out in black and white. It forces Govts to confront the issues, those that haven't done it yet. At some point each Govt will have to look and reform constitution or whatever is necessary.

In normal run of affairs, Govts will have to consider the Convention. This provides UNICEF with a framework and instrument to be used in our work.

Problem everyone is concerned about: how deeply should U be in monitoring or enforcement? We are not in a position to be the only enforcer. It should be a concern of the whole world, NGOs, other UN organizations, etc., not just UNICEF.

Therefore we should be not be trapped into a situation where if UNICEF isn't there the Conv won't be applied. We should not get ourselves into this.

Only way anybody can monitor it is by a good monitoring system--having good data. This is part of our job in any case, and we can help there.

We should not be doing the work of a DCI in terms of legal aspects, e.g., making sure that the age at which children are given paid jobs is the one it is supposed to be. But yes, UNICEF should make sure that the right of children to appropriate food is monitored. This is part and parcel of our work.

We should assume the Conv and assimilate it within our work but without establishing new and parallel structures only for the monitoring of the Convention.

Situation analysis

With regard to U programming, certainly the situation analysis can be an opportunity. UNICEF can call upon Min of Justice and others involved to analyze what is the situation of children vis à vis the Conv. Since we would do it as a collective effort--Government, NGOs, other UN agencies--we could use it in that once-every-5-year instance when the Convention is looked at squarely.

UNICEF does an analysis for all the children of a country. It is for everyone. It is supposed to serve for Governments to produce a program of action for children, of which UNICEF will only take a part. (This is the theory, doesn't always work exactly this way.) Therefore there would be an opportunity for all others who are interested in implementing the Convention to use the situation analysis to derive from it the action they would see within their mandate as necessary for implementation.

UNICEF need for expertise

As always when we get into new areas, professionally speaking, we in UNICEF have not thought out well enough what would be the technical implications of having the Convention there as an instrument, in terms of actual legal expertise in human rights, which is a specialized area. We don't have this special expertise in-house. And there are not too many specialists in children's rights, legal specialists, around, especially in developing countries.

This is to me one shortcoming. For example, to do the situation analysis. If we are going to do a good job, not all governments in developing world have the same commitment and interest as Mozambicans. You would probably require some prompting and technical assistance. Where do we get that? That is my concern.

PHS: Could UNICEF country funds go to support of this kind of expertise working on the situation analysis?

MM: This would not be such a departure. It would be a new field, but in principle not that different--look at how many economists we have employed for things like debt and adjustment.

If a Govt feels that they need this kind of expertise, I don't see that we would have a major problem with supporting that. But it is all a matter of priorities. Depends on how it is defined.

MM suggests that PHS talk to others in her section: Mogwanja and de la Haye.

PHS notes areas of consensus so far: U must not be seen as enforcer or monitor, sole monitor anyway. And U should be resource for technical assistance.

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