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CHILD SOLDIERS: RE-FRAMING THE CANADIAN ARMED FORCES APPROACH

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Exercise Solo Flight

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INTRODUCTION

The world is unfair and there are many distressing activities that take place daily around the globe; unfortunately, the use of child soldiers is one of them. If this issue is traced back to its root cause then the overarching problem is arguably widespread poverty due to the unequal wealth distribution and the subsequent vicious conflicts resulting from power struggles for limited resources. While an analysis of the origin is outside the scope of this paper, it is worthwhile to recognize that the subject of child soldiers cannot be viewed independently from larger issues of development, security, and human rights violations. It is generally acknowledged that certain conditions such as poverty and conflict disproportionately impact particularly vulnerable portions of the population like women and children and that these people deserve special protection. Although it is a sub-set of larger Human Rights issues, child soldiers are often viewed in isolation and separated from their contextual factors.

The Canadian Armed Forces (CAF) has recently published a Joint Doctrine Note (JDN) addressing the issue of Child Soldiers.¹ Not surprisingly, this policy adopts a protectionist definition of childhood based on international humanitarian and human rights law, but does not include perspectives from anthropological, developmental psychology, philosophy, or other social sciences that emphasize the importance of context. By applying a social constructivist perspective (after conducting interdisciplinary research), this paper will argue that framing the issue of child soldiers within the local cultural context that it occurs will allow for a better understanding of the agency of those youths. This paper will highlight the negative impact of applying a Western

¹ Department of National Defence. *Canadian Forces Joint Doctrine Note 2017-01 – Child Soldiers* (Ottawa: DND Canada, 2017).

perspective and how mislabelling of the problem has shaped the policy options considered. While not discounting the disproportional burdens that armed conflict places on vulnerable groups such as young children, this paper will argue that the term ‘child’ as used in the policy is too broad to be relevant for implementation and this erroneous conceptualization sets up soldiers for mental injuries after facing such opponents. The insights gained by applying this perspective will draw out some implications for CAF policy-making; these recommendations will be analyzed and summarized in the final section.

BACKGROUND

It is important to note that the concept of child soldiers is not a new phenomenon – history is replete with examples of young soldiers in conflict. During the middle ages, squires (who were knights in training) began their service as young boys. More specifically, there are several examples of child soldiers within Canadian colonial history; the celebrated British general, James Wolfe, began his military service at the age of fourteen and his French opponent, Louis-Joseph de Montcalm, started his military career at nine years old.² Canada’s first overseas deployment for the Boer war included boys as young as fourteen and Canada sent thousands of soldiers under the age of eighteen to fight in World War I.³ These are but a few examples of many that are available.

David M. Rosen has written several books and articles about child soldiers – he is a lawyer and holds a Ph.D. in anthropology. According to him “...it is clear that there are substantially fewer child soldiers in the world today than in the past. The contemporary

² Dan Black, Roméo A. Dallaire, and John Boileau. *Old enough to Fight: Canada's Boy Soldiers in the First World War* (Toronto: James Lorimer & Company, 2013), 25.

³ Ibid, 35, 50.

numbers are a mere fraction of the vast numbers of youngsters who served in the armies of yesteryear.”⁴ Those young soldiers used to be hailed as brave heroes and now they are viewed as victims.⁵ What has changed? One argument is that the historic examples were inter-state wars that were conducted by professional armies and were deemed as ‘just wars.’ In the post-Cold War era, with the rise of intra-state wars that are characterized by weak governments, the breakdown of social welfare networks, widespread poverty, and an abundance of internally displaced people (IDP), the non-combatants and children in the conflicts of today are victimized and pulled into conflict in different ways. Another explanation about what changed child heroes into victims is the narrative propagated primarily by well-intentioned human rights advocates and child developmental psychologists that portray anyone under the age of 18 as being passive, empty vessels desperately in need of adult intervention. These viewpoints play heavily into how current conflicts are framed and this concept will be explored in a later section.

By monitoring the progression of international protection for children, it is possible to see the evolution of the perception of the problem. The rights of children were originally documented in 1924 with the League of Nations *Declarations of the Rights of Children*, continued with the 1977 *Additional Protocols to the 1949 Geneva Conventions* (the original Geneva Conventions omitted specific reference to children), and declared fifteen as the minimum age for recruitment in the 1989 *UN Convention on the Rights of the Child* (UNCRC). A significant change occurred in 2000 when the United Nations (UN) General Assembly adopted the *Optional Protocol to the Convention on the Rights of the Child* which amended the 1989 treaty by raising the age of participation in armed

⁴ David M. Rosen, *Child Soldiers in the Western Imagination: From Patriots to Victims* (New Brunswick, NJ: Rutgers University Press, 2015), 174.

⁵ *Ibid*, 103.

conflict from fifteen to eighteen years old and also included coverage for non-state actors.⁶ Finally, in 2007 the UN implemented the *Paris Principles* that expanded the definition of child soldiers to include non-combat roles.⁷ Of note, none of these treaties are binding or have any significant repercussions. The only enforceable mechanism for prosecuting violations of the rights of children is the International Criminal Court (ICC) that has the authority to prosecute anyone who uses children under fifteen in either international and non-international conflicts for committing a war crime.⁸

First of all, it is important to note that child soldiers are sometimes forcibly taken from their families by armed groups and brutally treated by their captors. Certain armed groups, such as Boko Haram, even use the abduction of women and children as a tactic against Western ideology.⁹ The abduction of anyone is a crime – it denies individuals agency and cannot be reframed or viewed differently. While acknowledging the immorality of abduction, the International Labour Organization conducted a study in four Central African countries indicating that two-thirds of child soldiers were volunteers.¹⁰ This majority amount, combined with the number of children born into armed groups, will be the target group for the purposes of this paper. Secondly, child soldiers are located in at least 14 countries around the world but the African continent accounts for the

⁶ P.W. Singer, *Children at War* (Berkeley: University of California Press, 2006), 141-143.

⁷ United Nations Children's Fund (UNICEF), *The Paris Principles - Principles and Guidelines on Children Associated With Armed Forces or Armed Groups* (February 2007). Last accessed on 3 May 2017 from <https://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf>

⁸ United Nations General Assembly, *Rome Statute of the International Criminal Court* (17 July 1998), article 8(2) (e) (vii) and 8 (2) (b) (xxvi). Last accessed on 3 May 2017 from http://legal.un.org/icc/statute/99_corr/cstatute.html

⁹ Jessica Davis, *Women in Modern Terrorism: From Liberation Wars to Global Jihad and the Islamic State* (New York: Rowman & Littlefield Inc., 2017), 105.

¹⁰ Laetitia Dumas, and Michaelle de Cock, *Wounded Childhood: The Use of Child Soldiers in Armed Conflict in Central Africa* (Geneva: International Labor Office Publications, 2003), viii; David M. Rosen, "Child Soldiers, International Humanitarian Law, and the Globalization of Childhood," *American Anthropologist* 109, no. 2 (2007): 299.

majority of the known child soldiers¹¹ so a large number of examples in this paper will reference Africa, but the problem is definitely not limited to that region.

CANADIAN POLICY

The JDN on Child Soldiers is a comprehensive document that clearly outlines areas for consideration when planning and executing operations that may involve encountering child soldiers. It defines the military problem beginning with the requirement for intelligence organizations to gain an in-depth understanding of the cultural context in which an operation would occur, including understanding recruitment methods and composition of child soldiers. It further identifies the legal requirements involved with reporting and detaining child soldiers, and also provides tactical information regarding the use of non-lethal weapons and the process of demobilization, disarmament, and reintegration (DDR). Although briefly mentioned, the subjects of gaining a cultural understanding of the area and offering soldiers pre-deployment training warrant further analysis, which is the aim of this paper.

One of the most prominent advocates of child soldiers and founder of the Child Soldiers Initiative is LGen (retired) Romeo Dallaire. He summarized the training and direction to CAF soldiers as follows:

“But our peacekeepers, facing child soldiers in the field, are told that they just need to do their jobs, trust their training, keep their focus on the mission and apply the rules of engagement. *That doesn't seem to me to be all that we need to tell them.*”¹² [emphasis added]

¹¹ Tanya Zayed, and Svenja Vollmer. *E-Learning Child Soldiers and the Security Sector* (Halifax, Nova Scotia: The Roméo Dallaire Child Soldiers Initiative and United Nations Institute for Training and Research, 2014): 4. Last accessed 3 May 2017 from http://www.childsoldiers.org/wp-content/uploads/2016/07/Child_Soldiers_and_Security_Forces_ELearning-min.pdf

¹² Roméo A. Dallaire, *They Fight Like Soldiers, they Die Like Children: The Global Quest to Eradicate the use of Child Soldiers* (Toronto: Random House Canada, 2010), 185.

Then what are we not telling them? It is the goal of LGen (retired) Dallaire to switch the mindset of how Canada, and other like-minded nations, approaches the issue of child soldiers – he advocates for preventative measures rather than reactive responses and also advocates for an emphasis on a security sector response since those actors will often be the first point of contact.¹³ Of course, stopping the recruitment in the first place is quite logical and is addressed in the Canadian JDN through measures such as targeting/monitoring known hotspots for recruitment and educating armed group leaders about the war crimes (and potential consequences) they are committing. However, this approach does not address the viewpoint or impact on CAF soldiers who would be on those missions, nor does it prepare the Canadian public to understand what threats the CAF soldiers will face. It is a laudable end-point, but not a short-term method of preparing the soldiers to deploy. This paper argues that the missing information that we are not telling the soldiers (as observed by Dallaire) is that childhood is socially constructed; the contextual information has a constitutive effect regarding their youthful opponents and reframing the problem could benefit people on all sides of the conflict.¹⁴

¹³ Ibid, 208; Dr. Shelly Whitman, and Tanya Zayed. *Core Competencies for Security Sector Training on the Prevention of the Use of Child Soldiers*, (Halifax, Nova Scotia: The Roméo Dallaire Child Soldiers Initiative, 2014): 5.

¹⁴ Although it is outside the scope of this paper, there is a growing body of research that supports the argument that reframing children's rights in terms of their agency and re-labelling them as youth rather than children actually benefits the 'child soldiers' mentally by building their resilience and benefits their reintegration post conflict. See Jo Boyden, "Children Under Fire: Challenging Assumptions about Children's Resilience." *Children, Youth and Environments* 13, no. 1 (2003).

FRAMING OF THE PROBLEM

Even after years of debate, there is no universally recognized consensus regarding the definition of a child. The *Paris Principles*, in accordance with the UNCRC, have attempted to create a universal definition describing child soldiers as follows:

“any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.”¹⁵

However, this definition has yet to be adopted either as a normative standard (although it is heading that way) or in customary law. Proponents of the ‘straight 18’ argue that it is the most appropriate definition of the transition point from childhood into adulthood because that is the age when an individual becomes a political player and is old enough to vote – this regulation applies to 109 countries worldwide.¹⁶ The detractors of this viewpoint, often anthropologists, argue that a chronological data point cannot capture the various contextual elements that define societal roles. Rosen stated the following: “the chronological boundaries between childhood and youth and youth and adulthood are highly varied and rooted in the historical experience of each society and culture.”¹⁷

This quote also acknowledges another age category – rather than moving straight from child to adult, another grouping called ‘youth or adolescence’ should be included because there is a significant difference from being a child to being an adult. The UN objective of defining everyone under 18 as a child attempts to generalize a highly

¹⁵ UNICEF, *The Paris Principles...*, 7.

¹⁶ Ann Sheppard, “Child Soldiers: Is the optional protocol evidence of an emerging ‘straight-18’ consensus?” *International Journal of Children’s Rights* Volume 8 (2000), 49.

¹⁷ David M. Rosen, “Child Soldiers, International Humanitarian Law, and the Globalization of Childhood,” *American Anthropologist* 109, no. 2 (2007): 297.

nuanced period in life. This unrefined definition makes no distinction between a 10 year old messenger and a 17 year old combat commander. Confusingly though, the United Nations Children’s Fund (UNICEF) website defines adolescents as being between the ages of 10-19 and describes them as “neither young children nor adults”¹⁸ while at the same time recognizing that these adolescents are protected by the UNCRC as being ‘children.’ The importance of including another age category becomes relevant due to the fact that the majority of ‘child soldiers’ are adolescents between the ages of 14-18.¹⁹

The field of child cognitive developmental theory studies the general period ranging from birth to adulthood but it disaggregates this data into several categories in order to better understand the implications. Jean Piaget, whose influence in this field of study has been profound, utilized four categories: infants (birth to 2 years), toddlers (2-5 years), school-age (5-11 years), and adolescents (12-17 years).²⁰ It is in final stage that Jean Piaget declared adolescents to be capable of reasoning. Firstly, it is important to note that decades ago Jean Piaget recognized the requirement for sub-categories below adulthood rather than simply childhood then adulthood. Secondly, it is also important to acknowledge that although there are recognized developmental stages, they do not necessarily occur at fixed chronological ages; Piaget recognized this point although it does not often get emphasized. When the context is incorporated, childhood can be viewed as a “shifting category that follows certain biological sequences, and responds to

¹⁸ UNICEF, “Monitoring the Situation of Women and Children – data on adolescents.” Last accessed on 3 May 2017 from <https://data.unicef.org/topic/adolescents/overview/>

¹⁹ Mark A. Drumbl, *Reimagining Child Soldiers in International Law and Policy* (Oxford; New York: Oxford University Press, 2012), 49; United Nations General Assembly, Resolution A/51/306, “Impact of Armed Conflict on Children,” Report submitted by the expert of the Secretary-General, Ms. Graca Machel (United Nations, 1996): 16. Last accessed on 3 May 2017 from <http://www.un.org/documents/ga/docs/51/plenary/a51-306.htm>

²⁰ Jean Piaget, and Barbel Inhelder. *The Psychology of the Child* (New York: Basic Books Inc., 2000): 152.

the cultural and social environment, genetic heritage, personal agency and economic and political circumstances.”²¹ Inclusion of these additional factors allows for a more flexible interpretation of what childhood means in diverse situations and breaks away from the normative, globally defined conception.

The properly labelling the categories is of vital importance because what something is called matters deeply in terms of what cognitive images are attached and what meaning is attributed. The term child conjured up ideas about fragile, dependent 7 year olds and this image shapes public perception when it comes to developing policy and in terms what soldiers dread the idea of facing as opponents in combat. Rosen, the author of several books and many articles on the topics suggests that “the very concept of the ‘child soldier’ is intentionally constructed to conflate what in the West are two antithetical and irreconcilable terms. The term ‘child’ generally refers to a young person between infancy and youth...”²² but has been expanded to continue all the way until the moment of adulthood at the age of 18; this approach is a very binary view and does not allow for a spectrum of development and experience. However, if the term ‘juvenile’ were used then this has the potential to drastically alter the approach taken by policy-makers and Western soldiers. It is imperative to understand that the terminology used in policy shapes public conversations. The field of linguistics operates “with the basic assumption that the meaning and understanding of societal phenomena, such as children’s rights, are formed in and by language use, it is necessary critically to analyse the

²¹ Jo Boyden, "Children Under Fire: Challenging Assumptions about Children's Resilience," *Children, Youth and Environments* 13, no. 1 (2003): 10.

²² David M. Rosen, *Child Soldiers in the Western Imagination: From Patriots to Victims...*, 175.

language that children's rights is couched in."²³ Admittedly, the use of emotionally charged language and propagating the image of helpless children is advantageous when mobilizing popular support for the humanitarian cause a lot more than a cognitively capable 16 year old. However, this broad categorization has unintended consequences for Western soldiers, which will be explored in a later section.

By evaluating the societal roles and responsibilities according to age groups it is clear that "adolescents occupy meaningfully different social spaces than children."²⁴ Sociologists and anthropologists alike both support the idea of the socio-cultural construction of childhood meaning that the definition of childhood cannot be separated from its context.²⁵ What it means to be a child in a Western/global north, industrialized country bears little resemblance to countries in the global south. For example, several regions within Africa have traditional rites of passage ceremonies that confer the status of adult, as well as the responsibilities, on youths between the ages of 13-15.²⁶ Some authors even posit that the discrepancy between the international Western-centric definition and the global-south definition hinders the actual implementation of intended humanitarian protection mechanisms because the local communities treat the supposed child soldiers as adults and the youths do not often identify as belonging to the child category. This socio-cultural framing also plays a role in defining the agency of child soldiers which will be discussed in the next section.

²³ Ann Quennerstedt, "Children, But Not Really Humans? Critical Reflections on the Hampering Effect of the '3 p's'." *International Journal of Children's Rights* Volume 18 (2010): 620.

²⁴ Mark A. Drumbl, *Reimagining Child Soldiers in International Law and Policy*..., 50.

²⁵ David J. Francis, "'Paper Protection' Mechanisms: Child Soldiers and the International Protection of Children in Africa's Conflict Zones," *The Journal of Modern African Studies* 45, no. 2 (2007): 221.

²⁶ *Ibid*, 223.

The adoption of a common standard for all the world's children would be ideal, but it is not realistic. Violent conflicts have always created victims of non-combatants (or those with special status) either directly or indirectly. When making the argument that children affected by conflict have been robbed of their childhood and are deserving of the label 'child soldier' it is worthwhile to consider what exactly it was that robbed them of their childhood – was it completing tasks for an armed group like fetching water or spying on the enemy (which grants them the status of child soldier) or was it the unfortunate fact that their homeland was ravaged by widespread conflict? In many cases, all segments of the population are victimized and there is no escaping the effects of the conflict. The intent of including roles other than wielding weapons was to provide broader protection for children, but it falls into the trap of over-generalizing the social realities of children and the cultural labour practices in certain countries. For example, when 51% of the population in sub-Saharan Africa is under the age of 18 years old,²⁷ they are expected to perform duties that Western countries would decry as being child labour. Some of these expected duties include participating in armed groups and “in many instances, childhood and military life are not understood as either incompatible or contradictory.”²⁸ Linking the fact that many children have been ‘robbed of childhood’ (in a Western sense of what childhood entails) with the issue of child soldiers ignores the cultural reality in many parts of the world which includes extensive social participation of children.

²⁷ David J. Francis, "Paper Protection' Mechanisms: Child Soldiers and the International Protection of Children in Africa's Conflict Zones." *The Journal of Modern African Studies* 45, no. 2 (2007): 217.

²⁸ David M. Rosen, "Child Soldiers, International Humanitarian Law, and the Globalization of Childhood," *American Anthropologist* 109, no. 2 (2007): 297.

AGENCY OF YOUTH

Considering the horrific circumstances that surround children and adolescents in areas of violent conflict, the human rights principles of protecting vulnerable populations absolutely apply. However, the principles of protection need to be considered separately from the views taken about the agency of children. As described previously, children in areas of violent conflict are victims of their surroundings whether or not they are involved with an armed group, but should their involvement with armed groups be viewed as a decision that waives their right to special status? The discussion about the agency of youth involves the concepts of self-determination, decision-making capabilities, and moral understanding – specifically, at what age these cognitive and moral abilities develop. Additionally, the discussion of agency involves politics. There is risk in acknowledging the agency of children and Anthony Lang states the following about social status and agency: “That status [agency] is partly legal, partly moral, and partly ontological – all of which add up to it being fundamentally political.”²⁹ Some sociologists view the category of children as a subordinate minority group with a struggle similar to other minority groups and argue that “the very act of defining children as a minority group “politicizes” childhood, thereby challenging the existing power relations between kids and adults.”³⁰ Also, as a result of Kantian theory that related human rights to the capacity to think rationally, women and children were initially not included as holders of civil rights.³¹ Viewing children as a minority group links this issue to the

²⁹ Anthony F. Lang, *Agency and Ethics: The Politics of Military Intervention* (Albany: State University of New York Press, 2002), 8.

³⁰ Sarane Spence Boocock, and Kimberly Ann Scott, *Kids in Context: The Sociological Study of Children and Childhoods* (New York: Rowman & Littlefield Inc, 2005), 30.

³¹ Ann Quennerstedt, “Children, But Not Really Humans?...,” 625.

broader concept of ‘identity politics’ and could serve to change the approach taken concerning policies regarding children and child soldiers.

Human agency implies that an individual can regulate their own actions and “plot and navigate a chosen course through the uncertainties and challenges of the social and ecological environments...continuously interpreting and evaluating actions and their consequences.”³² Although there are several similar definitions, this particular one is useful because it directly highlights the interplay between self and context, which has been discussed in previous paragraphs. Graça Machel, the widow of Nelson Mandela and international advocate of rights for women and children, wrote in her report titled *Impact of Armed Conflict on Children* that “While young people may appear to choose military service, the choice is not exercised freely. They may be driven by any of several forces, including cultural, social, economic or political pressures.”³³ The fact that children face pressures is completely true, but it is definitely misleading because even adults do not make choices independent of their particular circumstances, which is captured in the concept of bounded rationality. Bounded rationality, even for adults, recognizes the influence that individual abilities as well as external constraints exert on the decision-making process and explains how seemingly irrational decisions can be rationalized considering the environment.³⁴ It is likely that prior to volunteering child soldiers did not have any good options – only varying degrees of suboptimal ones – but that does not

³² Little et al, “Three Views of the Agentic Self: A Developmental Synthesis” in *Handbook of self-determination research* (Rochester: University of Rochester Press, 2002): 390, quoted in Karrie Shogren et al, “Causal Agency Theory: Reconceptualizing a Functional Model of Self-Determination,” *Education and Training in Autism and Developmental Disabilities* Volume 50, no. 3 (2015): 256.

³³ United Nations General Assembly, Resolution A/51/306, “Impact of Armed Conflict on Children,” Report submitted by the expert of the Secretary-General, Ms. Graça Machel (United Nations, 1996): 17. Last accessed on 3 May 2017 from <http://www.un.org/documents/ga/docs/51/plenary/a51-306.htm>

³⁴ David Consoli, “Bounded Rationality,” in *Encyclopedia of Consumer Culture* (Thousand Oaks: SAGE Publications Inc., 2011).

mean that it was not a rational choice. Alice Schmidt argues that child soldiers are not coerced by circumstance but rather make choices by “maximizing their opportunities to help themselves and their families when faced with violent conflict...creatively engaging with their situation and constructively managing their risk.”³⁵ To outsiders, it might seem like a poor choice but child soldiers may actually be positively contributing to their family’s well-being and making deliberate choices for their collective futures.

There are varying views about the agency of children and a key component of arguing for agency is the issue of moral development and whether children know right from wrong. The development of moral reasoning is a fascinating topic and the seminal work of Lawrence Kohlberg in the 1970s linked the ability for moral reasoning with the linear progression of cognitive development – the sense of morality increases as your overall cognitive capacity increases. While this statement may seem obvious, more importantly, Kohlberg linked this moral development to rough age groups. Adolescents (which includes the majority of child soldiers) have reached the ‘conventional morality’ stage.³⁶ More recently, researchers have found that “by age 5, children in India and the United States have already acquired distinctive values and attitude characteristics of their respective cultures.”³⁷ Whether or not they fully understand the laws of armed conflict or human rights, Denov has found instances of child soldiers protecting civilians³⁸ which indicates a solid understanding of morality during armed conflict.

³⁵ Alice Schmidt, "Volunteer Child Soldiers as Reality: A Development Issue for Africa," *New School Economics Review* Volume 2, no. 1 (2007): 58.

³⁶ Psychology Charts, "Kohlberg's Stages of Moral Development," last accessed 3 May 2017 from <http://www.psychologycharts.com/kohlberg-stages-of-moral-development.html>

³⁷ Jo Boyden, "The Moral Development of Child Soldiers: What do Adults have to Fear?" *Peace and Conflict: Journal of Peace Psychology* 9, no. 4 (2003): 350.

³⁸ Myriam S. Denov, *Child Soldiers: Sierra Leone's Revolutionary United Front* (Cambridge, UK; New York: Cambridge University Press, 2010), 136.

The field of law also accounts for a special period between childhood and adulthood and the domestic law of many countries allow ‘juveniles’ to be held accountable for the choices they have made.³⁹ In terms of international law, the Special Court for Sierra Leone was established under UN Security Council Resolution 1315 and allowed for the prosecution of war crimes for anyone over the age of 15.⁴⁰ Interestingly, the description of the age group in question (15-18 years old) was referred to as “juvenile offenders” rather than children, which likely opened up conceivable options for attributing accountability. In fact, Drumbl posits that part of the hesitation in labelling adolescents as such is due to fear of creating grounds for legal repercussions. However, less responsibility does not necessarily mean no accountability.⁴¹ There is widespread agreement that it would be unfair to hold juveniles to the same standards as adults – a sentiment that was echoed by the UN Secretary-General and was directly written in to the articles of the Special Court that directed rehabilitation and reconciliation measures rather than imprisonment for juveniles.⁴² This policy delinked the notions of accountability and punishment and acknowledgement a spectrum of accountability for juveniles that fits between the innocence of early childhood and the full accountability (and the full consequences of punishment) of adults. Although used in the case of Sierra Leone and in many countries as domestic law, this notion of restorative justice is not often a part of the discourse surrounding child soldiers.

³⁹ *Encyclopaedia Britannica Online* (2016), “Juvenile Justice.”

⁴⁰ Ismene Zarifis, "Sierra Leone's Search for Justice and Accountability of Child Soldiers," *Human Rights Brief* 9, no. 3 (2002), 19.

⁴¹ Mark A. Drumbl, *Reimagining Child Soldiers in International Law and Policy*..., 58.

⁴² Ismene Zarifis, "Sierra Leone's Search for Justice and Accountability of Child Soldiers"..., 20.

PSYCHOLOGICAL IMPACT ON SOLDIERS⁴³

There is a clear psychological burden that accompanies facing child soldiers.⁴⁴

British forces operating in West Africa in 2001 suffered from post-traumatic stress disorder (PTSD) as well as clinical depression after facing child soldiers.⁴⁵ Surprisingly though, there is very little written on the subject of mental implications for soldiers encountering child soldiers, as recognized by the research team contracted by NATO to gather information on the topic.⁴⁶ Several authors, particularly in the fields of anthropology and sociology, support the idea that the well-meaning image of child soldiers created by humanitarian agencies to gain support for intervention actually “intensifies and extends the effects of confronting child soldiers.”⁴⁷ Using a sociological perspective allows for the understanding of what causes this psychological damage – young soldiers, whatever their age, do not fit the Western soldiers’ cognitive schema of prototypical combat troops. Those young soldiers contravene deeply held beliefs about what it means to be a child and what it means to be a professional soldier. Engaging children in combat attacks the very core of a professional military soldiers’ self-image. Dr. Ben-Ari, who taught anthropology at the Hebrew University of Jerusalem for twenty-six years and was contracted by NATO to contribute to the technical document *Child*

⁴³ Most references used in this paper refer to PTSD, but it is important to note that PTSD is a component of a more broad condition called an Operational Stress Injury (OSI).

<http://www.veterans.gc.ca/eng/services/health/mental-health/understanding-mental-health>

⁴⁴ Marten Meijer, “Transactional Analysis of Child Warriors as the Opposing Force,” in North Atlantic Treaty Organisation (NATO), Research and Technical Organisation, Technical Memorandum TM-HFM-159, *Child Soldiers as the Opposing Force* (Brussels: NATO publications, 2011): 4.

⁴⁵ P.W. Singer, “Fighting Child Soldiers,” *Military Review*, Volume 83, no. 3 (2003): 29.

⁴⁶ Alexander Mircica, C. Hickmott, S. Kilbey, J. Hughes, and F. McManus, “The Psychological Well-Being of Professional Armed Forces Personnel Facing Child Soldiers: A Literature Review,” in North Atlantic Treaty Organisation (NATO), Research and Technical Organisation, Technical Memorandum TM-HFM-159, *Child Soldiers as the Opposing Force* (Brussels: NATO publications, 2011): 1.

⁴⁷ Eyal Ben-Ari, “Facing Child Soldiers, Moral Panics and ‘Real Soldiering’: Anthropological Perspectives on the Militaries of the Industrial Democracies,” in North Atlantic Treaty Organisation, Research and Technical Organisation, Technical Memorandum TM-HFM-159, *Child Soldiers as the Opposing Force*. (Brussels: NATO publications, 2011): 7.

Soldiers as the Opposing Force, argues that “a major, if unstated, assumption at base of the professional mode of ‘real’ soldiering is that enemies are somehow ‘like us’ in that they are rational adults with lethal capabilities.”⁴⁸ In fact, part of the cognitive behavioural therapy (CBT) rehabilitation that a soldier was undergoing after facing a child soldier was to challenge the assumptions of the images held of a child soldier and question “was the child soldier as powerless as you thought he was?”⁴⁹ By challenging this assumption, the traumatized soldier can begin to rationalize the experience. The limited worldview that is taught to Western soldiers through their professional military education and training exacerbates the moral dilemma of facing so-called ‘children’ in conflict.

The basis for determining who are legitimate targets in war stems from the just-war theory, particularly the principle of *jus in bello* and the concept of discrimination.⁵⁰ There is no recognized spectrum to distinguish combatants – someone is either a combatant or not. Child soldiers are problematic for this strict delineation. In his book about the psychological cost of killing, Dave Grossman suggested that “Being able to identify your victim as a combatant is important to the rationalization that occurs after the kill”⁵¹ then he specifically addressed pre-conceived ideas about combatants when he stated that “Even if he kills in self-defence, there is enormous resistance associated with killing an individual who is not normally associated with relevance or payoff.”⁵² However, along with the concept of discrimination, the *jus in bello* principle also

⁴⁸ Ibid, 6.

⁴⁹ Marten Meijer, “Transactional Analysis of Child Warriors as the Opposing Force”..., 6.

⁵⁰ Alexander Moseley, “Just War Theory,” in Internet Encyclopedia of Philosophy. Last accessed on 3 May 2017 from <http://www.iep.utm.edu/justwar/>

⁵¹ Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society*. 1st ed. (Boston: Little & Brown, 1995), 175.

⁵² Ibid.

contains the concept of proportionality and how much force is applied. In traditional theory the “proportionality is not primarily applied to combatants, but rather to non-combatants who may be subject to harm in the course of combat operations aimed at the enemy.”⁵³ Commendably, the CAF policy on child soldiers does address the concept of proportionality and attempting to use non-lethal force first; however, it does not address the concept of discrimination or the root cause of the dissonance which is the deep belief that professional soldiers do not fight children.

A secondary, but no less important, reason to change the perception of child soldiers relates to how the Canadian public would view the issue of CAF soldiers engaging with youthful opponents. Several research studies have found that public perception of the events during a deployment was significant because “peacekeepers who reported a more positive reception at homecoming reported fewer symptoms of psychological distress post-deployment.”⁵⁴ For example, it is widely acknowledged that the unwelcome public response to Vietnam soldiers returning home to the US was a contributing factor to the prevalence of their mental problems. Considering the need for public acceptance and reintegration of CAF soldiers after a deployment, how the public conceptualizes the issue of child soldiers is as important as how CAF soldiers do.

⁵³ Tor Arne Berntsen, and Bard Maeland, “The Agency of Child Soldiers: Rethinking the principle of discrimination,” in *Routledge Handbook of Ethics and War: Just War Theory in the 21st Century* (Florence: Routledge, 2013), 280.

⁵⁴ Thomas W. Britt, and Amy B. Adler, *The Psychology of the Peacekeeper: Lessons from the Field* (Westport, Conn: Praeger, 2003), 249.

TRAINING/RECOMMENDATIONS

Almost all experts agree that pre-deployment training is a requirement to inform soldiers about the possibility of encountering child soldiers, yet specific details of what this training would entail is limited to legalistic and tactical information. For example, the United States Center for Emerging Threats and Opportunities conducted a seminar and produced a report about the implications of facing child soldiers which focussed on Tactics, Techniques and Procedures (TTPs) and made no mention of preparing soldiers mentally;⁵⁵ In 2005, Jenny Kuper published a book titled *Military Training and Children in Armed Conflict – Law, Policy and Practice* which focussed exclusively on legal obligations and policies with no obvious mention of deploying soldiers' mental well-being;⁵⁶ NATO training is a one hour online course⁵⁷ so it seems likely that it would focus on the legal issues rather than in-depth socio-cultural or mental well-being issues; finally, the Dallaire training e-course online is not open to everyone and has specific criteria for enrollment⁵⁸ and although it was created specifically for security sector actors, it fosters the same narrative as all other humanitarian agencies in terms of painting every human under 18 years old with the same wide brush and labelling them all as children. None of these training documents consider the socio-cultural situation or the agency of

⁵⁵ Charles Borchini, Stephanie Lanz, Erin O'Connell, and Center for Emerging Threats and Opportunities (Marine Corps Warfighting Laboratory), "Child Soldiers: Implications for U.S. Forces" (Center for Emerging Threats and Opportunities, Marine Corps Warfighting Laboratory, 2002).

⁵⁶ Jenny Kuper, *Military Training and Children in Armed Conflict: Law, Policy, and Practice* (New York: Nijhoff, 2005).

⁵⁷ The 'Children and Armed Conflict' course (ADL 166) is listed on page 20. Author could not get access without an operational requirement to do so. <https://jatl.act.nato.int/CourseCatalog.pdf>

⁵⁸ Tanya Zayed, and Svenja Vollmer, *E-Learning Child Soldiers and the Security Sector* (Halifax, Nova Scotia: The Roméo Dallaire Child Soldiers Initiative and United Nations Institute for Training and Research, 2014), 13. Last accessed 3 May 2017 from http://www.childsoldiers.org/wp-content/uploads/2016/07/Child_Soldiers_and_Security_Forces_ELearning-min.pdf

The enrollment criteria states that participants must: Have a university degree in a relevant area with proven interest in the child soldiers issue (BA or equivalent) or the equivalent working experience in a relevant field (2 to 4 years).

children. These training documents, as well as the JDN, focus on the regulative aspects of interactions with child soldiers but fail to address the underlying norms or the cognitive worldview that will hinder the long term application of those rules and policies.

There are many inconsistencies regarding the definition of a child even within Western nations, then the application of socio-cultural factors and the psychological assessments of cognitive ability both confuse the matter further. Policy-makers should consider how the language used within this ‘Child Soldier’ JDN contributes to the construction of meaning and how that point of reference will affect coping mechanisms for soldiers. It is unlikely that Canada will be in a position in the near future to negotiate a consensus on the definition of either a child or childhood; but what the CAF could certainly do is change the expectations about armed engagements⁵⁹ and the automatic assumption that all child soldiers are in need of rescuing. Specifically, the CAF should include socio-cultural norms associated with adolescence and adulthood in the Intelligence Preparation during mission analysis in order to correctly frame the context of the youths’ life experience. This re-framing would aid CAF soldiers in acknowledging that “sometimes the only way for children [or youths] to save their own lives is to become a soldier.”⁶⁰ Recognizing a spectrum of development, agency, and accountability based on environmental factors would benefit soldiers and enable them to view the youthful opponents in a less mentally damaging manner that fits with their self-image as a moral and professional soldier.

⁵⁹ Eyal Ben-Ari, “Facing Child Soldiers, Moral Panics and ‘Real Soldiering’...”, 6.

⁶⁰ Alexander Mircica, “The Psychological Well-Being of Professional Armed Forces Personnel Facing Child Soldiers: A Literature Review”..., 13.

Additionally, an attempt should be made to determine whether the identified youths were forcibly recruited or volunteered. While none of this information drastically changes the requirement for a CAF soldier to shoot in a case of self-defence, it certainly could help conceptualize the problem and subsequently rationalize the moral weight of the action after the fact. It may sound trite, but armed conflict is what creates violations against children, therefore, children fulfilling roles of soldiers is a subset of a larger issue. Even the UN report on Children in Armed Conflict recognized the importance of context and stated the following:

“Violent extremism does not occur in a vacuum. It is necessary to identify and address its root causes and catalysts, such as protracted conflict without hope of resolution, political grievances, the alienation of communities, the lack of good governance, poverty and the lack of education and socioeconomic opportunities.”⁶¹

The report also noted that many children were victims of violence due to widespread aerial bombings conducted by international actors⁶² and some statistics show that over 80% of victims of today’s conflicts are civilian⁶³ indicating that children (as well as civilian adults) are victims of armed conflict whether or not they are affiliated with any armed organizations. Pre-deployment training that informs CAF soldiers about the reality of violence surrounding children – long before they became soldiers – could reframe the moral implications of engaging in armed conflict. The sympathy for children’s circumstances needs to be separated from the issue of child soldiers.

⁶¹ Report of the Secretary General A/70/836-S/2016/360, “Children and Armed Conflict – Promotion and protection of the rights of children,” (United Nations, 20 April 2016): 4. Last accessed on 3 May 2017 from http://www.un.org/ga/search/view_doc.asp?symbol=s/2016/360.

⁶² Ibid, 2.

⁶³ Jenny Kuper, *Military Training and Children in Armed Conflict: Law, Policy, and Practice...*, 242.

CONCLUSION

The international conception of what it means to be a child was developed based on the humanitarian definition of childhood, but in many cases it clashed with the local understanding of childhood and is too large of an age bracket that discounts developmental progression on a spectrum. Essentially, it is too general and is not suitable as a concept for policy-making. Furthermore, the humanitarian perspective also labels all child soldiers as victims arguing against any possibility of them being perpetrators – it should not need to be an either/or label but rather a spectrum. The world is not black and white and cannot be so oversimplified. Removing all agency from a seventeen year old is not the answer.

Through the application of a social constructivist perspective aimed at changing the narrative surrounding key elements of the child soldier situation, this paper has contextualized the notion of child soldiers and has demonstrated that reframing the concept of what it means to be a child could enable Canadian soldiers to think outside the confines of established *a priori* norms and engage so-called ‘child soldiers’ with a new perspective. This paper has also argued that the broad categorization as all combatants under 18 years of age is simplistic and does little to contribute to the implementation of the original intent of the laws. Labelling adolescents engaged in conflict as ‘child soldiers’ does a disservice to them as agentic individuals who are making the best choices they can in a bad situation, misleads the Canadian public about the threats facing Canadian soldiers abroad, and threatens the mental well-being of Canadian soldiers who may need to rationalize their engagement with enemy youth. The overarching issue of young soldiers could be better addressed by the international community if a

contextualized approach considered the agency of youth and the realities of their social situation when framing the problem. When all of these elements are analyzed together using a sociological perspective they paint a picture of the complex problem that cannot be resolved without addressing the contextual reality and taking a more nuanced approach rather than a globalized perspective of childhood. While it is beyond the scope of this paper to resolve the issues contributing to child soldiers, it is suggested that CAF soldiers could benefit from a reframing of the threat and the nature of the moral issue.

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