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Child Soldiers: Beyond the Moral Responsibility to Protect

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Exercise Solo Flight

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Child Soldiers: Beyond the Moral Responsibility to Protect

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INTRODUCTION

“Man has created the ultimate cheap, expendable, yet sophisticated weapon, at the expense of humanity’s own future: its children... Desperate children, boys and girls, are cheap to sustain, have no real sense of fear, and are limitless in the perverse directions they can be manipulated through drugs and indoctrination since they have not yet developed a concept of justice and have been ripped away from their families to fend in the new perverted family of armed force.”

— LGen Roméo Dallaire (Ret’d)

The issue of child soldiers is not recent. Children have always been involved in armed conflict, fulfilling various roles including drummers, cooks, messengers, spies, forced labourers, sexual slaves, and combatants. What has changed though, is how commonly children can be found on the battlefield in Africa, Asia, the Middle East, and South America. “Approximately 300,000 children are believed to be combatants in thirty conflicts worldwide. Nearly half a million additional children serve in armies not currently at war, such that 40 percent of the world’s armed organizations have children in their ranks.”¹

Several reasons can explain the presence of children on the battlefield. The nature of modern conflict, the availability and easy access to children in large numbers, the accessibility of small arms, the lack of meaningful enforcement and preventive measures, and finally, the political, social, and cultural contexts are all factors contributing to the problem. Unlike past conflicts where professional armies fought against one another, most modern conflicts stem from intra-state struggles and involve government and non-governmental armed groups including paramilitaries, militias, and terrorist organizations.

¹ Ebdon Kaplan. “Child Soldiers around the World.” *Council on Foreign Relations*. 2 December 2005. Accessed 11 April 2022. <https://www.cfr.org/backgrounder/child-soldiers-around-world>

Regrettably, an important corollary effect of intra-state conflict, is that most armed groups, government or non-governmental, have to supplement their ranks with whoever is available and willing to take up arms. Unlike what many believe, “[t]he majority of child soldiers volunteer, [and] they often do so because it is their best option for survival.”² Medical facility researchers at the University of Rochester believe that “[t]he rational part of a teen’s brain isn’t fully developed ... until age 25....”³ As such, I would argue that children are not voluntarily recruited. They likely join armed groups because they are out of options and because their ability to think rationally and understand the world is not fully developed; therefore, making them vulnerable and easily manipulated to fulfill many ruthless tasks without hesitancy.

In Africa, where the median age is less than 20, children are present in great numbers making them easy to recruit, but unfortunately disposable. According to Mariam Saleh from Statista, the median age of the African population is 19.7 years, the ‘youngest’ continent in the world.⁴ When looking at the Middle East and South America, the average age increases slightly; however, the context under which children are being recruited remains similar.⁵ The reality for many developing countries is that children represent a considerable portion of readily available resources that can be exploited by

² *Ibid.*

³ University of Rochester Medical Centre. “Understanding the teen brain.” *Health Encyclopedia*. Accessed 21 April 2022.

<https://www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeID=1&ContentID=3051#:~:text=The%20rational%20part%20of%20a, and%20teen%20brains%20work%20differently.>

⁴ Mariam Saleh. “Median age of the population of Africa from 2000 to 2020.” *Statista*. 20 January 2022. Accessed 7 April 2022. <https://www.statista.com/statistics/1226158/median-age-of-the-population-of-africa/>

⁵ Jeff Desjardins. “Mapped: The median age of the population on every continent.” *World Economic Forum*. 20 February 2019. Accessed 7 April 2022. <https://www.weforum.org/agenda/2019/02/mapped-the-median-age-of-the-population-on-every-continent/>

armed groups; therefore, attempting to eradicate the problem without first addressing the reasons why children join armed groups would be pointless.

The central question this paper will strive to answer is to what degree the programs and efforts deployed by global governments and organizations have been effective at reducing child suffering and eradicating the recruitment of child soldiers within armed groups. In the following paragraphs, it will be argued that initiatives set forth to end the recruitment of children have continuously fallen short of yielding the desired effect as the result of weak law enforcement measures, lack of political will, and inadequate global response. To support my thesis, this paper will be divided into three sections. The first section will underline the absence of enforcement mechanisms, but also the lack of clarity and coherence across many laws, conventions, and protocols, allowing armed groups to either ignore the laws completely or make their interpretation of the law with impunity. The second section will focus on the lack of political will resulting from having different priorities and national interests. The last section will argue that the response taken by global actors (governments and humanitarian organizations) has fallen short of producing the expected results. It will be argued that this failure can be attributed to either, the implementation of ill-adapted disarmament, demobilization, and reintegration programs; the lack of funding; or the failure to address the problem from a prevention perspective.

INTERNATIONAL LAW

The international laws, conventions, and protocols that exist to protect the most vulnerable populations, including children, lack enforcement means, coherence, and clarity. This striking shortcoming enables government and non-governmental armed

groups to either make their interpretation of different laws to fulfill their needs or to shamelessly exploit its loopholes. Unfortunately, international laws and policies have repeatedly failed to define what is to be considered the passage from childhood to adulthood. Similarly, the same laws and policies have also failed to articulate the obligation to provide children affected by armed conflict, with the appropriate protection, and the long-term care they urgently need and deserve.

For example, Article 46 of the *Hague Convention* of 1907 stated that “family honor and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.”⁶ It could be argued that the term ‘family’ encompasses children; nonetheless, I believe the article failed to address situations where children were no longer residing with their family, and whether or not children should be awarded specific protection under such cases.

In 1924, the League of the Nations, supported by the international community, realized the importance of providing increased protection to children affected by armed conflict; therefore, adopted the *Geneva Declaration of the Rights of the Child*. Although Article 4 of the Declaration stated that, “the child must be put in a position to earn a livelihood, and must be protected against every form of exploitation,”⁷ the Declaration remained vague, assumed that children did not participate in armed conflicts, and overlooked the requirement to provide particular protection *vis-à-vis* child soldiers.

⁶ Hague Convention IV. *Laws and Customs of War on Land: 18 October 1907*. Accessed 5 March 2022. <http://www.gisha.org/userfiles/file/Covensions%20and%20Laws/Hague%20Convention%20IV.pdf>

⁷ Human Rights Library. “Geneva Declaration of the Rights of the Child of 1924,” adopted Sept. 26, 1924, League of Nations O.J. Article 4. *University of Minnesota*. Accessed 5 March 2022. <http://hrlibrary.umn.edu/instree/childrights.html>

In 1948, the *Universal Declaration of Human Rights* (UDHR) was officially adopted by the United Nations (UN) General Assembly, thereby, officializing the universality of human rights, including the obligation to provide children special care and protection during armed conflicts.⁸ Unfortunately, the Declaration failed to define what was to be considered a child, and lacked clarity on what was intended by ‘special care and protection during armed conflicts.’

In 1949, the *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* was released as a result of a widely recognized need to further protect civilians and children affected by armed conflicts.⁹ Regrettably, once again the issue of child soldiers was left out. Moreover, despite frequent references to the responsibility to protect children below fifteen, twelve, and seven years of age, the Convention omitted to provide an unambiguous definition of a child.¹⁰ The lack of clarity, whether intentional or not, seemed to indicate that children were considered below 15 years of age, whereas adults, by supposition, were considered over 18. The only other references to age were found in Articles 51 and 68 where special protection regarding enlistment, labour, and the death penalty were clarified.¹¹ As such, the gap left between 15 and 18 years of age has been at the center of numerous debates amongst signatory States for many years, leaving a significant loophole to be interpreted for the benefit of armed groups.

⁸ Bhavani Fonseka. 2001. “The Protection of Child Soldiers in International Law.” *Asia-Pacific Journal on Human Rights and the Law* 2 (2): 78.

⁹ ICRC. *Convention (IV) Relative to the Protection of Civilian Persons in Time of War*, Geneva, 12 August 1949 (Geneva: ICRC, 1949): Art. 14, 17, 23, 24, 38, 50, 82, 89, 94, 132. Accessed 5 March 2022. <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>

¹⁰ *Ibid.*, Art. 14, 23, 24, 38, 50, 89.

¹¹ *Ibid.*, Art. 51, 68.

In 1977, the release of the *Geneva Convention Protocol I*, and *Protocol II*, attempted to address the gap left by preceding laws and policies regarding the protection of children involved in hostilities. Article 77 of *Protocol I* states:

Parties to the conflict shall take all feasible measures so that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavor to give priority to those who are oldest.¹²

At a first glance, Article 77 seems clear: children under 15 shall “not take a direct part in hostilities;”¹³ however, I would suggest there are three main issues with this Article. First, the Article failed to define exactly what is meant by direct participation. It could be argued that recruiting children below 15 as cooks, spies, or any duties falling short of holding a weapon meets the intent of *Protocol I*. Second, the phrase “shall take all feasible measures” fails to condemn the use of child soldiers in armed conflict. Third, the Article implies that it is acceptable to recruit children between 15 and 18 years of age as long as the recruiting body endeavors to select those that are older. Furthermore, *Protocol II* of the *Geneva Convention* states, “children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.”¹⁴ Although *Protocol II* has removed superfluous jargon to make the Article clearer, once again, the ambiguity between direct as opposed to indirect participation in

¹² ICRC. *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*. (Geneva: ICRC, 8 June 1977): Art. 77. Accessed 6 March 2022. <http://www.icrc.org/ihl.nsf/FULL/470?OpenDocument>.

¹³ *Ibid.*

¹⁴ ICRC. *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Civilians of Non-International Armed Conflicts (Protocol II)*. (Geneva: ICRC, 18 June 1977): Art. 4. Accessed 6 March 2022. <http://www.icrc.org/ihl.nsf/FULL/475?>

conflicts as well as what constitutes a child has not been defined, therefore, leaving room for interpretation.

In 1989, the UN released the *Convention on the Rights of the Child* (CRC) to enhance child protection. The CRC “... [became] the most widely ratified human rights treaty in history and has helped transform children’s lives around the world.”¹⁵ Article 1 of the Convention defines a child as “every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.”¹⁶ While attempting to clarify the legal definition of a child, the vagueness of Article 1 exacerbates the issue of incoherence and ambiguity of those international laws dealing with children in conflict, thereby, creating two important issues. First, defining a child as “every human being below the age of eighteen years”¹⁷ was a positive step forward in providing additional protection to children; however, the second part of the article states, “unless, under the law applicable to the child, majority is attained earlier[,]”¹⁸ consequently, invalidating the article where national laws define children differently. Second, the same shortfalls previously highlighted within the *Geneva Convention* and the *Additional Protocols* concerning the recruitment of children above 15 years of age, are accentuated again in Article 38 of the CRC.¹⁹

In 1998, representatives of 160 countries came together in Rome and created the *Rome Statute of the International Criminal Court* in a concerted effort to put an end to grave crimes committed with impunity, including crimes perpetrated against children.

¹⁵ UNICEF. *Convention on the Rights of the Child*. Accessed 13 April 2022. <https://www.unicef.org/child-rights-convention>

¹⁶ United Nations General Assembly. *Convention on the Rights of the Child* (New York: UN, 1989): Art. 1. Accessed 6 March 2022. <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*, Art. 38.

Article 8 of the Statute went further than all previous conventions thus far and prohibited “[c]onscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities.”²⁰ Alas, the “active participation”²¹ part of the article was not clearly defined, therefore, leaving the opportunity of recruiting children for indirect participation or non-fighting duties. That said, a critical element of the Statute is that children that have attained 15 years of age can be lawfully recruited under international law. Furthermore, Article 26 states, “the court shall have no jurisdiction over any person who was under the age of 18 at the time of the alleged commission of a crime.”²² The confusion here lies in the fact that at 15 years of age, children can legally participate in armed conflicts, but they cannot be prosecuted for offenses committed below 18. The Statute also fails to address and regulate the non-voluntary conscription or enlistment of children between 15 and 18 years of age, which remains a prevalent global issue.

In 1997, a group of practitioners and humanitarian workers congregated in Cape Town, Africa, resulting in the creation of the *Cape Town Principles*. The document, which provided more clarity and coherence, was one of the first to make a more complete reference to child soldiers which it considered,

any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers, and those accompanying such groups, other than purely as family members.²³

²⁰ International Criminal Court. *Rome Statute of the International Criminal Court* (Rome: ICC, 17 July 1998): Art. 8. Accessed 6 March 2022. <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

²¹ *Ibid.*

²² *Ibid.*, Art. 26.

²³ Jean Claude Legrand. “Capetown Principles and Best Practices.” *UNICEF*, April 1997. Accessed 11 April 2022. <https://openasia.org/en/wp-content/uploads/2013/06/Cape-Town-Principles.pdf>

The document also encompassed gender-based violence covering “... girls recruited for sexual purposes and forced marriage,”²⁴ another important advancement. Contrary to most laws, conventions, and protocols published previously, the *Cape Town Principles* intended to protect more than just children carrying arms, but also any children under the control of armed groups and in any capacity. Another significant improvement included the definition of recruitment. According to the Principle, recruitment “encompasses compulsory, forced, and voluntary recruitment into any kind of regular or irregular armed force or armed group.”²⁵ Unfortunately, even though the *Cape Town Principles* made a remarkable attempt to further protect children, its principles are considered best practices and are not binding by law.

The *Worst Forms of Child Labour Convention*, coined in Geneva in 1999, resulted from a widespread realization that a new set of principles and laws were necessary to provide additional protection to children against a variety of child labour abuses. The Convention defines a child as “all persons under the age of 18.”²⁶ This was a significant milestone; however, it conflicted with all other international laws underlining once again, the lack of coherence among governing instruments intended to protect children.

Crafted by several African regional actors, the *African Charter on the Rights and Welfare of the Child* of 1999 is a human rights document that defines children as “every

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ International Labour Organization. *Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* (Convention No. 182) (Geneva: International Labour Organization, Nov 1999): Art. 2. Accessed 6 March 2022. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.

human being below the age of 18 years.”²⁷ More specifically, Article 24 states that “[s]tate parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child.”²⁸ The intent of Article 24 is noble in principle; however, the passage “all necessary measures”²⁹ lacks clarity, and “take a direct part in hostilities”³⁰ could be interpreted to benefit armed groups to the detriment of children.

In 2000, the *Optional Protocol to the Convention on the Rights of the Child* was adopted by the UN General Assembly, which has since been ratified by 172 states. The *Optional Protocol* provides a clear definition of what constitutes a child while also providing regulating guidelines *vis-à-vis* the recruitment of child soldiers as follows:

- States will not recruit children under the age of 18 to send them to the battlefield.
- States will not conscript soldiers below the age of 18.
- States should take all possible measures to prevent such recruitment – including legislation to prohibit and criminalize the recruitment of children under 18 and involve them in hostilities.
- States will demobilize anyone under 18 conscripted or used in hostilities and will provide physical, and psychological recovery services and help their social reintegration.
- Armed groups distinct from the armed forces of a country should not, under any circumstances, recruit or use in hostilities anyone under 18.³¹

²⁷ African Union. *African Charter on the Rights and Welfare of the Child* (Ethiopia, July 1990): Art. 2. Accessed 6 March 2022. https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf

²⁸ *Ibid.*, Art. 24.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ United Nations General Assembly. *Optional Protocol to the Convention on the Rights of the Child* (New York: UN, 2000): Art. 8(2). Accessed 8 March 2022. <https://childrenandarmedconflict.un.org/tools-for-action/opac/#:~:text=The%20Optional%20Protocol%20to%20the,force%20on%2012%20February%20200>

The previous excerpt appears straightforward; however, I would argue that there are three main flaws within the *Optional Protocol*. First, the word ‘should’ seems to indicate a certain level of liberty within the law. Second, the responsibility to protect children is aimed at ratifying states rather than armed groups or perpetrators. Third, only ratifying states are bound by the protocol.

The most recent attempt at complementing the existing laws and child protection framework was through the publication of the *Vancouver Principles* in 2017. The *Vancouver Principles* is a political tool that provides detailed direction and guidance specific to the protection and prevention of child soldiers during peacekeeping operations. Despite being an excellent reference for anyone who will be engaged in peacekeeping operations, the document is too narrow in scope, it is not a prevention tool, and it does not address the root cause of the child soldier problem.

This section has covered many legal documents intended to prevent and protect children from being recruited into armed groups. It should now be evident that the lack of means available to enforce the law, as well as the lack of clarity, coherence, and synchronization across various laws, conventions, and protocols are not responsible for, but are certainly contributing to the problem of child soldiers. This is not to say that the international rules-based system is hopeless, but rather to highlight its weaknesses. The international legal system is far from perfect, but without it, the world order would be more anarchic. It has been repeatedly criticized for being too ‘soft,’ but I would argue that a rules-based international system that is too restricting, would be counter-productive and hinder its functioning even more as it is based on a consensual adherence by nation-states. Nonetheless, until perpetrators are held accountable for their mistreatments and

abuses of children, and nation-states work together in unity to sharpen the various laws and policies created to protect children, leaving no room for interpretation, government, and non-governmental armed groups will continue to exploit loopholes within the law, consequently, perpetuating the problem of child soldiers.

LACK OF POLITICAL WILL

Notwithstanding ongoing and remarkable efforts deployed by many international organizations like the Dallaire Institute, Child Soldiers International, and UNICEF, the number of child soldiers has not decreased. In fact, according to a 2019 article published by Child Soldiers International, the number of children involved in armed conflict is rising. More specifically, “[t]he number of children used in armed conflict around the world has more than doubled since 2012 with a 159% rise and almost 30,000 recruitment cases verified....”³²

Aside from the obvious of being “... cheaper to recruit and train, more vulnerable to exploitation and abuse, or strategically useful,”³³ a brief look at history will provide some contextual information to better understand why government and non-governmental armed groups have, and continue to recruit children. Child soldiers have been engaged in various capacities and roles since the beginning of history. For example, during the Great War, “as many as 250,000 boys under the age of 18 served in the British Army....”³⁴ At the time, although the minimum age to combat was set at 19, the lack of documentation, the call of duty, and the fact that recruiting officers would receive monetary

³² Child Soldiers International. “Child soldier levels doubled since 2012 and girls’ exploitation is rising.” *Reliefweb*. 11 February 2019. Accessed 20 March 2022. <https://reliefweb.int/report/world/child-soldier-levels-doubled-2012-and-girls-exploitation-rising>

³³ Save the Children Federation, Inc. “Child Soldiers: The Tragic End of Childhood for Boys and Girls in Conflict.” 2022. Accessed 4 April 2022. <https://www.savethechildren.org/us/charity-stories/child-soldiers>

³⁴ British Broadcasting Corporation. “The teenage soldiers of World War One.” 11 November 2014, *BBC*. Accessed 24 March 2022. <https://www.bbc.com/news/magazine-29934965>

compensation for each recruit were all justifications to look the other way, and ignore the age limit in favour of boosting recruitment.³⁵ During the decades leading up to WWII, not much had changed. The League of the Nations attempted to regulate the use of children in armed conflicts with the adoption of the *Geneva Declaration of the right of the Child* with limited results. Most military organizations during WWII, including the Hitler Youth organization, the SS Youth Division, the Jewish Resistance, the Red Army, the United Kingdom home guard, and various Japanese Youth military groups, all took advantage of children under 18 years of age for their gains and benefits.³⁶ In Canada, the situation was not different. According to Norm Kirby, the youngest Canadian to be promoted combat platoon sergeant during WWII, joining the Canadian army below the legal age was easy, all you needed was a parent's signature.³⁷

Today, the United States (U.S.) still refuses to ratify the UN Convention on the Rights of the Child (CRC), "...the most widely ratified human rights treaty in history."³⁸ According to Lida Minasyan, "... the main reason for the U.S. not ratifying the CRC is the fear to let the Government have unlimited interference into family life...."³⁹ The U.S. government's response, reported by Minasyan, could be interpreted as an excuse to cover the fact that the minimum age to join the U.S. Armed Forces is 17. Despite the official reason for non-interference in family life, I could reasonably argue that the message

³⁵ *Ibid.*

³⁶ Louis D. Eigen. "Child soldiers are unfortunately nothing new." *Scriptamus.wordpress.com*. 2 November 2009. Accessed 14 April 21. Child Soldiers Are Unfortunately Nothing New | Scriptamus (wordpress.com)

³⁷ Mike Drolet. "Canada's D-Day volunteer military: Many lied about their age to enlist." *Global News*. 4 June 2019. Accessed 4 April 2022. <https://globalnews.ca/news/5347498/canada-d-day-volunteer-military/>

³⁸ UNICEF. *Convention on the Rights of the Child*. Accessed 30 April 2022. <https://www.unicef.org/child-rights-convention>

³⁹ Lida Minasyan. "The United States has not ratified the UN Convention on the Rights of the Child." *Atlas Corps*, September 30, 2018. Accessed 1 April 2022. <https://atlascorps.org/the-united-states-has-not-ratified-the-un-convention-on-the-rights-of-the-child/>

conveyed by refusing to ratify the CRC, seems to indicate that the rights of children are subordinate to the needs of the government. It is however important to note that 99.76% of recruits that join the U.S. Armed Forces at 17, will have reached the age of 18 before they have completed their training.⁴⁰ Nevertheless, according to Child Soldiers International, "... the United States has acknowledged that seventeen-year-old soldiers [have] served in U.S. operations in the Gulf War, in Somalia, and Bosnia."⁴¹

Unlike the U.S., Canada is a signatory of the CRC; however, according to the Canadian Armed Forces (CAF) website, children can still join the Armed Forces below 18 years of age, even 16 is considered acceptable when attending an educational institution.⁴² I would suggest that there is a significant difference between how children are recruited and employed in Canada and the U.S. compared to the roles they would fulfill within armed groups in Africa; nonetheless, the message the CAF and the U.S. Armed Forces are projecting by way of their recruitment strategies remains a strong statement that other malevolent groups may choose to follow. Not recruiting anyone below 18 years of age remains the most effective way to ensure children do not end up on the battlefield. Canada and the U.S. have a big role to play and must lead by example. Until nation-states apply the law without exceptions, and offenders are prosecuted by international courts or tribunals, the issue of child soldiers will perpetuate. One cannot expect all parties to comply with international laws while others purposely bypass such laws without consequences.

⁴⁰ Child Soldiers International. *Child Soldiers Global Report 2001 - United States of America*, 2001. Accessed 1 April 2022. <https://www.refworld.org/docid/498805c126.html>

⁴¹ *Ibid.*

⁴² Government of Canada. The Canadian Armed Forces Recruiting Requirements." *Canadian Armed Forces*. Accessed 24 March 2022. <https://forces.ca/en/apply-now/#:~:text=Be%20at%20least%2018%20years,as%20a%20full%2Dtime%20student>

Another problematic area lies with the fact that countries like Canada and the U.S., both signatories of the Arms Trade Treaty (ATT)⁴³ although the U.S. has not ratified the treaty, continue to sell arms to countries accused of gross violation of human rights, including those who openly support the recruitment of child soldiers. The ATT prohibits the sale of weapons systems where such transfer would either contribute to the violation of international laws or would enable the commission of war crimes.⁴⁴ As such, knowingly selling weapons to states that recruit child soldiers is in direct contravention of the ATT and international law. For example, both Canada and the U.S, amongst others, sell billions of dollars of weapons annually to Saudi Arabia, a country that consistently ranks poorly on human rights protection.⁴⁵ Furthermore, Saudi Arabia, a CRC signatory, is currently waging a proxy war in Yemen supporting its national armed forces known to recruit and exploit child soldiers.⁴⁶ In Yemeni culture, “it’s considered that a boy enters manhood at the age of 14 or 15, and part of being a man is taking up a weapon.”⁴⁷ As a signatory of the *Optional Protocol on the Rights of the Child*, Yemen’s cultural

⁴³ The Arms Trade Treaty is an international treaty that regulates the international trade in conventional arms and seeks to prevent and eradicate illicit trade and diversion of conventional arms by establishing international standards governing arms transfers. Excerpt cited from the ATT website at: [https://thearmstradetreaty.org/#:~:text=The%20Arms%20Trade%20Treaty%20\(ATT,force%20on%2024%20December%202014.](https://thearmstradetreaty.org/#:~:text=The%20Arms%20Trade%20Treaty%20(ATT,force%20on%2024%20December%202014.)

⁴⁴ United Nations. *The Arms Trade Treaty*. Article 1 and 6. Accessed 1 April 2022.

<https://www.thearmstradetreaty.org/hyper-images/file/TheArmsTradeTreaty1/TheArmsTradeTreaty.pdf>

⁴⁵ Bastian Herre and Max Roser (2016). “Human Rights.” *Published online at OurWorldInData.org*. Accessed 1 April 2022. <https://ourworldindata.org/human-rights>

⁴⁶ Child Soldiers International. *Yemen: Shadow Report to the Committee on the Rights of the Child*. March 2013. Accessed 1 April 2022. https://tbinternet.ohchr.org/Treaties/CRC-OP-AC/Shared%20Documents/YEM/INT_CRC-OP-AC_NGO_YEM_15824_E.pdf

⁴⁷ Office for the coordination of Humanitarian Affairs. “10 countries where child soldiers are still recruited in armed conflicts.” *Reliefweb*. 28 February 2017. Accessed 1 April 2022. <https://reliefweb.int/report/central-african-republic/10-countries-where-child-soldiers-are-still-recruited-armed>

traditions openly violate the fundamental principles of the CRC, a condition that further highlights the lack of enforcement means within the law.⁴⁸

The U.S. also exports a significant number of weapons to Africa, where the vast majority of child soldiers are present.⁴⁹ According to international laws and policies, exporters of arms bear the responsibility that such arms will not be utilized to violate international laws, including violence against children under articles 6 and 7 of the ATT.⁵⁰ According to Child Soldiers International, “exporting states do not consider the record on child soldier recruitment and use by importing states in their decision-making processes.”⁵¹ Based on the previous statement, I would offer two reasonable conclusions regarding national interests: first, the issue of child soldiers is not a top priority for nation-states; and second, economic interests drive the political agenda.

Nation-state governments need to stop seeing the issue of child soldiers as merely a human-rights problem. It is also a national security problem with potentially devastating consequences. A strong political will devoted to eradicating the child soldier problem must first target the enabling conditions that force children to take up arms. Based on my research, I believe that dedicating more resources to programs aimed at bolstering education and regional economies, thereby, reducing inequalities must be part of the solution. The protection of children must become a global priority, or at the very least an issue equally as important as the economy or security, otherwise, the recruitment of child soldiers will continue. Unfortunately, the challenge for nation-states will remain

⁴⁸ United Nations Human Rights. *Status of Ratification Board*. Accessed 1 April 2022. <https://indicators.ohchr.org/>

⁴⁹ *Ibid.*

⁵⁰ United Nations. *The Arms Trade Treaty*. Article 6 and 7. Accessed 1 April 2022. <https://www.thearmstradetreaty.org/hyper-images/file/TheArmsTradeTreaty1/TheArmsTradeTreaty.pdf>

⁵¹ Child Soldiers International. *The Arms Trade Treaty and its implication for preventing child soldiers—an initial assessment*. 7 May 2013. Accessed 1 April 2022. <https://www.refworld.org/pdfid/5208b99b4.pdf>

to balance higher priorities at home against national interests abroad, where such issues are not always aligned.

DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION

The last argument this paper will present for discussion relates to the inadequacies of disarmament, demobilization, and reintegration programs (DDR). The UN Institute for training and research defines DDR as,

... a process through which members of armed forces and groups are supported to lay down their weapons and return to civilian life. As a complex process, it comprehends political, security, social, and economic dimensions aimed at creating an environment where a peace process, political and social reconciliation, as well as sustainable development, can take place.⁵²

Unlike adult DDR programs, normally established once the hostilities have ceased, children's DDR programs must be initiated as early as possible for increased chances of success.⁵³ A rigorous DDR strategy for children relies mainly on three fundamental elements. First, child soldiers must be de-armed and demobilized; in other words, taken out of combat. Second, most child soldiers have been drugged and exposed to extreme violence and trauma for extended periods and as such, they will require personalized long-term psychological and physical care. Third, the reintegration of child soldiers must be deliberate and based on a professional assessment and recommendation,⁵⁴ not on a homogeneous agenda. Unfortunately, this 3-step process is

⁵² United Nations Institute for Training and Research (UNITR). *Disarmament, Demobilization, and Reintegration*. Accessed 14 April 2022. <https://unitar.org/sustainable-development-goals/peace/our-portfolio/disarmament-demobilization-and-reintegration>

⁵³ Elettra Pauletto and Preeti Patel. "Challenging Child Soldier DDR Processes and Policies in the Eastern Democratic Republic of Congo." *Journal of Peace, Conflict and Development*, Issue 16, November 2010. Accessed 2 April 2022. https://www.icc-cpi.int/RelatedRecords/CR2017_04717.PDF

⁵⁴ Aaron Young. "Preventing, Demobilizing, Rehabilitating, and Reintegrating Child Soldiers in African Conflicts." *Journal of International Policy Solutions*, Vol. 7, Spring 2007. Accessed 1 April 2022. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1144346

often misunderstood and the widespread tendency is to default to a ‘blueprint’ approach, which could endanger the whole process.⁵⁵

To be effective, DDR programs will likely require months or even years of devoted support, including follow-up visits before they can have their intended effects.⁵⁶ The time required for a complete rehabilitation will depend largely on the resiliency of the child, the quality of the services provided, the funds available, and the social and cultural contexts. Failure to provide a long-term and targeted care plan will contribute to perpetuating instability and further conflicts, an important aspect frequently overlooked by state governments and funding organizations who occasionally seek quick results or perhaps, look at DDR programs through the lens of western societies.⁵⁷

Returning children, in particular girls, to their community or family is not always the best course of action and should only be considered when feasible and safe to do so. Occasionally, those children will face severe reprisals, stigmatization, or even rejection⁵⁸ which is counter-productive, hence the importance of correctly understanding the regional dynamics, and cultural factors. “... DDR programs are aimed at removing children from a context of violence and delivering them to a safe place where they can complete their development in a nurturing environment.”⁵⁹ An early or ill-adapted

⁵⁵ Elettra Pauletto and Preeti Patel. “Challenging Child Soldier DDR Processes and Policies in the Eastern Democratic Republic of Congo.” *Journal of Peace, Conflict and Development*, Issue 16, November 2010. Accessed 2 April 2022. https://www.icc-cpi.int/RelatedRecords/CR2017_04717.PDF

⁵⁶ Anne-Lynn Dudenhoefer. “Disarmament, Demobilisation and Reintegration is Not Enough.” *Accord*. 31 May 2018. Accessed 15 April 2022. <https://www.accord.org.za/conflict-trends/disarmament-demobilisation-and-reintegration-is-not-enough/>

⁵⁷ Michael Wessells. (2000). “How We Can Prevent Child Soldiering.” *Peace Review*, 12:3, 412, DOI: 10.1080/713689694

⁵⁸ Milfrid, Tonheim. (2012). “Who Will Comfort Me? Stigmatization of Girls Formerly Associated with Armed Forces and Groups in Eastern Congo.” *Null* 16 (2): 279. doi:10.1080/13642987.2010.538922. <https://doi-org.cfc.idm.oclc.org/10.1080/13642987.2010.538922>.

⁵⁹ Elettra Pauletto and Preeti Patel. “Challenging Child Soldier DDR Processes and Policies in the Eastern Democratic Republic of Congo.” *Journal of Peace, Conflict and Development*, Issue 16, November 2010: 42. Accessed 2 April 2022. https://www.icc-cpi.int/RelatedRecords/CR2017_04717.PDF

reintegration program could serve as a steppingstone for re-recruitment into armed groups, especially when the economic situation is such that families are unable to provide their children with basic necessities, or guarantee their protection.^{60,61} To be successful, DDR programs must ensure that children are reintegrated into an environment where they can concentrate on schooling or vocational training, and eventually, contribute to society in a meaningful way.

A good example of a quick reintegration approach was trialed by *Save the Children United Kingdom* (SCUK) which opted for an aggressive DDR program with a “strong emphasis on reintegrating children with their families at the earliest possible opportunity, without providing direct psychological support, but supporting children with education, vocational training, and psychosocial support.”⁶² Although this approach allowed for the reintegration of 3000 children in the Democratic Republic of Congo (DRC) in a single year, the reality was such that the quick reintegration of children in an area still affected by war resulted in SCUK having to abandon children and leave the country at the first sign of danger. The early abandonment of children compromised the reintegration process and led to a complete distrust between the local population and SCUK, a critical element of any successful DDR program.⁶³

DDR programs are also victims of financial challenges. As reported by the UN Office for the Coordination of Humanitarian Affairs (OCHA) Financial Tracking Services (FTS), “[c]hild protection is the second-least funded humanitarian sector

⁶⁰ *Ibid.*, 52.

⁶¹ *Ibid.*, 44.

⁶² *Ibid.*

⁶³ *Ibid.*

globally, despite gross violations of children's rights, including recruitment...."⁶⁴ The issue of child soldiers is a wicked problem and as such, it needs to be addressed holistically. There is no single solution to the problem, but having a profound understanding of the context, the environmental challenges, and the contributing factors that bolster the issue could offer some viable options and solutions on how to best approach the problem. Unfortunately, the fact that global powers are unable to eradicate the problem seems to indicate either a misunderstanding of the root causes, a lack of financial commitment and priorities, or simply the inability (or lack of will) to transform political commitments into meaningful actions. It is one thing to issue a political statement condemning the use and abuse of children; it is something else to commit appropriate funding and resources to address the issue appropriately.

According to World Vision, the environmental context which enables and perpetuates the issue of child soldiers includes:

active or recent civil conflict or high levels of ongoing criminal violence, population displacement, weak or no state presence, criminality, and human rights abuses, limited access to vital goods and services, absence of or poor quality education and health systems, inadequate laws and/or failure to enforce laws, and high levels of corruption and violence.⁶⁵

Looking at these factors, one could group them under one main umbrella: poverty or disparities between the rich and the poor, resulting from a lack of education or employment opportunities. When attempting to address the issue of child soldiers, a clear understanding of the relationship between the aforementioned factors is critical,

⁶⁴ World Vision International. *It takes a World to end the use of Child Soldiers: A research report*. February 2019: 4. Accessed 4 April 2022.

https://www.wvi.org/sites/default/files/WV_ITAW_No_Choice_Research%20Report_2019%20SP%20Online.pdf

⁶⁵*Ibid.*, 8.

especially considering that an important number of children join armed groups not by abduction or coercion, but rather by choice to better their living standards.⁶⁶ I would suggest that overlooking this centerpiece of the puzzle can lead to the implementation of ineffective solutions that are focused mainly on addressing the symptoms, rather than the root cause.

As previously stated, child protection programs are seriously underfunded. Since money will always be a limiting factor, perhaps a more progressive approach could be to reassign funds allocated to DDR programs towards economic development, including educational and vocational programs. Consequently, instead of treating the symptom of the child soldier problem, the emphasis would be placed on treating the root cause.

According to Dr. Sheila Ronis, the “economic viability of a nation [is] a major element of national security, because, without capital, there is no business; without business, there is no profit; and without profit, there are no jobs.”⁶⁷ By deduction, a lack of jobs leads to poverty, and poverty is a catalyst for conflict. World powers need to re-think how they approach the issue of child soldiers. They must challenge their assumptions about the problem as well as how they fund IOs, NGOs and DDR programs. They must work more closely with local governments and community leaders, and allocate more meaningful resources and funding toward prevention programs, which must include economic development and educational programs. Failing to do so will not only perpetuate the issue, but it will end up being more costly since the problem will never be truly remedied.

CONCLUSION

⁶⁶ *Ibid.*, 9.

⁶⁵ Wendell Codrington Wallace. “National Security.” In *The SAGE Encyclopedia of Surveillance, Security, and Privacy*, edited by Arrigo, Bruce A., 647-54. Thousand Oaks, CA: SAGE Publications, Inc., 2018. www.doi.org/10.4135/9781483359922.n

In many parts of the world grappling with failed governments, poverty, and armed conflict, children's fundamental rights are often violated without scruple or blatantly disregarded. Children deserve the right to thrive in a safe and healthy environment, and should not have to take part in conflicts shaped by adults. Unfortunately, the recruitment of children by government and non-governmental armed groups shows no signs of decreasing. Indeed, the number of child soldiers continues to grow despite extraordinary efforts deployed by various world organizations and institutions. The recruitment of children, whether forcibly or voluntarily, is a serious crime under international law and represents one of the six gravest violations of children's rights.⁶⁸ Unfortunately, the international laws and policies supposedly responsible to protect children are either vague, or incoherent, and have repeatedly fallen short of having their intended effects. This enduring shortcoming has been known for many years and must be addressed urgently. To do so, nation-states will first need to unite and come to an agreement on what is to be legally considered a child, and second, they will need to design appropriate processes to hold perpetrators responsible for their complete disregard of the international laws, but also to eliminate loopholes that can be exploited within the existing laws.

The question of child soldiers is extremely complex and will not be resolved in the short or medium terms, but world leaders still have a moral responsibility to try to end the question. It is a wicked problem and will require a holistic approach by many actors, including global and local governments, community leaders, NGOs, IOs, and humanitarian organizations driven by a strong political will, an essential element

⁶⁸ Office of the Special Representative of the Secretary-General for Children and Armed Conflict. *The Six Grave Violations against Children During Armed Conflict: The Legal Foundation*. Updated November 2013. Accessed 6 April 2022. https://childrenandarmedconflict.un.org/publications/WorkingPaper-1_SixGraveViolationsLegalFoundation.pdf

currently lacking. Major world powers like Canada, the United States, Germany, France, and Great Britain also need to re-examine their economic interests and priorities. From my point of view, continuing to supply or sell military-grade weapons to states who have been accused of violating international laws and human rights not only exacerbates the problem, since many of those arms end up in the hands of children, but also sends the message that international laws are merely suggestions, and apply only to certain states.

Resolving the issue of child soldiers will remain an impossible task until nation-states decide to set the conditions to eradicate the enabling factors that force children to join armed groups. A lot of money and effort go into DDR programs, arguably not enough since child protection remains the second-least funded UN security program;⁶⁹ however, to be effective, it is fundamental that DDR programs not only consider the children's needs but also the environmental and social context as part of the solution.

Finally, if one hopes to stop the recruitment of children into armed groups, the question of national security, specifically targeting the “safety, security, and welfare of [...] citizenry”⁷⁰ must be addressed by world leaders. Failure to do so will not only be a gross mistake and perpetuate the issue, but it will also contribute to its proliferation. I am convinced that nothing will change unless global and local actors work hand in hand to set the conditions to lower the unemployment and crime rates, as well as to address the increasing disparities between the rich and the poor, thereby, improving the overall

⁶⁹ World Vision International. *It takes a World to end the use of Child Soldiers: A research report*. February 2019: 4. Accessed 4 April 2022.

https://www.wvi.org/sites/default/files/WV_ITAW_No_Choice_Research%20Report_2019%20SP%20Online.pdf

⁷⁰ Wendell Codrington Wallace. “National Security.” In *The SAGE Encyclopedia of Surveillance, Security, and Privacy*, edited by Arrigo, Bruce A., 8. Thousand Oaks, CA: SAGE Publications, Inc., 2018. www.doi.org/10.4135/9781483359922.n295

quality of life. Doing so will gradually eliminate the conditions that force a large number of children to join or re-join armed groups to enhance their security and well-being.

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