GOOD INTENTIONS, LITTLE EFFECT: INTERNATIONAL NORMS AND THE USE OF CHILD SOLDIERS

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The continued use of child soldiers is testimony that the presence of international norms alone is ineffective in protecting children because conditions within sovereign states to enlist often supersede international norms. In a period of fewer than fifteen years, two international treaties specifically designed to protect children were adopted by the United Nations General Assembly: the Convention on the Rights of the Child (1989) and its Optional Protocol on the involvement of children in armed conflict (2002). Despite these actions, the recruitment and use of child soldiers in wars and conflicts continues to take place globally in many countries and territories. This work examines the challenges to the development, implementation, and enforcement of the Optional Protocol to the CRC on the involvement of children in armed conflict.

The Optional Protocol drafting process reflects states’ self interests, which causes its outcomes to fall short of protecting all children against recruitment and use in hostilities. In this thesis, extensive research based on a multi-method study of statistical analysis and case studies reveals that it is not only the insufficiency in the Optional Protocol’s provisions that perpetuate the use of child soldiers but also underlying conditions within sovereign states negatively affect the enforcement and implementation of international norms.
This work is dedicated to the world’s Child Soldiers.
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INTRODUCTION

The unfolding child soldier crises in Sudan, Somalia, Uganda, Central Africa Republic, Afghanistan, and Burma is a grim reminder that the world has failed to offer children the protection from armed conflict to which they are entitled. Today, the recruitment and the use of child soldiers in hostilities takes place globally in more than 86 countries and territories (Coalition to Stop the Use of Child Solders 2008, p. 12). Indeed, studies estimate that approximately 300,000 children worldwide are engaged in military conflict at any given time (Coalition to Stop the Use of Child Solders, 2001, p.10). Of those, 120,000 are thought to be on the African continent (Webster, 2007, p. 231). Many are forcefully recruited, but others join “voluntarily” for economic and security reasons (Machel, 2001, p. 11). Once in the ranks, children perform jobs well beyond their physical ability or mental and emotional capacity. This causes them to suffer not only the immediate effects of war and conflict, but also long-term repercussions related to their development and well-being.

In response to the challenge of protecting children, the international community, United Nations agencies, nongovernmental organizations,’ and other members of the civil society have acted to ensure the adoption of laws and policies intended to prevent the recruitment and use of child soldiers in wars and conflicts. Specific to the protection of children is the Convention on the Rights of the Child (CRC) that entered into force in 1989. The CRC spells out the basic rights of children, including the right to survival, development to the fullest, and protection from harmful influences, abuse, and exploitation. The provisions of the CRC also include Article 38 that specifically calls for the protection of children from armed conflicts. Later, in 2002, a call for action to protect children in armed conflict was reaffirmed by the adoption of the Optional Protocol to the CRC on the involvement of children in armed conflict. The Optional Protocol
highlights the urgent need to protect all children from abuses and horrors of wars and conflicts and provides an alternative to exploitive child soldiering practices by successfully integrating them into the community.

Since the creation of the CRC and its Optional Protocol, there have been some positive developments towards ending the barbaric practice of child soldiering, but the progress barely scratches the surface. The creation of international treaties addressing the use of child soldiers is one major development, and while the enactment of laws addressing the use of child soldiers is an important element in efforts to end the practice, such laws alone have proved insufficient. Today, 189 nation-states are party to the CRC; Somalia and the United States of America are the only two nation-states that have not ratified the convention. One hundred and twenty five nation-states that have ratified the CRC are also party to its Optional Protocol on the involvement of children in armed conflict, yet most of these countries are known to use child soldiers. While some elements in the international treaties protecting children against armed conflict are insufficient, the lack of willingness and the inability of nation-states to implement and enforce them are also contributing factors.

The implementation and enforcement of international norms outlined in the treaties is left almost exclusively in the hands of sovereign states (Donnelly, 2007, p. 39). States’ ratification of the Optional Protocol is a minimum commitment. For this treaty to be truly effective, the nation-states must incorporate the international norms outlined in the Optional Protocol into their domestic law and be willing and able to effectively enforce them. Only then can progress be made toward ending the use of child soldiers.

Realistically, however, while some countries are willing to incorporate these international norms into domestic law, some lack the ability and/or the willingness to effectively enforce
them. Conditions within sovereign states, including wars and conflicts, political instability, poverty, weak governments, and social instability, pose major challenges to the protection of children’s rights because they create environments incompatible with human rights protection. Conditions such as those mentioned above are a breeding place for weak and failing states, corruption, hopelessness, lawlessness and safe heavens for rebel groups. In such an environment, both state and/or non-state actors act with impunity because they are not reprimanded or punished. Government officials’ and other powerful citizens’ self interests impair the enforcement of laws protecting children against recruitment and use in armed conflict. The Optional Protocol is an important international legal agreement condemning the use of child soldiers. However, in any country where conditions are ripe for the abuse of children’s rights, its presence has little significance.

This work examines the effectiveness of international, regional and national laws prohibiting the use of child soldiers. Specifically, the effectiveness of the Optional Protocol to the CRC on the involvement of children in armed conflict is evaluated. Factors that undermine its effectiveness are examined and analyzed using a multi-method study employing statistical analysis and case studies of Uganda and Sierra Leone. The two case studies were chosen on the basis of their use of child soldiers. The case studies also provide an element of comparison to the study. While the case of Uganda is in the present, the case of Sierra Leone to a greater extent is in the past. Uganda has been in a civil war since 1986 (Finnström, 2008, p. 4). Most of the forces in the rebel group, the Lord’s Resistance Army, are known to be children; state and state-sponsored armed forces are also known to recruit children (Coalition to Stop the Use of Child Soldiers 2008, p. 346-347). Sierra Leone was in a civil war from 1991 to 2002 (Coalition to Stop the Use of Child Soldiers 2008, p. 297). During the war, “more than 5,000 children under the age
of 18, both boys and girls and some as young as five, [fought] as combatants in Sierra Leone (Amnesty International 2000, p. 1). The war in Sierra Leone also transcended borders to include Libya, Burkina Faso and Liberia (Pham, 2005, p. 84). Currently, no child soldiers are known to exist in Sierra Leone, but children from Sierra Leone often cross borders to become child soldiers in Liberia in search for economic opportunities (Coalition to Stop the Use of Child Soldiers 2008, p. 297). Case studies are used in this study for analyzing causation and developing theory. Statistical analysis is important because it helps show that the situation in the case studies is generalizable. The two together provide convergent validity.

The study shows that conditions within sovereign states such as wars and conflicts, political instability, poverty, weak governments, and social instability make the implementation and enforcement of the Optional Protocol very challenging. Moreover, the study shows that state and non-state actors are influenced by different forces to recruit child soldiers. The study concludes that the complexity of the child soldier issue calls for a multifaceted initiative and partnerships across all sectors of society: local, national, regional, and international.
CHAPTER ONE: LAWS IN PLACE TO PROTECT CHILDREN

Fundamental changes in human rights, including the rights of children, surfaced with the creation of the United Nations (UN) in 1945 established by a multilateral treaty, the UN Charter (Donnelly, 2007, p. 3 & p.8). The subject of human rights had a major breakthrough in 1948 when the UN General Assembly (UNGA) adopted the Universal Declaration of Human Rights (UDHR) which according to Donnelly (2007) “provides the most authoritative statement of international human rights norms” (p.5). From the UDHR, legally binding human rights agreements stem. However, while the United Nations is an important intergovernmental organization, it operates under “severe structural constrains” (Donnelly, 2007, p. 3).

The UN has only those powers its members (sovereign states) give to it. The UN defines and provides guidelines on human rights through international treaties, but its members limit its power of implementation, leaving them (sovereign states) solely responsible for the implementation of human rights (Donnelly, 2007, p. 8-9). As sovereign entities, states possess the right to control activities within their boundaries (Slomanson, 2007, p. 268). The fact that human rights violations occur within state boundaries, and sovereign states violate human rights, there is a potential for compromising international treaties (Donnelly, 2007, p. 8). This makes individuals, especially children susceptible to abuse.

The main objective of this chapter is to outline the laws in place that are intended to protect children, particularly those involved in armed conflict. The terms “child” and “child soldier” will be defined. Further, the institutionalization of the Optional Protocol, including the drafting process will be examined and its provisions outlined.
Working Definition

For the purposes of this work, a child refers to anyone under the age of eighteen as outlined in current international and regional agreements: The Convention on the Rights of the Child (CRC), Article 1; The African Charter on the Rights and Welfare of the Child, Article 2; and Worst Forms of Child Labor Convention, Article 2.

A child soldier refers to “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 anyone accompanying such groups, other than family members. This includes girls recruited for sexual purposes or for forced marriage” (The Cape Town Principles and Best Practices, p. 12).

Use of Child Soldiers is Not a Recent Development

Recruitment and use of child soldiers is not a new practice. In the past, many states and non-state actors used child soldiers to their advantage. According to Webster (2007), the involvement of child soldiers dates back to 1212, when thousands of children participated in the “Children’s Crusade” (p. 229). They were also used during the Napoleonic War, World War II, and the period of British colonization. By the 1980’s, state and non-state armies recruited and used child soldiers so extensively that this period has came to be known to as the ‘era of the child soldier’ (Webster 2007, p. 229). The extensive use of child soldiers before and during the 1980’s could be attributed to a lack of special laws protecting children. But as I hope to establish, even with laws in place, the number of children exposed to dangers during wars and conflicts remains a matter of grave concern. Having laws in place in itself is inadequate— more needs to be done.
Institutionalization of Children’s Rights

From ancient civilizations to contemporary times, children’s rights have changed. The most important development is the change in how children are treated: previously as insignificant actors and players but now as a special class of human beings. This includes viewing them as human beings with rights accorded other individuals (Hart and Pavlovic, 1991, p. 2). While human rights laws recognize the equal standing of all human beings, some classes of human beings, including women and children, have more recently been singled out for special protection because of their unique vulnerabilities. For example, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which addresses issues regarding discrimination against women; the Convention on the Right of the Child that affirms in its preamble the need to treat children with special consideration; and the Optional Protocol to the Convention on the Rights of the Child which speaks to the protection of all children in armed conflict.

Indeed, the Optional Protocol is a treaty, and as such, it is self-binding. States, by ratifying the Optional Protocol, promise to adhere to its provisions. However, unlike other treaties, the Optional Protocol is unique because it addresses the needs of children, especially those affected by armed conflict, singling them out for special protection. The need for this special protection is illustrated by Honwana (2006) in his detailed and provocative description of what being a child and later a child soldier really means:

In modern societies, childhood is usually associated with innocence, weakness and dependence upon adult guidance and nurturance. Soldiers, in contrast, are associated with strength, aggression, and responsible maturity of adulthood. Children should be protected and defended; a soldier’s duty is to protect and defend. The paradoxical
combination of child and soldier is unsettling... They live in a twilight zone where the two worlds of childhood and adulthood rub against each other in …uneasy intimacy.”

(p. 3)

The special attention given to children’s rights is not surprising, and laws protecting child soldiers are long overdue.

The Role of the United Nations

The United Nations’ Security Council and the General Assembly have been instrumental in addressing the child soldier regime. The Security Council’s Resolution 1261(1999) strongly condemns the targeting of children and urges states to increase their efforts to ensure an end to the recruitment and use of child soldiers. In addition, General Assembly /Security Council Children and Armed Conflict Report of the Secretary-General A/56/342–S/2001/852 (2001) recognizes the association between armed conflict and deteriorating humanitarian conditions and calls on all parties involved in armed conflict to immediately stop the recruitment and the use of child soldiers. The United Nations has offered much needed support to individuals and organizations trying to develop legal instruments intended to stop the recruitment of child soldiers, For example, the landmark report by Graça Machel, the Impact of Armed Conflict on Children was initiated and supported by the United Nations. In addition, the UN provides status reports on where immediate help is needed for individuals, nongovernmental organizations, and states willing to offer assistance.

International Legal Instruments Addressing the Issue of Child Soldiers

There are a limited number of treaties that specifically protect children. The CRC is the earliest international law specially designed to protect children’s rights. A specific legal instrument addressing the plight of child soldiers, the Optional Protocol to the CRC, was drafted
in the late 1990’s and went into force in 2002. The stern condemnation of child soldiering by current international agreements is in line with one of the earliest international agreements, the Geneva Declaration of the Rights of the Child of 1924 that addressed the need for special treatment for children. The drafting and the provisions of these laws follow.

*The additional Protocol (1) to the Geneva Convention of 1949*

The additional Protocol (1) to the Geneva Convention of 1949 provides the earliest condemnation of the use of child soldiers. It provides in Article 77 (2):

> Parties to the conflict shall take all feasible measures in order 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.

While this Article does not forcefully condemn the recruitment and use of child soldiers, it is important in the development of the child soldier regime as all other treaties stem from it. Subsequent conventions raise the age of recruitment to 18 years.

*The Convention on the Right of the Child*

The Convention on the Right of the Child was adopted by the United Nations General Assembly Resolution 44/25 in 1989. The Convention defines the appropriate age of a child as “every human being below the age of eighteen” (Article I) and affirms in its preamble the need to treat children with special consideration. Special attention was given in designing its clauses which together reflect the best interest of the child. In the CRC, Article 38 addresses the use of child soldiers:
1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years 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, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Reading the provisions, one could say that Article 38 does not provide sufficient protection to child soldiers. In fact, it basically restates the provisions of Article 77 (2) of additional Protocol (1) to the Geneva Convention of 1949 with minimal changes. Despite its limitations, in many ways, the CRC is important because it stands as the most detailed international treaty addressing the rights of children. In addition, the CRC in Article 38 provided a guideline that was to become instrumental in the creation of the Optional Protocol. In fact, the debate about creating a treaty specifically addressing issues of child soldiers was fueled by the need to provide details and specifics not included in Article 38. Thus, Optional Protocol is an extension of Article 38.

Debates over a distinct legal instrument addressing issues of child soldiers surfaced after the CRC’s Article 38 was deemed insufficient. During the debates, the landmark report by Graça Machel, *the Impact of Armed Conflict on Children*, was released. Graça Machel had been
appointed by the Secretary General in 1994 to study the impact of armed conflict on children. Citing the need to turn good intentions into real change, “the United Nations Committee on the Rights of the Child in 1993 recommend to the General Assembly, in accordance with article 45 (c) of the CRC, that it request the Secretary General to undertake a comprehensive study on the impact of armed conflict on children” (UNICEF, 1996, p. 6). The study culminated in an extensive report on the impact of conflict on children.

Since its release, the report is widely credited for bringing the plight of child soldiers into the limelight. Webster (2007) asserts that Graça Machel’s stunning report put the issue of child soldiers at the top of the international community’s agenda by raising consciousness about the issue (p. 230). This report brought the world together to focus on a previously ignored issue. She writes candidly about a world “devoid of basic human values; a space where children are slaughtered, raped and maimed; a space in which children are exploited as soldiers; a space in which children are starved and exposed to extreme brutality” (p. 5). While the effects of wars and conflict are well known, this report gives them a new face and draws many people to pay closer attention to the plight of children.

Demands in this report are simple and straight forward: Michel calls for an end to the use of child soldiers, noting that “children simply have no part in warfare” (p. 6). Further, she urges the international community to act swiftly to denounce the use of child soldiers, calling it “intolerable and unacceptable” (p. 6). However, because the international community is not a world government, it lacks sovereignty; all it can do is issue guidance and provide support. However, in response to Machel’s recommendations, the Office of the Special Representative of the Secretary General for Children and Armed Conflict was established in 1997 with a mandate “to promote the protection, rights and well-being of children at every phase of conflict”
Now, there was a public advocate for children involved in and affected by armed conflict.

The creation of the Office of the Special Representative strengthened the already existing working group put in place by the United Nations Commission on Human Rights to draft the Optional Protocol. The delegates discussed and refined the text of what was to become known as The Optional Protocol to the CRC on the involvement of children in the armed conflict. It was adopted and opened for signature, ratification and accession by General Assembly Resolution A/RES/54/263 in 2000 and entered into force in 2002. To date, 130 nation-states are party (OHCHR).

Key Provisions of the Optional Protocol

While the CRC offers some protection against recruitment and use of children age fifteen and younger engaged in hostilities, the Optional Protocol demands more. The demands are outlined in its preamble where the protection of all children up to the age of 18 is called for. This treaty aims at preventing the enlistment and participation of all children in war and completely outlaws their recruitment into armed groups. Also included is an expectation that nations will work to improve the quality of their lives. The Optional Protocol prohibits the forcible recruitment of children for use in armed conflict.

Enforcement and Implementation

By ratifying the Optional Protocol, nation-states agree to its standards. Unfortunately, there is no international enforcement. The power to enforce and implement these standards rests with each sovereign state. However, Article 6 (1&2) urges states to do everything within their means to ensure the proper enforcement and implementation of the provisions of the Optional
Protocol. To achieve this goal, state parties are required to commit resources and their political will to prevent the involvement of children in armed conflict, in obtaining their release, and in supporting their successful reintegration into the community. As Honwana (2006) attests:

Effective enforcement of every child’s right to protection from direct involvement in armed conflict requires, at the very least, the dissemination of information about these conventions, knowledge and understanding of children’s rights and the translation of rights and norms into local worldviews and meaning systems in order to make them recognizable and locally sanctioned (p. 158).

Effective implementation and enforcement of international treaties requires states’ acknowledgment of their importance. Without state support, international treaties are no more than words on a piece of paper.

*Monitoring Group*

To ensure that states follow through, the Optional Protocol in Article 8 (1) includes a reporting obligation by providing that:

Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

This provision is an important facet of the Optional Protocol because it enhances states’ accountability. It is expected that member states will review the status of children in armed conflict by providing a report to the CRC Committee. The presence of a monitoring unit forces member states to examine and give an account of the steps taken to implement the provisions of
the Optional Protocol (Webster, 2007, p. 241). In theory, with a monitoring body, states should more careful guard the rights of children because they are aware that watchful eyes exist and most of their actions are being closely monitored.

*The Functions of the CRC Committee*

The CRC Committee was established in accordance with Article 43 for the purpose of examining the progress made by the member states in the implementation of the CRC. The Committee consists of eighteen members elected by secret ballot from a list of persons nominated by states to serve in their personal capacity for two years (Article 43, para 2, 3 &4). For the purposes of providing proper guidance to member states, the Committee in Article 43 was mandated “to establish its own rules and procedure” (Article 43, para 8). Initial and periodic reports to the CRC Committee from member states must include an assessment of the progress and challenges in implementing the provisions. Member states were mandated to do the same on ratifying the Optional Protocol.

While the Optional Protocol tried to address the matter, children continue to be abducted and used as soldiers around the world (Coalition to Stop the Use of Child Soldiers 2008, p. 12). The Optional Protocol, like many other agreements establishing international norms, is ineffective unless sovereign states agree to incorporate such norms within their domestic law. As Marshall S. Billingslea, the United States Deputy Assistant Secretary of Defense, noted in a statement to the Committee on Foreign Relations:

We need to be clear, at the outset, that we do not view the Child Soldiers Protocol as a perfect solution to the underage soldier problem and that, in and of itself, it will not bring an end to the practice. But the protocol will serve as a moral and ethical statement by likeminded countries, and will foster the kind of diplomatic dialogue, attention, and
pressure that is needed to truly bring an end to the practice of recruiting and using underage soldiers (107 Congress Report, 2002, p. 76).

Such sentiments, combined with the evidence of increased use of child soldiers, should remind individuals, states, and the international community that putting the Optional Protocol in place was just the beginning of a long journey. Indeed, there are other major issues that have to be addressed at the individual, the state, and the international level besides the ones outlined in the Optional Protocol.

Regional Agreements Condemning Child Soldiering

In addition to the international agreements condemning the use of child soldiers, there are regional agreements. The two most significant agreements have their origins in Africa: The Cape Town Principles and Best Practices that calls for a minimum age of eighteen for any recruitment and use of persons in any armed force or armed group (p. 1), and the African Charter on the Rights and Welfare of the Child which in Article 22 (2) which provides: “States 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.” These agreements are tremendously important. Unlike the international agreements that define a child as any person below the age of eighteen, but set the acceptable recruitment age at fifteen, the Cape Town Principles and Best Practices and the African Charter on the Rights and Welfare of the Child define a child as any person under the age of eighteen and set the minimum age of recruitment and participation in hostilities strictly at eighteen. The definition of child as any person under the age of eighteen by the two regional treaties is in line with the definition of child provided in the CRC and the Optional Protocol.
While the Cape Town Principles and Best Practices and the African Charter on the Rights and Welfare of the Child do provide condemnation of the use of child soldiers in the African Region, their effectiveness is yet to be fully realized. It is estimated that close to half of the approximately 300,000 children engaged in combat are in Africa (Webster, 2007, p. 231). Simply put, the numbers are alarming, as the African continent represents only 20% of the world’s population, yet accounts for 50% of the world’s child soldiers. While examining the laws in place to protect children against recruitment and use in war and conflict zones provides some background of existing legislation, it is more important to determine whether such laws alone are adequate. The next chapter addresses the effectiveness of existing laws, especially the Optional Protocol.
CHAPTER TWO: EFFECTIVENESS OF THE LAWS

This chapter investigates whether laws in place to protect children in any armed conflict are sufficient. In particular, the effectiveness of the Optional Protocol is reviewed and factors that contribute to its failure are suggested. This assessment reveals that most laws instituted to protect children in armed conflict are insufficient, and states lack the ability and/or the political will to enforce them. It concludes with an assessment of the effects of wars and conflicts on children.

Introduction

Several justifications have been offered to validate the creation of the Optional Protocol. One of the most referenced justifications is the ineffectiveness of the provisions of Article 38 of the CRC (Breen, 2003 p. 454). As was noted in Chapter One, Article 38 is the only article in the CRC that addresses the issue of child soldiers. Though this Article provides some protection for children under the age of 15, it falls short of protecting all children, as the CRC defines children as persons below the age of 18. There was a general consensus from nongovernmental organizations and states of the broad and contradictory nature of the CRC’s definition of child and the standards set for their use in armed conflict (107 Congress Report, 2002, p. 76). The CRC defines the child as any person below the age of 18, but sets the minimum age for recruitment at 15. Specifically, nongovernmental organizations expressed dissatisfaction with Article 38 of the CRC which provisions they viewed as insufficient in protecting children in armed conflict (Breen, 2003, p. 454). Clearly from the sentiments voiced by states’ representatives and nongovernmental organizations, there was an urgent need to make right what were determined to be insufficient provisions in the CRC in the area of child soldiering.
During the initial discussions of the components of the Optional Protocol, a representative for the Latin American and Caribbean group noted that “raising the minimum (age for recruitment) was the goal” (United Nations, E/CN.4/2000/74, p. 6). Raising the minimum age for recruitment from 15 to 18 would ensure all children were protected from armed conflict. Stronger arguments were brought forth by the United Nations Higher Commissioner for Human Rights stating, “The question at issue was not the difference between 16, 17, and 18 years of age; the fundamental point was the distinction between children and adults” (United Nations, E/CN.4/2000/74, p. 7). More support for a “straight 18” Optional Protocol came from the Special Representative to the Secretary General, who went further to elaborate that the “straight 18” would have to apply equally to government forces and paramilitary groups and “would enable its advocates to negotiate commitments from non-state actors to refrain from recruiting or using children under 18 in their ranks” (United Nations, E/CN.4/2000/74, p. 8). The sentiments voiced by concerned groups and individuals were essential in the drafting of the Optional Protocol because increasing the minimum age for recruitment and participation in armed conflict from 15 to 18 would be consistent with the definition of child as stipulated in Article 1 of the CRC. Therefore, envisioning a “straight 18 Protocol” became the delegates’ task. The following paragraphs examine the successes and the failures of the Optional Protocol to the CRC.

The Success of the Optional Protocol

On some fronts, progress is being made, especially since the Optional Protocol only came into force in 2002. Several states, have taken steps to address the issue of child soldiers. One of the fundamental indicators of progress is the increased ratification of the Optional Protocol. When it entered into force in 2002, only ten states ratified it, to date, 127 states are party.
Individual states have been instrumental in the effectiveness of the Optional Protocol; for instance, the United States 110th Congress recently passed a significant law —the Child Soldiers Accountability Act of 2008. This act is meant to “Prohibit the recruitment or use of child soldiers, to designate persons who recruit or use soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes” (Child Soldiers Accountability Act, 2008). While the United States is neither party to the CRC or the Optional Protocol, the passing of this act by Congress illustrates the willingness of the United States to show much needed leadership in this critical matter. Because the United States is one of the most respected countries in the world, such an act symbolizes essential world leadership in an effort to end the use of child soldiers.

In addition, the issue of child soldiers has captured the attention of the international community. Both intergovernmental and nongovernmental organizations have initiated measures ensuring the worldwide protection of children. The United Nations is on the forefront in addressing this injustice and continues to devote more resources than ever before; for example, the UN “established a working group to closely monitor developments in states where children soldiers are used” (Coalition to Stop the Use of Child Soldiers 2008, p. 9). Additionally, through the Security Council, the United Nations has also adopted two major resolutions: Resolution S/RES/1539 (2004) and Resolution S/RES/1612 (2005) sternly condemn the use of child soldiers and call for a “monitoring and reporting mechanism on children and armed conflict” (Coalition to Stop the Use of Child Soldiers, 2008, p.14). While these resolutions fail to offer immediate solutions, they do serve to raise awareness of the plight of child soldiers.

In addition to drafting resolutions, the United Nations has further demonstrated its commitment by imposing several sanctions on private individuals and government officials
associated with the use of child soldiers. In 2008, “The Security Council imposed an arms embargo on all foreign and Congolese armed groups and militias” (Resolution 1807, Para 1, 9, 11 &13). The sanctions were approved to address the continued use of child soldiers among other issues such as the proliferation and trafficking of illegal arms. These sanctions were later extended to include travel bans and asset freezes. Implementing the use of sanctions speaks volumes about the UN’s commitment. Issuing sanctions against deviant groups in violation of international law, such as the Optional Protocol, is perhaps the strongest condemnation the UN can bring against human rights’ violators.

International and special courts have issued condemnations against Optional Protocol violators. Uganda, Democratic Republic of the Congo (DRC), Sierra Leone, and Sudan are countries notorious for the recruitment and use of child soldiers. With a watchful eye, the international community is focusing on these areas to ensure that justice is delivered. In its 2008 report, the Coalition to Stop the Use of Child Solders indicates “[war] crimes charges relating to the conscription, enlistment and active participation in hostilities of children under 15 years old have been issued by the International Criminal Court (ICC) against members of the Congo DRC and Uganda” (p. 13). Additional charges and convictions stemming from the use of child soldiers have been pursued with the 2002 implementation of the Optional Protocol. In 2003, the President of Uganda, Yoweri Museveni, referred the Lord's Resistance Army (LRA), a paramilitary group known for its use of child soldiers, to the International Criminal Court (ICC) (ICC, Press Releases, 2004). Later in 2005, Resolution 1593 by the United Nations Security Council referred the case of Darfur to the ICC. The ICC has since begun investigations of possible war crimes in relation to the use of child soldiers (ICC, Press Releases, 2005).
While referring perpetrators of war crimes to international and special courts does not ensure their prosecution, it does signify the end of an era of impunity, thus catalyzing the beginnings of judicial action. Immediate and punitive judgments have been issued by the International and Special Court of Sierra Leone where the accused have actually been in custody. By 2007, several people where on trial in the Special Court in Freetown, for crimes which included the recruitment and use of children under 15 including, “three former AFRC (Armed Forces Revolutionary Council) leaders, two former CDF (Civil Defense Force) leaders, and three former RUF (Revolutionary United Front) leaders” (Coalition to Stop the Use of Child Soldiers, 2008, p. 300). The Special Court for Sierra Leone, set up jointly by the Government of Sierra Leone and the United Nations, is mandated to “try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996” (Special Court for Sierra Leone, 2009).

While only a few people have been brought to justice for using children in armed conflict, this development underscores the progress made by the child soldier regime. Precedence, in this case, could expedite similar prosecutions in the future, granting timely justice.

As a result of international and regional awareness and commitment to the rights of children, especially child soldiers, violators have shown occasional cooperation by releasing child soldiers. After extensive lobbying by the governments, but mainly by the nongovernmental organizations, paramilitary groups have voluntarily released a number of captured children. In 2001 the Sudan People’s Liberation Army released more than 3,500 child soldiers, the majority of whom have since been reintegrated into the community (“Stopping the Use of Child Soldiers”, 2002). Such accommodations are significant because paramilitary groups are not states; they are not bound by the Optional Protocol or any other international treaty, for that matter.
International law, as it stands, only binds states in their relations with one another (Slomanson, 2007, p. 3). Slomanson’s (2007) description of the fundamental function of international law is “to regulate …entities known to be sovereign” (p. 4): further, he illustrates that non-state actors, because of their lack of sovereignty, are not bound by international law and can act in any way they deem fit (p. 4). Nonetheless, some of these actors have come forth and released a number of children captured for use as child soldiers. This example indicates that an effective use of international norms can shape the behavior of non-state actors by being built into domestic law; otherwise, international norms are just words on paper. Such cooperation demonstrates already existing regimes have an effect on shaping not only some states’ behavior, but also the behavior of non-states’ actors in isolated situations.

Clearly, progress has been made since the issue of child soldiering came to light in the early 1990’s, but the number of children still serving as soldiers remains staggering. When the first report was released by the Coalition to Stop the Use of Child Soldiers in 2001, several months before the Optional Protocol came into force, the reported number of child soldiers was as follows: “at any one time, more than 300,000 children under 18 years- girls and boys- are fighting as soldiers with government armed forces and armed opposition groups in more than 30 countries worldwide” (p. 10). Unfortunately, seven years later, the Coalition to Stop the Use of Child Soldiers reported that “the military recruitment of children and their use in hostilities is a much larger phenomenon, that still takes place in at least 86 countries and territories worldwide” (p. 12). While it is easy to regard these numbers and express dissatisfaction with the implementation and enforcement of the Optional Protocol on the basis of these numbers, there are plausible explanations for the slow progress of the Optional Protocol in protecting children from the tribulations of conflict.
The Failures of the Optional Protocol

Before looking at possible external factors that facilitate the use of child soldiers, the question of whether the Optional Protocol, as it stands, can protect children from harm during armed conflict is worth asking. The Optional Protocol is the most detailed piece of international law addressing the issue of child soldiers. However, while the Optional Protocol addresses a host of issues not included in other legal documents, it fails, to the disappointment of many interested parties, to reach its intended purpose: A straight 18 age limit for recruitment and participation in hostilities. According to Webster (2007) “the OP [Optional Protocol] enhances the legal safeguards to protect children in several ways, but it does not raise the age limits for recruitment” (p. 241). Instead of agreeing on a straight 18, a compromise was reached “limiting the application of the Optional Protocol to children’s ‘direct part in hostilities’” (UNICEF, 2003, p. 14). While this provision aims to keep children under 18 out of direct combat, it does not guarantee their security from recruitment at an earlier age.

Use of vague language, omissions, and redundancy were key to reaching a compromise within the working group of delegates. While generalities enabled opposing sides to agree on the final draft, it compromised the overall effectiveness of the Optional Protocol. For instance, there is no definition for “direct or indirect participation” provided by the Optional Protocol; thus allowing states to define “participation” based on self interest. For example, “direct participation may be interpreted to encompass not only active participation in combat but also military activities and direct support function” (UNICEF, 2003, p. 14). Indirect participation could be interpreted to include activities such as “scouting, spying, sabotage and acting as decoys couriers, porters, cooks or assistants... use of girls for sexual purposes or in forced marriages” (UNICEF, 2003, p. 14). From the earlier definition of a child soldier provided in Chapter One, it
is clear that this clause has potential for exploitation and has already been used for harm by both developed and developing countries.

Some countries, in fact, see no use for an Optional Protocol because their domestic laws are superior to the Optional Protocol. The United States of America is one such country that wonders why the ratification of the Optional Protocol is necessary. As they argue:

The Child Soldiers Protocol requires states parties to the treaty to, one, take all feasible measures to ensure that individuals under the age of 18 do not take a direct part in hostilities. Two, it bans involuntary recruitment into the armed forces for those under the age 18, and I underline “involuntary”. And three, it raises the minimum age for voluntary recruitment into the armed forces from the current benchmark of 15 years of age to that of 16 or higher. Under the current law, the minimum age for recruitment in the United States of America is already set at 17 (Committee on Foreign Relations, 2002, p. 20). While the drafters of the Optional Protocol may have envisioned the possibility of such interpretations, it is clear that political preference and states’ interest took precedence over the complete protection of children.

Another weakness of the Optional Protocol is the provision under Article 4 (1). Which provides: “Armed groups that are distinct from the armed forces of a State should not, under any circumstance, recruit or use in hostilities persons under the age of 18 years. Setting a straight 18 limit for recruitment and participation for armed groups was an important facet of the Optional Protocol, but setting different standard for state parties was a weakness that had great potential to compromise the Optional Protocol. As Webster (2007) cautions “this could lead to the uncomfortable situation where a country both recruits sixteen-year-olds into its armed forces and simultaneously prosecutes internal armed groups for their use of the same” (p. 242). Similar
sentiments are voiced by Machel (2001) who argued that not holding the government forces to the same standards as non-state armed groups may undermine the objective of the Optional Protocol (p. 20).

Indeed, many have recognized the potential weaknesses in Article 4 but have failed to recognize the inconsistency in this clause. Clearly, state and not non-state actors can become party to the Optional Protocol, raising the question of its meaningfulness and purpose. International treaties are designed to bind states that ratify them. Therefore, knowing that non-state actors cannot become party to the Optional Protocol should have been enough basis for the drafters of the Optional Protocol to recognize that this provision is inconsistent and should not have been included in this document.

The Optional Protocol also failed to deliver on enforcement and implementation. When the drafters of the Optional Protocol failed to set an independent monitoring body for the Protocol besides the one that already exists for the CRC, its effectiveness was compromised. This is problematic because the CRC and Optional Protocol to the CRC on the involvement of children in armed conflict are two separate agreements making it possible for states to be party to the Optional Protocol without necessarily being party to the CRC.

Clearly, there is a major problem with the Optional Protocol in regard to its purpose and intent. Indeed, many developed countries or states, like the United States, have argued its very existence serves no unique purpose, because its provisions have already been accommodated in its domestic laws or other already existing legal instruments. However, the US ratification of the Optional Protocol would provide much needed support for the regime.
External Factors Facilitates the Use of Child Soldiers

While many state and non-state actors maneuver around the Optional Protocol to recruit and use children in hostilities, the insufficient nature of the Optional Protocol is not solely responsible for the continued use of child soldiers. As Machel (2001) asserts, children who become child soldiers meet such fates for manifold reasons including the fact that most of the children are forcibly recruited (p. 2). She goes further to assert, “some present themselves as possible candidates for the armed forces; some are conscripted, others press-ganged or kidnapped, still others join armed groups because they are convinced it is a way to protect their families” (p. 11). However, Machel cautions that it is “misleading ...to consider this as ‘voluntary’ [because] rather than exercising free choice, these children are responding to a variety of pressures” (p. 11). Such practices are not universal, leading scholars to suggest that there are possibly different reasons why state and non-state actors recruit children; why children choose to join armed conflicts; and why parents or guardians encourage their children to become child soldiers. The next pages review possible explanations.

State and Non-state Actors have Motivations to Recruit Children

While there could be different incentives for state and non-state actors to recruit children for use in hostilities, in general children are preferred to adults because of their very unique childlike nature (Coalition to Stop the Use of Child Solders 2001, p. 10). Given their nature, “[t]hey [children] will frequently do what they are ordered by adults in authority over them, sometimes even without hesitation, when responding to a commanding voice” (Dunson, 2008, p. 37). Webster (2007) agrees with this observation, but adds “their size, weight, and ability make them better-suited for certain activities” (p. 234). For these reasons as well as others, they are preferred to adult soldiers.
Just as children have a “unique nature of being children,” adults also exhibit unique responses to children, such as a natural biological need to protect them. Warlords and corrupt government officials use this to their advantage when employing child soldiers as human shields: “armed groups place children on the frontlines so that adults will take pity and not fire on them” (Webster, 2007, p. 234). In Uganda when the LRA fight government forces, adult soldiers force the children to the frontlines (Human Rights Watch, 1997, p. 3). Similar tactics are used by the Israeli Defense Force, known to use Palestinian children as shields (Coalition to Stop the Use of Child Solders, 2008, p. 17). In these instances, adult warlords and government forces exploit the innocent nature of childhood and innocent children by exposing them to a world of danger for which they are not prepared.

Children, unlike adults, are not aware of the complexities of conflicts and wars and this lack of knowledge and their innocence make them viable targets for recruitment. Webster (2007) asserts that children’s “naiveté attracts those who seek to sculpt impressionable minds, and teach them to commit horrific acts” (p. 234). Most children are not informed or involved in the politics leading to wars or conflicts and, therefore, lack the ability to make informed decisions: this naiveté makes them vulnerable, open to manipulation. As Menkhaus (1999) asserts, “Warlords and militias prefer child soldiers because they are so controllable” (p. 3). Once in their hands, government forces and paramilitary groups take advantage of children’s innocence and condition them into fearless killers to meet their objectives.

Children are at risk of being taken advantage of by adults for all sorts of reasons, but when it comes to the use of children in hostilities, children in conflict zones are at most risk. According to the Cape Town Principles and Best Practices, those at most risk of recruitment are “children in conflict zones, children (especially adolescents) separated from or without families,
including those in institutions; other marginalized groups (e.g., children living or working on the streets and certain minorities, refugees and the internally displaced); and economically and socially deprived children” (p. 2-3). Children who find themselves in such conditions feel powerless and unable to provide for themselves; for such children, any appearance of a more secure life is always welcome, regardless of the dangers that accompany it. Promises of a better future and ownership of a powerful weapon, like a gun, gives them much needed influence so without hesitation, they join the ranks. Sadly, this is a weakness state and non-state actors are ready and willing to exploit.

Another possible reason states and non-state actors recruit child soldiers is that they are the only persons available due to an adult soldier shortage. The adult soldier shortage comes as a result of deaths during civil and international wars (Webster, 2007, p. 234). This is the current situation in Uganda, where children are abducted to fill the ranks by state and non-state actors as a result of deaths of adult soldiers in the 23 year civil war. Conflicts come and go, and the more prolonged the armed conflict, the greater the likelihood people will be needed to fight, raising the death toll (Coalition to Stop the Use of Child Soldiers, 2001, p. 10). According to Groves (2000) “in countries in which war has raged on and off for years decimating large segments of a population, particularly men in their twenties and thirties, the recruitment nets are widened in order to meet the demand for replacements” (p. 48). Unfortunately, children become viable replacements.

In addition to the scarcity of older soldiers, the availability of inexpensive and light arms that are easy to use without extensive training is mentioned by numerous authors and reports as reason for the increased use of child soldiers. Honwana (2006) adds that, “Technology advances in the design of small arms makes weapons lighter and easier to manipulate, and, thus, more
rapidly useable by children” (p. 161). The fact that states’ armies and rebel groups can obtain cheap and easy to use weapons “ignites and sustains the wars that victimize children” (Machel, 2001, p. x).

Other factors that may encourage warlords to act with impunity and recruit and use child soldiers in hostilities are the “collapsing state authority, extraordinary levels of personal and group insecurity, severe economic hardship, and international marginalization” (Menkhaus, 1999, p. 3). In times of armed conflict, effective control often lies with non-state entities or armed groups and not with the government. Governments, therefore, are unable to enforce any domestic laws, including laws governing the use of child soldiers. This is the case in Somalia, Afghanistan, and Uganda, are countries where large numbers of children are being used as soldiers. Unfortunately, the treaty is most needed in counties such as those mentioned above. But, given the poor governance and lack of proper enforcement of laws, the treaty becomes least useful where it is most needed.

Children are Motivated to “Volunteer”: Parents or Guardians

Encourage their Children to Participate

Most children are forcefully recruited into states’ and non-states’ armies, but others join armies “voluntarily” for various reasons. According to Grove (2000), “Poverty, hunger, disease and the displacement or separation of families often precede or accompany low intensity conflict [and]... children volunteer because they feel compelled to protect their hometowns, are encouraged by their parents to enlist, or are persuaded to fight for social causes, religious expressions, or national liberation” (p. 49). Webster (2007), quoting Ilene Cohn, expresses the same sentiments as Grove by asserting that “Child soldiers take arms to survive, to seek
vengeance, to protect their families, to emulate their peers to forge their identities as warriors or heroes, to overcome feelings of helplessness, or for a lack of a better alternative” (p. 235).

During war and conflict, armies exercise great power because of their ability to provide basic needs that many children and families lack. War stricken societies experience enormous problems, but the direst of all is the inability to obtain basic provisions. Armies have the ability to loot and receive external support, and often provide soldiers’ basic needs: these privileges are extended to children and their families when children join armies. Webster (2007) attests to this point stating that armies “pay parents directly for the use of their children” (p. 235). In this sense, armies have the potential to act as a social agency, providing resources and support for families and children. In many conflict areas such as Uganda and Sudan, high-needs populations and rebel groups have a symbiotic relationship where both parties benefit:

In the bush in Sudan, a shortage of food and water reduces many children to eating leaves for survival; deaths from dysentery, hunger, and thirst are frequent. Living conditions in the Lord’s Resistance Army camp are slightly better, because the Sudanese government supplies the Lord’s Resistance Army with both food and arms in exchange for assistance in fighting the rebel Sudanese People’s Liberation Army (SPLA) (Haman Rights Watch, 1997, p. 2).

While this type of relationship exists, it is not a preferred choice for most children and families; rather, it is a choice based on the drive to survive. Such are the pressures Machel (2001) refers to when she cautions against the assumptions that children is enlistment in the armies is voluntary.

Security and stability are additional reasons children become child soldiers. Child soldiers are forced by their parents or guardians to join for security reasons. Children and their
families feel insecure living under conditions where life is uncertain and chaotic: therefore, they feel “safer with guns in their hands” (Machel, 2001, p. 12). Children in armed conflict areas have minimal choices and making the “right” choice often dictates whether they live or die. Most of them “seek less precarious alternatives to an otherwise very dangerous existence” (Webster, 2007, p. 235), but more often than not, having the power of the gun and getting support from warlords becomes a viable choice. Once soldiers, they experience a lot of trauma, both physical and emotional. Clearly, wars and conflicts take tolls on adults, who are often aware of the consequences of joining an army, but it is difficult to fathom the same burden on a five to 15 year old child. Undisputedly, child soldiers experience the general traumas of wars and conflicts, but each child is unique and has his/her own story and experience. However, for the purposes of this work, the most common impacts on children are reviewed.

Armed Conflict Impacts Children in Many Ways

According Machel (1996), “war violates every right of a child” (p. 10). These include but are not limited to “the right to life, the right to be with family and community, the right to health, the right to the development of the personality and the rights to be nurtured and protected” (Machel 1996, p. 10). Child soldiers, therefore, experience enormous pain and suffering because they lack the usual protection more appropriately offered by family. Fraser (1973) highlights the magnitude of children’s suffering by stating that “Misery has a thousand disguises. But it is never to be read more clearly than in the face of a child, black or white, Irish or Vietnamese…[because] children’s tears speak plainly in any language” (p. 1). Children, by nature, are the most vulnerable group of people at any given time, but such vulnerability is magnified by war and other disturbances.
The pain and the suffering of child soldiers are manifested through negative physical, emotional, and psychological effects. While all of these effects may never be known, formerly abducted child soldiers have displayed: “eating disorders, nightmares, aggressive and militaristic behavior, epileptic fits, alcohol abuse and the inability to form trusting relationships” (Dunson, 2002, p. 3). As can be expected, child soldiers, unlike adult soldiers, experience suffering more intensely because neither children’s psyche nor bodies are mature or strong enough to tolerate the horrors of wars and conflicts.

Physical, emotional, and psychological effects on child soldiers culminate in suffering and death. The number of children’s deaths as a result of armed conflict was estimated at two million in the 1990’s (Hick, 2001, p. 110). While most of those deaths were combat-related, Machel (2001) notes that some of the children that die as a result of armed conflict are often deliberately targeted and murdered (p. 1). The death of a child is in itself painful to the parents, but it means much more because the country experiences loss when a child dies. But, those children who are used as child soldiers and survive suffer tremendously. Former child soldiers have lost most of the values an individual needs to fit into “normal” society. Rebuilding such values and healing the children’s physical and psychological wounds to reintegrate them into the community requires both money and time. The cost of such endeavors is enormous to the child, the local community, and the country as a whole.

While these are substantial negative effects on children’s lives, the loss of childhood’ is perhaps the greatest effect of all. Sadly, some children are born at a time of war or conflict, and as UNICEF (1996) affirms, “Many of today’s conflicts last the length of a ‘childhood’” (p. 10). Therefore, these children never have the opportunity to experience the joy of childhood, an important part of one’s life because it is where one is socialized to become part of a family and
community. One such conflict is the civil war in northern Uganda that has lasted for over two decades.

The loss of childhood and the lack of socialization are facilitated by the destruction of social and cultural life. The destruction caused by armed conflict helps explain the difficult situations in which most child soldiers find themselves. For example, wars or conflicts damage the physical, human, moral, and culture environments that children need for growth and stability. As UNICEF (1996) asserts, during war many children grow up deprived of “material and emotional needs, including the structures that give meaning to social and cultural life” (p. 10).

Children make meaning of life based on what they see, feel or hear from their surroundings and from adults. When “normal” surroundings are destroyed and their parents are killed, they adapt to a new “normal”: an environment full of destruction, war, and conflict. Children in war, especially child soldiers, therefore, learn to no longer depend on their parents but strive to survive by forming new relationships, creating new “normal” environments, and building new social networks. In the process, childhood is lost.

Truly, the impact of conflict is directly felt by child soldiers, but is not limited to them alone. Groves (2000) and Juff (1989) draw attention to the fact that most of the people affected by conflict are not necessarily those directly involved, but include the civilian majority, consisting primarily of women and children (p. 48 & p. 40). Effects on children not involved in direct combat include death, starvation, poor medical care, and loss of parents. These conditions are evident in southern Sudan, northern Uganda, Afghanistan and other parts of the world affected by wars and conflicts. Other authors agree with Juff’s and Grove’s assessment of the situation. Honwana (2006) asserts that “serving as soldiers, laboring for soldiers and serving soldiers sexually are particularly traumatic, but these young people also share the harms suffered
by children who are not coerced into military forces” (p. 161). All children in war zones have lost relatives, friends, and community members. Everything they knew as normal in their lives including going to school, playing with neighbors, eating good meals or just being a child has been destroyed or lost. Fear becomes their daily reality.

In conclusion, the recruitment of children into armed forces and their use in hostilities may happen in any country, including developed countries. However, it is clear that this kind of practice most likely takes place in countries experiencing political instability, tough economic times, and/or social instability. The paths to becoming a child soldier are many. Some children are coerced into joining armies by warlords and government officials while others join voluntarily; yet others are forced to join the ranks by parents or guardians. However, the term “voluntary” in this work is used with great caution because some children are simply pressured to join armies if they are to survive. Others get involved to take advantage of economic opportunities offered by the recruiters. Regardless of the paths taken by child soldiers, their involvement in armed conflict has overwhelmingly negative effects. Social, psychological, physical, and emotional problems affect not only the children directly participating in armed conflicts, but also the society as a whole. Two cases, Uganda and Sierra Leone, illustrate how and why children are used in wars and conflicts as child soldiers, despite the many international and regional treaties in place to protect them.
CHAPTER THREE: UGANDA

Introduction

In Uganda, child soldiers account for eighty percent of the Lord’s Resistant Army (LRA) (Nolen, 2003, p. 2) and a substantial number are also used by government forces. By using child soldiers, the LRA and the government ignore international, regional, and national laws in place to protect Ugandan children from recruitment and use in armed conflicts. Uganda is party to the Convention of the Rights of the Child (CRC) and its Optional Protocol on the involvement of children in armed conflict, as well as other numerous international and regional agreements.

The government of Uganda has shown some level of cooperation in addressing the plight of child soldiers, but the effects have clearly not been felt on the ground. One has to ask then, why Uganda becomes party to numerous international and regional treaties and participates in negotiations that are geared towards ending the recruitment and use of child soldiers, while severely violating standards it purports to support? Understanding the reasons behind this contradiction is the task of this chapter.

Conditions

The current crisis in Uganda began in 1985 (Dunn, 2004, p. 206). However, Dunson (2008) indicates that the 1985 conflict was the eruption of “historical, cultural, and tribal factors that are frequently overlooked or simplified” (p. 26). In 1985, a group of Acholi ousted president Obote, and instilled Tito Okello, an Acholi, as the president (Dunn, 2004, p. 206). The Acholi like other post-colonial tribal-dominated groups in Uganda used the state’s power for personal enrichment while alienating other groups in the country (Dunn, 2004, p. 206). Shortly after, in 1986, Tito Okello was overthrown by Museveni’s guerrilla National Resistance Army
This shift of power set the stage for the regrouping of the Acholi community that had been driven out of government and stripped of their power.

The war between the LRA and the government of Uganda has lasted for over twenty years. For any war or conflict to last this long, there must be enough resources, both human and material, to sustain it. Most importantly, motivations for continuing the war must be strongly held among participants. In Uganda, the reason lies in the antagonistic relationship between the government and the people of northern Uganda. The Ugandan government is an expert in maintaining the legacy of domination, divide and conquer, and patronage, while also cultivating a culture of corruption and exploitation. On the other hand, the LRA justifies its existence by providing an alternative to the people of northern Uganda who have endured continued abuse by the government (Amnesty International, 2001). The conflict survives and thrives because of the ability of warring sides to convince participants of the importance of staying the course in continuing battle.

Yet, a war lasting this long appears perplexing. Dunn (2004) provides an explanation to many who wonder about the situation in Uganda by stating: “the LRA’s [and the government’s] war in Uganda, like many conflicts in Africa, may appear illogical to the outsider ... but it contains an internal logic that makes it rational to the participants” (p. 208). Generally speaking, conditions during war are tough, and survival becomes everyone’s immediate goal. For example, some children and their parents engage in war not because they want to, but because of the conditions and the situations in which they find themselves. Cheney (2005), referring to the work of Yamuna Sangarasivam, describes eloquently the realities of people living in war: “people living in these extreme conditions realize that survival in war is not fully congruent with the notions of survival in peace... to survive and live with dignity amidst the crisis of war may
require one’s participation in the very same violence that destroys one’s sense of dignity and integrity” (p. 34). In Uganda, the government, rebel groups, children, and their parents or guardians, are all participants in the war. In order to understand the reasons for their involvement, the circumstance under which they operate warrants review.

Government

The government is expected to protect its people, especially children against human rights abuses. However, some governments lack the ability, the resources, and the credibility to defend and protect its citizens. In countries marred by civil and international wars, poverty, and social instability, protecting citizens against human rights violations is particularly challenging. In some cases, like in the case of Uganda, the government participates in the violations of human rights that it is supposed to be protecting. Government forces and government-backed militia groups in Uganda are notorious for using children in armed conflict. This continues to happen despite the passing of the United People’s Defense Force Act in 2005 that set the minimum age at 18 for recruitment into the armed forces (Coalition to Stop the Use of Child Soldiers, 2008, p. 346). In Uganda, most of the children in the government forces are those who have escaped or have been released by the LRA as a result of internal or international pressure. These children are pressured by the United People’s Defense Force (UPDF) to join their forces and fight the LRA, who they are now made to see as their enemy (Coalition to Stop the Use of Child Soldiers, 2008, p. 346). In order to end the use of child soldiers, laws governing their use need to be strictly enforced. Uganda is party to the CRC and its Optional Protocol on the involvement of children in armed conflict. The extensive use of child soldiers in this country, however, indicates that such laws are poorly enforced, if at all. The position of Uganda’s government is worth examining.
Uganda has experienced numerous problems with governance since gaining independence. Self-serving and authoritarian leadership has been the rule. The National Resistance Army (NRA) government, in power since 1986, has continued this trend. Rather than crush the rebels, Museveni gathered some of his own, including children, to protect himself. In reality, ending the conflict is not in the government’s interest because it reaps tremendous benefits from the war. For example, the war has provided the government opportunities for entrenching its power, a tactic some would say mirrors that of the Bush administration following the terrorist attacks in 2001 (Dunn, 2004, p. 210). In fact, Dunn (2004) argues that, “Since 9-11, Museveni has increasingly appropriated the same rhetoric and made direct appeals to the United States as a fellow combatant in the ‘war on terrorism’” (p. 210). This is a particularly strategic move from Museveni given that the United States declared the LRA a terrorist organization in 2001.

In order to remain relevant in the fight against terrorism, the government of Uganda has deployed the strategy of delaying tactics. The government claimed to be making gains on Kony’s rebel forces in the nearly two years of “Operation Iron Fist,” but instead, the fighting has claimed more lives, led to abductions of another 8,000 children, and spread to previously unaffected districts (Cheney, 2005, p. 35). Initially concentrated in the northern part of the country, in recent years, the war has spread to the central regions of Teso and Lango where LRA forces have “hacked civilians to death, looted dispensaries and shops, and forced schools to close” (“My Country’s Anguish”, 2003, p. 21). The expansion of the conflict to other parts of the country demonstrates the government’s lack of willingness to solve the crisis because the conflict keeps it relevant in the fight against terrorism, not to mention the many benefits accrued from the war.
In addition, there are reports of extensive corruption within the government. A faction of Uganda’s national army, the UPDF, is particularly corrupt. Senior military officials and their civilian business associates are the main beneficiaries of the continued conflict. They are said to have picked up the salaries of “ghost soldiers and engaged in other corrupt practices” (Dunn, 2004, p. 209), leading Tangri and Mwenda (2003) to conclude that in Uganda, the military procurement of goods and services as well as military operations against rebel groups have been weighted down by corruption (p. 549). Senior military officials and soldiers have turned the war into a money making venture. For them, there is every reason to keep it going.

The corruption in the Ugandan government and military is fuelled by lack of accountability. Government and military officials are well aware that no punitive measures will be taken against them. According to Tangri and Mwenda (2003), no leader in the current administration has been faced with prosecution or punishment for corrupt behavior (p. 540). Due to the states’ weakness and corruption, the state cannot even ensure its citizens pay taxes, typically associated with weak states (Englehart, 2009, p. 13). Weak governments create environments where powerful citizens act with impunity to violate human rights, especially the rights of children, including recruiting them and using them as child soldiers.

Governments have the authority to make laws that bid their citizens. States that are known to use child soldiers, like Uganda, worsen the situation for children because citizens fail to comply to the law, citing the government’s use of children in armed conflict. In Uganda, Dunn (2004) asserts, “the fact that...government soldiers have behaved in an even worse manner than the LRA, some of the Acholi people have tolerated the rebels” (p. 209). Governments are supposed to protect their citizens, but the government of Uganda does the contrary.

The Lord’s Resistance Army
The Lord’s Resistance Army (LRA) lead by Joseph Kony, is the most influential rebel movement in Uganda: so powerful it has taken hold of the northern part of the country. Joseph Kony started a Holy Movement first named “the Lord’s Salvation Army [later] changed to the United Christian Democratic Army and finally renamed the Lord’s Resistance Army (LRA)” (Dunn, 2004, p. 207). Kony’s words are viewed as “gospel and law” (Dunson, 2008, p. 35). He professes to be sent by the Holy Spirit and teaches his recruits that the Holy Spirit will protect them (“My Country’s Anguish”, 2003, p. 20). Therefore, he “sends child soldiers into battle with ‘magical’ stones sewn into their clothing or a bottle of water that they are told will create a mighty river if emptied” (“My Country’s Anguish”, 2003, p. 20). Others are smeared with shea nut oil that signifies LRA ownership and protection from harm (Human Rights Watch, 2003, p. 8). Kony has remained in hiding and little is known about him or his mission. However, he is believed to be moving back and forth from southern Sudan to northern Uganda and hiding in the Guramba Forest located in the eastern region of the Democratic Republic of the Congo where he and his soldiers have found a safe haven (Dunson, 2008, p. 35). While Kony’s plan has remained vague and unstable over the years, his group remains a powerful force in Uganda.

Kony and his follows (LRA) have thrived by taking advantage of the marginalized, vulnerable, disenfranchised, and the poor people of Uganda, mainly children. While his whereabouts are not well known, and only few have laid eyes on him, he remains an expert at manipulation, making people believe him to be a herald of the Holy Spirit, whose mission is to “establish the biblical Ten Commandments as the rule of law for his fellow Ugandans” (Dunson, 2008, p. 34) while breaking each one of them.

Children make up the bulk of LRA forces. According to Nolen (2003), the vast majority of LRA troops are children between the ages of six and 17 who have either been born of girls
and women in captivity or have been forcefully recruited (p. 2). From the time the LRA began its operations in northern Uganda in the late 1980’s, children have been “forced to participate in combat and to carry out raids, kill and mutilate other child soldiers and civilians and loot and burn houses” (Coalition to Stop the Use of Child Soldiers, 2008, p. 347). Most daunting is the observation made by nongovernmental organizations working in Uganda: as the conflict intensified, the average age of children abducted by rebel groups and government forces continued to get younger (Dunson, 2008, p. 36-37). Long running wars, like the war in Uganda, are associated with high mortality rates. To fill the ranks, the LRA turns to younger children who are readily available and easy to manipulate. These developments underscore the need to end the war.

While the LRA had been abducting children since 1986, a disturbing record of child abductions was set between June 2002 and June 2003 when 8,400 children were taken by the LRA (Dunson, 2008, p. 36-37). Ironically, 2002 was the year the Optional Protocol designed to protect children from armed conflict went into force, outlawing the use of child soldiers by rebel groups under any circumstances (Article 4). To protect themselves, children have been adapting a nomadic lifestyle. They are now known as “night commuters” (Nutt & Hoskins, 2004, p. 16): they are at home during the day, but travel to cities at night for safety. Staying at home is not an option; they choose to protect themselves.

Those children who find themselves in the hands of rebels face great risks. One former child soldier, Chancy, recounts her ordeal to Cheney (2005): “We thought it was safe to sleep in the bush and wake up in the morning. But the rebels got a certain lady who knew where we were sleeping so she led them to us... my sister was made to carry luggage a distance and they set her free, but I was the youngster so they took me away” (p. 28). Once children are in the hands of
the LRA, the orders are simple, but extremely dangerous. These children know too well that their lives depend on the choices they make, which are often too few. According to Cheney (2005), “children are ...ordered to ambush their own communities to loot food, abduct more children, and terrorize people. If they refuse, they die. If they submit, they kill” (p. 23).

Children are trained to use weapons bigger than their small bodies. They are taught that weapons are their “mother, best friend, their everything” (Dunson, 2002, p. 2). This is the life they have come to know as normal. The lives and struggles of these children bear witness to the urgency of the action needed in this part of the world.

Children

The war in Uganda has been long-running. As it stands, most children have lived their entire childhood at war: a country torn by conflict is all they have known. Unfortunately, while most children do not contribute to or understand the politics leading to war, once wars erupt, they become involved directly or indirectly. Obviously, the children most affected are those serving as soldiers. As has been previously noted, most children are abducted and forced to become soldiers, while others join the ranks “voluntarily.” According to Somasundraram (2002), there are great concerns about the increased use of child soldiers, but not enough questioning about why children join armies (p. 1268). Knowing a problem exists is one step towards solving it, but understanding the root cause of the problem is central to solving it. Therefore, an understanding of the conditions under which children become soldiers in Uganda is worth examining.

Poverty is a major problem in Uganda. While not all poor children have joined armies in Uganda, the majority that have joined are likely to be poor. Affluent children are less likely to join armed groups because they have more security, better opportunities, and alternatives. To the contrary, poor children have fewer options: being a child soldier is one of them. As a matter of
fact, in many instances, holding a gun and serving as a soldier is the only chance for survival. A study conducted in Uganda asked children how they thought society viewed poor children. The descriptive words used by the children included “‘rejected’, ‘abused’, ‘worthless, and ‘despised’” (Witter and Bukokhe, 2004, p. 652). Evidently, these children do not feel supported by the society. Many of them become soldiers because it is the only way to gain respect: otherwise, they are dismissed as worthless.

Parents/Guardians

The conditions for families in northern Uganda are dreadful. According to Nutt and Hoskins (2004), “an estimated one million people, roughly 80 to 90 percent of the population in northern Uganda, are living... in camps for ‘Internally displaced persons’ (IDP)... [With conditions] characterized by a lack of water, food, and health care” (p. 17). Somasundraram (2002), notes: “[m]any displaced families — without incomes, jobs, or food—may encourage one of their children to join an army so that at least they have something to eat” (p. 1269). While this is an unfortunate choice for any parent to make, most of them are enticed by the pay they receive for the use of their children by the armies (Webster, 2007, p. 235). Such choices are realities for families in the northern Uganda who have been forced into camps without hope for survival.

Living in the Internally Displaced People’s Camps (IDPC) cannot be good for any family. The conditions in the camps not only create a sense of helplessness, but also a lack of agency for both parents and their children. Consequently, “children blame their parents for failing to provide for and protect them, and parents complain that children no longer respect them and are disobedient— respect and obedience being two significant markers of ideal African childhood identity” (Cheney, 2005, p. 32). The war in Uganda has forced families out of their
homes and neighborhoods. Families have lost identity because circumstances have eroded their culture and cultural practices. One mother mourned the loss of her ability to guide her children: “You cannot teach your children properly...families used to sit around the fire circles in the evening, where children would entertain elders with their antics, and elders would morally guide them...traditions such as these have broken down in the IDP camps where thousands of Acholi are forced to live” (Cheney, 2005, p. 32). The level of frustration is immense and could lead parents to make difficult choices, including sending their children to fight. Unfortunately, many parents in Uganda have resorted to sacrificing one or more of their children for the survival of the rest of the family.

Being poor in the northern part of Uganda is a reality of life. While poor children are unlikely to know their rights, poor parents are also unaware of their children’s rights. Even when the parents do know their children’s rights, out of desperation, they still expose them to the danger of wars. Clearly, some participants in the Uganda’s conflict (some children and parents) are under extreme pressure to participate in the war, while other (state and non-state actors) are enticed to recruit and use child soldiers, or to voluntarily join (children) because of a number of internal forces permissive to the practice. Such forces fuel the war in Uganda between the LRA and the government where child soldiers make up the bulk of the force. Some of these forces are discussed below.

War and Political Instability

Post-independent Uganda has had a long history of political instability which according to de Berry (2001) has roots in British colonial rule that fostered ethnic and religious factionalism (p. 94). For example, the recruitment of northern Ugandans into the armed forces precipitated the British economic and political marginalization of the Ugandan people. (Nolen,
This political marginalization and factionalism was to define the politics of Uganda after independence, and largely accounts for the political instability today.

In the 1970s and early 1980s, the country went through a series of government overthrows resulting in dictatorial regimes. The most repressive was Idi Amin’s coup. Repressive governments have continued to weaken the political system in Uganda. The current conflict between the government and the LRA is yet another manifestation of a long history of a dictatorial political system. Indeed, Baker (2001) asserts that “civil war and political instability [in Uganda] have depended on the degree of ‘suffocation’ of particular groups at particular times” (p. 6). The Acholi people are currently the group under siege.

**Economic Instability**

Economic flux, like political instability, is a major factor that makes children vulnerable to involvement in armed conflict in Uganda. Children account for 62% of the poor (Witter & Bukokhe, 2004, p. 646). In the account of one 14 year old boy, Kesese, “the poor must learn how to use the gun for looting material things such as food, clothing money, medicine etc, learn how to be brave and kill by use of machetes instead of wasting a bullet” (Witter & Bukokhe, 2004, p. 651). While not all poor children participate in the war, the problem is more dramatic in the poorer north.

The economic marginalization can be traced from the colonial times. According to Cheney (2005), “under the British rule, the Nilotic and Sudanic ethnic groups of the north were recruited for positions in the army and police while those from the southern Bantu ethnic groups were recruited for civil servant positions and their lands targeted for economic development” (p. 25). This economic inequality has been a major factor fueling the conflict between the Acholi people of the north and the current government. Cheney (2005), quoting A.B.K Kasozi, agrees
that unequal distribution of resources along tribal lines has been “the main source of social conflict in Uganda generating the structural violence from which all subsequent political, military, and civilian violence would erupt” (p. 25). [De] Berry (2001) adds; “the state economic crisis often manifests into ethnic conflict over power and access to resources, which makes children particularly vulnerable to recruitment by rebel movements because of the promise for better opportunities by being members” (p. 93-94). [D]e Berry (2001) continues to argue that a state’s poor economic standing and the lack of social welfare works in favor of armed conflicts, making many child soldiers fight for a cause they feel is in their best interest (p. 98). Druba (2002) agrees with de Berry’s observations and affirms that a poor economy contributes to the recruitment of child soldiers into armed forces and government armies because poverty leaves children frustrated and more vulnerable to manipulation (p. 271). The war in Uganda is partly a fight for economic justice. The “haves” (the government) fight to keep what they already have, while the “have-nots” (the people of northern Uganda) fight to get a share of the nation’s wealth: children are caught in the middle.

According to a report by Human Rights Watch (2003), for “many boys [and girls] from families impoverished by the war and without a source of income, the promise of a salary is sufficient incentive to join the LDUs” [Local Defense Units] (p. 19). The historical economic disadvantages of the Acholi people have remained one of the major reasons why children choose or are forced to fight. As the war continues, the options for children in this part of the country have lessened. In reality, many children only get two choices: going to war or remaining in the IDPC with little or no access to food, education, health care, or security.
Social Unrest

Social unrest is another force fueling the war in Uganda. Social unrest leads to social instability which includes but is not limited to: an inability for people to protect their wealth, cultural values, and norms. Unlike adults, children have not developed fully in their ability to process information or circumstances surrounding their environments. Shattered social networks, such as the death of family members and friends, leave children vulnerable to abuse. Subsequently, children make hasty decisions to revenge wrongs done to them, their friends, and relatives. Fundamentally, given their nature and circumstances, they become easy recruitment targets for government forces or militia groups. Unfortunately, children abducted by the LRA and the government are seen by other community members as a threat, contrary to the view of childhood as the hope and the future of the society. Societies thrive when good values shape peoples’ behavior and action; without such; hatred and animosity become the basis for action. The social instability, resulting from the Acholi’s loss of culture and traditions, has left children without a frame of reference for making good decisions, leaving them vulnerable to manipulation by the LRA and the government forces.

Discussion and Conclusion

Wars and conflicts, political instability, poverty, weak governments, and social instability result in conditions incompatible with the protection of children’s rights in Uganda. According to Englehart (2009), “Weak states create conditions ripe for human rights abuse because governments in such states cannot restrain powerful citizens” (p. 4). The government of Uganda is corrupt, weak, and lacks the credibility needed to police its citizens. What has resulted is a divided country full of conflict, especially in the northern part, the stronghold of the LRA.
The authority of the Ugandan government to stop human rights abuses, specifically those against children, is further weakened by its use of child soldiers. States (governments) are expected to protect their citizens from extensive force by the government itself and other non–states actors. The government of Uganda does the contrary, by not only failing to protect children, but also by exposing them to danger by recruiting them for use as child soldiers.

The Ugandan government falls short of providing basic government services such as maintaining law and order. For citizens of this country, particularly children, a day without chaos remains a distant dream because the government lacks the ability and the will to police powerful citizens such as Kony. While the Optional Protocol stipulates that rebel groups such as the LRA should not use child soldiers, evidence has showed that the LRA increased its use of child soldiers the year Uganda ratified the Optional Protocol. As Menkhaus (1999) argues, international obligations do not prevent strong actors from acting with impunity, especially when the government is weak and unable to control them. : “in the past decade, wartime atrocities seem to have increased in direct proportion to the number of initiatives designed to prevent them” (p. 4). While this is an unfortunate observation, it challenges the current approach of addressing human rights issues. If history has not taught human rights advocates anything else, they should learn that international obligations condemning the use of child soldiers will not be effective in countries with weak governments and where there are numerous incentives to ignore them.

The presence of conflicts in Uganda is clearly the fundamental incentive for the recruitment of child soldiers. While the state and non-state actors may have different motivations and incentives to recruit and use child soldiers in hostilities, conflicts provide fertile grounds for breeding corruption, poverty, social unrest and international spillovers. Evidently,
forces such as war, poverty, disrupted family life, and political instability continue to make the use of child soldiers attractive to state and non-state actors. Sadly, children and their parents cooperate with the armies out of desperation. Other times, both parents and children are forced to participate. This clearly provides evidence that until all forces providing incentives for recruitment and use of child soldiers are appropriately and adequately addressed in Uganda, children will continue to be targets for abductions and brutality. The ultimate solution towards ending the use of child soldiers should be to prevent the outbreak of wars and conflicts.

While wars and conflicts, political instability, poverty, weak governments, and social instability influence the effectiveness of international norms; other international and regional factors also undermine the respect of human rights, especially those of children. The current conflict in Uganda is a living example. Incidents have shown a widening war that not only affects Uganda but also the Democratic Republic of the Congo and Sudan. Finnström (2008) asserts that “the war is indeed a global war even if fought on local grounds” (p. 9). According to the Human Rights Watch (2003) the LRA had been “principally based in southern Sudan, conducting cross border raids, attacking UPDF positions, and abducting children and taking them to Sudan” (p. 4). Gulu, a district in Uganda, has a border with Sudan, so it is relatively easy for the LRA to use that country as its base of operation with the help of the Sudan President Omar al Bashir (Dunson, 2008, p. 37). The governments of Uganda, the Democratic Republic of the Congo, and Sudan have lost firm control over their territories, leaving rebels to move freely to seek safe havens where they engage in unthinkable violations of human rights, including acts against children.

Despite this evidence of an international crisis, little international action has been felt in Uganda. This inaction was reflected in the Representative of the UN Secretary General’s
observations in 2004 when he argued that he could not “find any other part of the world that is having an emergency on the scale of Uganda, that is getting such little international attention” (Nutt & Hoskins, 2004, p. 18). Surely, while there is a lot of work to be done within Uganda, much more work is needed in Sudan and in the Democratic Republic of the Congo. This will require international, regional, and national leadership and cooperation which has not been forthcoming. International law alone will not be and has not been the solution to end the use of child soldiers. This failure is a testimony that defining the use of child soldiers as a problem and having international law in place to condemn the practice is only a first step in the process of protecting children. Identifying and dealing with the root causes of the problem, such as poverty, war and conflicts, political instability, and social instability is the puzzle that is yet to be solved. Uganda is a case in point.
CHAPTER FOUR: SIERRA LEONE

Introduction

The conflict in Sierra Leone began in 1991 and was declared ended in 2002 (Coalition to Stop the Use of Child Soldiers, 2008, p. 297). During the war, thousands of child soldiers served in both the government and opposition forces (Coalition to Stop the Use of Child Soldiers, 2001, p. 375). According to Zack-Williams (2001), close to 7,000 child combatants between the ages of eight and 14 fought on either side of the war (p. 73-74). Like Uganda, Sierra Leone (which ratified the CRC in 1990 and the Optional Protocol in 2002) is a violator of the CRC and its Optional Protocol on the involvement of children in armed conflict.

Most scholars have viewed conflicts in Africa through the prism of ethnic factionalism. While this is true for many conflicts in Africa, including the ongoing one in Uganda and Sudan, the Sierra Leone civil war was different; the Revolutionary United Front (RUF) and the government forces were not organized around ethnic groups. On the contrary, both actors sought to gain national support from the entire population. The civil war in Sierra Leone was fueled and facilitated by numerous complex factors. To understand why child soldiers were used in this war, it is important to understand the circumstances surrounding participants: children, government, rebels, and parents or/and guardians. The overall goal of this chapter is to understand how and why children were recruited or “volunteered” to serve in the war in Sierra Leone.

Conditions

Conditions prior to the civil war in Sierra Leone were dire. According to Pham (2005) corruption and economic decline was rampant between the years 1980 and 1987 when government employees such as teachers and civil servants were not receiving their pay (p. 60).
To make ends meet, many resorted to corruption. Pham (2005) referring to the work of John Hirsch, a former ambassador to Sierra Leone, notes:

Unpaid civil servants desperate to keep their families fed ransacked their offices, stealing furniture, typewriters, and light fixtures...the government hit bottom when it stopped paying schoolteachers and the education system collapsed...With only professional families able to pay [school] fees, many children ended up on the streets without either education or economic opportunity. (p. 77)

Conditions further deteriorated, and to silence the masses, freedom of speech was denied (Pham 2005, p. 60-61). Economic decline and the resulting corruption, absolute desperation and hopelessness created an atmosphere for rebellion resulting in war.

The war in Sierra Leone developed in phases, each of which worsened the country’s conditions. According to Amnesty International (2000), the discontinuous nature of the civil war was one of the “most distressing features of a conflict...also...characterized by systemic and widespread deliberate and arbitrary killings, amputation of limbs and mutilation, rape and other forms of sexual violence” (p. 2). The war began when a few soldiers attacked areas inside the country from a base in Liberia with the help of Charles Taylor from Liberia (Pham, 2005, p, 83). The Sierra Leone Amy (SLA) was unable to counter attack because most of its weapons had “been diverted to the clandestine mining operations run by officers or stolen and sold by desperate and ill-paid enlisted men” (Pham, 2005, p. 83-84). In contrast, RUF was powerful, and enjoyed a steady supply of arms from Libya and Burkina Faso (Pham, 2005, p. 84). It was no longer just a civil war, but an international war where other countries intervened in support of one group or the other, but especially in support for the rebel groups giving then power over the government.
While this attack was treated as an isolated incident by the government, the conflict escalated leading thousands of Sierra Leoneans to flee to neighboring Guinea, while thousands of others became refugees in their own country (Pham, 2005, p. 83). Despite their weaponry, the RUF failed to generate support from the people of Sierra Leone who regardless the disappointment with the government were frustrated with RUF’s violent tactics (Pham, 2005, p. 86). However, this lack of support did not stop the RUF from devising new tactics and reorganizing for other attacks.

RUF’s strength and new tactics prepared them for a second attack. According to Richards (1995), the second attack by RUF was “a desperate attempt to secure a negotiating position, as a threat to the stability of ECOMOG [Cease-Fire Monitoring Group] during Taylor’s October, 1992, campaign to take Monrovia [through a] counter-coup organized by elements within the deposed [All People's Congress] APC government” (p. 160). The rebels’ new tactics of “hit –and- run raids” (Pham, 2005, p. 100), allowed them to advance. Many people in Sierra Leone where killed or displaced, yet not much attention was given to the conflict until the rebels took many international workers hostage, including two British workers and seven Italian nationals, all Roman Catholic nuns (Pham, 2005, p. 100). These incidents brought the situation in Sierra Leone to the attention of the media and the international community.

Despite the growing coverage the war was receiving, the RUF escalated its attacks. The situation deteriorated with the increased rebel attacks on both Sierra Leone national and foreign aid workers, most of whom evacuated in 1995 (Pham, 2005, p. 100). At the time, negotiations to strike a deal between the RUF and the government were underway: in July 1999, a peace agreement was reached by both sides (Ramgoolie, 2001, p. 147). While the agreement was to end the war, most of the forces fueling the conflict did not disappear upon its implementation;
instead, conditions deteriorated leading RUF to the capture 500 UN peace-keeping troops. (Amnesty International, 2000, p. 1). This particular attack marked the beginning of the third phase of the war.

The rebel movement took advantage of Sierra Leone’s confused and disorganized government by continuing its attacks. By 2001, the war had displaced over half of country’s population and left many children without families (Ramgoolie, 2001, p. 147). The breakdown of family ties and the physical destruction of entire villages marked society’s collapse. There was no leadership coming from the government of Sierra Leone. The government, weakened by the numerous attacks by the RUF, lost control over its employees allowing powerful non-state actors to grab the opportunity and act with impunity.

Government

The government of Sierra Leone was dysfunctional. Kandeh’s (1992) description of African governments as “repressive apparatuses rather than popular representative institutions...selectively staffed, often along ethnoclientelist and personalist lines” (p. 30) is an accurate portrayal of Sierra Leone’s government. Government leaders relied on the “potential for patronage [and corruption] inherent in the presidential office to reinforce loyalty to their regimes, making it one of the pillars to their regimes” (Pham, 2005, p. 56). Pham (2005) quoting Paul Richards, a Sierra Leone historian, refers to the patronage and corruption as “Patrimonialism” (p. 56), which involves: “redistributing national resources as markers of personal favors to followers who respond with loyalty to the leader rather than the institution the leader represents...the leader is...the politician with the most resources to redistribute”(p. 57). This selective distribution of resources perpetuated the division between the rich and the poor.
Additionally, fraudulent government officials weakened the ability of the state (the government) to police its citizens. According to some observers, in the northern part of Sierra Leone, “RUF courts were preferred by local people who found them, notwithstanding their primitive nature, more fair and effective than the infamously corrupt judicial system presided over by APC appointees” (Pham, 2005, p. 86). Moreover, the corruption extended to the national army. The year the RUF invaded the country, the government failed to pay the soldiers’ salaries (Pham, 2005, p. 89). The result was soldiers sent to fight the RUF exploited the chaos and instead, looted local communities. Some regular soldiers were killed while others defected. (Pham, 2005, p. 94). To fill the vacant positions, the government began recruiting child soldiers. In fact, the government officials in Sierra Leone admitted that “children composed a fifth of the 25,000 strong Civil Defense Force” (CDF) or the Kamajor (Goodwin, 1999, p. 48). Civil Defense forces were made up of: “typically rural youth who had either been displaced by rebel incursions—and anxious to recover their land —and thus eager to avenge the death of their loved ones” (Pham 2005, p. 105-106). Even before the start of the civil war, it was traditional to join the Kamajor. During the war, it was “often difficult... to distinguish between ‘initiation’ into the societies of tradition hunters and recruitment to fight” (Amnesty International, 2000, p. 17). Clearly the protection of children was not as important to the political leaders as implementing a military strategy against the RUF. For the corrupt and weak government of Sierra Leone, the ends justified the means. By all accounts, therefore, children became viable resources to ensure a successful end to the war that was widening to include Liberia, and victory over the RUF.

Rebels

The Revolutionary United Front based in Liberia, with the help of Charles Taylor, invaded Sierra Leone in 1991. According to Pham (2005), RUF “was a small group, apparently
numbering barely one hundred Sierra Leoneans—the majority of the invasion forces had consisted of NPFL[National Patriotic Front of Liberia led by Charles Taylor] and Burkinabe and other African mercenaries—led by Alfred Foday Saybana Sankoh” (p. 84). Alfred Foday Saybana Sankoh was born in Sierra Leone, received little education, and later served in the Sierra Leonean military where he participated in the UN peace keeping mission in Congo (Pham, 2005, p. 84). After getting back to Sierra Leone, he was accused of working against the APC government and was jailed for seven years. After his release, he fled to Libya where he trained as a guerilla fighter. There, he met Charles Taylor (Pham, 2005, p. 84) who was to become instrumental in the RUF’s mission which was to overthrow the APC government, “ending the plunder of Sierra Leone’s natural resources and redistributing the country’s wealth and land more equitably” (Pham, 2005, p. 84). The rebels’ agenda resonated with the people seeking an alternative to the corrupt government.

When the RUF began attacks on the government, child soldiers were not in their ranks, but as the war intensified, they recruited children to fill positions that had been left open as a result of deaths of adult soldiers (Pham, 2005, p. 84). The RUF became well known for its abductions and forceful recruitment of children, both boys and girls. They often used drugs and brutality to induce their compliance and fighting ferocity (Coalition to Stop the Use of Child Soldiers, 2008, p. 378). According to one child soldier, Soya, age 14, “[w]hen I go to battle fields, I smoke enough. That’s why I become unafraid of everything. When you refuse to take drugs, it’s called technical sabotage and you are killed” (Coalition to Stop the Use of Child Soldiers, 2008, p. 378). Once they were socialized and trained to kill, children did the work of terrorizing civilians, hacking their limbs and other parts of the body, often leaving them to die. Children became the RUF’s agents of terror.
Children

Sierra Leone’s children fought on both sides of the civil war, and while some volunteered, most of them were forced to fight. Child soldiers were perpetrators and victims at the same time: victims of commanders who intoxicated them with drugs that made them executors of unspeakable crimes, including killing (Menkhaus 1999, p. 3 & Grove 2000, p. 50).

In addition to those who were forcefully recruited, others volunteered to fight in the RUF on side of the government. For example, RUF “attracted many youths who were, …drawn to the RUF’s ill-defined ideals as a group of ‘freedom fighters’ promising free health care, free education, and an equitable distribution of diamond revenues” (Pham, 2005, p. 86). The RUF, therefore, not only forced children against their will to fight, but also used propaganda to draw children to “voluntarily” join the ranks to fight for a cause they were made to believe was in their best interest.

Sierra Leonean children living under extremely poor conditions were vulnerable to recruitment. In one case, “it appeared that shortage of food at the center [interim care center], which had been looted by rebels forces was also a factor influencing the children’s return to rebel forces” (Amnesty International, 2000, p. 16). Also, according to Coalition to Stop the Use of Child Soldiers (2008) “a migrant population of thousands of young fighters, including child soldiers, crossing the border between Liberia, Guinea, Sierra Leone and Cote d’Ivoire, saw conflict mainly as an economic opportunity” (p. 297), and while not all child soldiers were poor, just like in Uganda, affluent children were unlikely to participate in the civil war (Druba, 2002, p. 271). Poor children were susceptible, and thus became easy targets for the RUF and the government forces.
Children who felt deprived of social citizenship and angry at the APC security network for abusing their parents, were particularly vulnerable to recruitment. Zack-Williams (2001) notes, “desire to seek revenge for lost parents and destruction of their environment was a major reason for children enlisting in the armed conflict” (p. 78). For instance, M.M, a CDF soldier still in the service at the time of this interview, had this to say, “‘I like to kill. It makes me happy. The rebels killed my father. I joined to avenge him. I like to watch the enemy fall down and die’” (Goodwin, 1999, p. 51). Two groups of children were particularly vulnerable: the children who lived permanently outside the family structure, whose survival depended wholly on themselves, and children that spent the day on the street but went back to their families during the night (Zack–Williams, 2001, p. 77). For government forces in Sierra Leone and other militia groups, homeless children were a soft target because street life had prepared them for the tasks ahead.

Lastly, children exposed to high levels of exploitation at a tender age were the most vulnerable. Referring to a UNICEF report on Sierra Leone, Zack-Williams (2001) noted that “children have their first taste of labor as early as age six... they run errands for neighbors in return for few scraps of food [or] old clothing” (p. 77). Such children saw a better future as soldiers with guns as this provided them with assurance for survival. With guns, children who were beggars on the streets, who were despised, and powerless could now loot and kill people for food and other basic needs. The soldiers’ life provided these poor children with power and respect: indeed, once they became soldiers, the people who had once despised them now feared them.

Parents/guardians had difficult decisions to make on behalf of their children. They had to choose between abandoning traditions by not sending their children to the Kamajors, or sending
then and having them used as child soldiers. While some families were forced to hand over children to the armies, some parents were encouraging their children to join groups like the Kamajors (Coalition to Stop the Use of Child Soldiers, 2008, p. 379). Several forces facilitated the actions taken by children, government officials, rebels and parents/guardians. These forces are now reviewed.

War and Political Instability

In her work, Machel identifies wars and the struggle for power and resources as major forces that facilitate the use of child soldiers (Hick, 2001, p. 107). Most children suffered emotional, physical, and psychological pain as a result of the war leaving them insecure and bitter. These frustrations encouraged Sierra Leonean children to voluntarily join armed conflict to fight their enemy. Political instability, leading to a civil war as the case of Sierra Leone, may not only cause death and physical suffering, but also instill in people a sense of hopelessness, leading them to act in ways they otherwise would not have acted. Government forces and militia groups find these conditions favorable to breaking the law. The weak government in Sierra Leone caused by political instability and war had minimal authority over its citizens leaving it vulnerable and unable to ensure the safety and well-being of its citizens, including children.

Economic Instability

Sierra Leone is one of the poorest countries in the world. In fact, it was ranked the poorest country in 2007-2008 by the UN Development Program (UNDP) (Coalition to Stop the Use of Child Soldiers, 2008, p. 297). Zack-Williams (2001), referring to his earlier work, makes an important contribution to the discussion of the economic conditions in Sierra Leone by stating: “the civil war is a consequence of the economic mismanagement, a lack of political and economic transparency, corruption, social exclusion of young people and the crisis affecting the
Indeed, hunger, poverty, and lack of opportunities not only drove children in Sierra Leone to volunteer to become soldiers, but also forced parents to offer their children for service to ensure the survival of the entire family (Hicks, 2001, p. 115). The lack of economic and social welfare in Sierra Leone accounts largely for large numbers of child soldiers who either volunteered or were forcefully recruited to join the armed forces.

In addition, RUF managed to have a staying power by playing on people’s frustrations and deteriorating economic conditions. A statement by RUF reads: “We fight for food and drinking water for all. We are fighting for affordable energy, fuel and power including access to appropriate technology so that we can build for ourselves modern housing, health care, education facilities … we are tired of poverty” (Zack–Williams, 2001 p. 75). These are powerful statements especially when presented to people who have lost hope in a government, as was the case for Sierra Leone. Most children, who believed this message of a better future as RUF promised, were likely to participate in the armed conflict to fight the government. At the same time, there were children who sided with the government in the conflict.

The economic conditions and frustrations were further brought to light by the Deputy Minister of Defense, noting the government’s economic position could not afford the cost of reintegrating and rehabilitating children. He argued: “‘Kids need a place to eat and sleep. Unless the country can provide that why move them?’” (Goodwin, 1999, p. 51). This testimony bears witness to the harsh economic conditions in Sierra Leone that justified the use of child soldiers by both government forces and the RUF.

The use of child soldiers in Sierra Leone is not limited to its borders. In fact, while there were no reports of under 18 years olds in the state and non-state forces in Sierra Leone since 2005, Liberians United for Reconciliation and Democracy (LURD) recruited children from
Sierra Leone to fight in Liberia (Coalition to Stop the Use of Child Soldiers, 2008, p. 297). The report went to say that most of the children participated in the conflicts across the borders because they saw them as economic opportunities (p. 279). Clearly, even after the end of the civil war in 2002, due to the continuing poor economic conditions, Sierra Leone children are still participating in armed conflict in neighboring countries. The phenomenon of child soldiers, whether within or outside Sierra Leone, is thus inextricably linked to a lack of economic opportunities. Holding all other forces constant, Sierra Leonean children in poverty or in poor economic standing were/are more likely to join government forces or militia groups, even crossing borders as soldiers to search for economic opportunities (Coalition to Stop the Use of Child Soldiers, 2008, p. 378).

Social Unrest

The collapse of the state, the erosion of cultural values, and the destruction of families and homes in Sierra Leone left a social void. Grove (2000) asserts: “the abrogation of traditional values and cultural norms leads to irreversible damage and severely disrupts family life” (p. 51). Most children need a social network for socialization, love, and well-being. Goodwin (2001), sums up the desperation of the children of Sierra Leone and their urge for someone to love them when she states that “kids just want to be loved, if not by the parents, then by a rebel commander” (p. 148). Many children searched for any sign of a social network. They ended up joining armies because military life provided “a surrogate family relationship” (Zack-Williams, 2001, p. 78-79). At the time, in Sierra Leone, this was the only institution that appeared stable and able to provide basic needs.
The rebels and the government forces understood that destroying a child’s social structure was a first step to recruiting them into their forces. As Richards, 1995 notes, “[a] principle tactical issue for both movements, but more especially the RUF, in stirring up rebellion is how to detach youth from local civil society” (p. 158). This was mainly achieved by forcing children to kill their own family members and neighbors (Richards, 1995, p.158). The government officials were also well aware that children needed a social safety net and that destroying the one they already had would justify their use as soldiers. In fact, one government official justified the use of child soldiers, by arguing that the military provided to children a “social-welfare program” (Goodwin, 1999, p. 49). Therefore, military training became a substitute for formal education and fellow soldiers became family and friends.

Explanation and Conclusion

States (governments) are entrusted with providing security to their citizens. In order to do so, they must enforce their country’s laws and international treaties like the CRC and its Optional Protocol through effective implementation and monitoring. The failure of a state to perform its civil duties cultivates conditions ripe for human rights violations. Indeed, Richards (1995), asserts that many conflicts in Africa, the civil war in Sierra Leone included, share a number of features that he lists as: “the weakness of the state and traditional sources of authority within civil society, the emergence of warlords as key political actors, and the deployment of large numbers of juvenile conscripts in the fighting” (p. 134). The weak government in Sierra Leone failed to protect its people, particularly children. Indeed, Sierra Leone’s government fits Donnelly’s (2007) description of states that possess the qualities of a double edge sword: primary violator and primary guardian of human rights (p. 143). A weak government only has nominal
authority and power over its citizens, a condition that makes it more likely to orchestrate human rights abuses than strong governments.

Although some states, especially those that are weak and failing, may not have the capability of enforcing human rights, (Englehart, 2009: p. 2-4), some states make it a point to violate human rights by ignoring international law. On this point, Donnelly (2007) argues that “in many states, the national government refuses to effectively implement human rights and grossly and systematically violates those rights” (p. 39). The case of Sierra Leone bears witness to the fact that governments need to be motivated to have an interest in protecting human rights, particularly children’s rights, and while state and non-state actors may have different incentives and motivations to recruit children for use in hostilities, forces that undermine the protection of children’s rights should be adequately addressed. Indeed, more human rights awareness at a national level is crucial if people are to incorporate them into their values and norms. Until then, the efforts to uphold international norms remain doubtful and children’s rights will continue to be violated. This is especially true for states where the personal self interest of government officials take precedence over those of its citizens.
CHAPTER FIVE: GLOBAL OUTLOOK

It is clear that child soldiers are used globally in many countries and territories. Indeed, in the case studies already discussed (Uganda and Sierra Leone); state and non-state actors have been known to use child soldiers. Therefore, the question is whether the reasons child soldiers were used by state and non-state actors in Uganda and Sierra Leone reflect a global pattern. In order to answer this question, the use of child soldiers by state and non-state actors given certain conditions is analyzed across 152 and 151 states in the global political system respectively. I test the conditions that influence state and non-state actors to use child soldiers, including the per capita Gross Domestic Product (GDP), the total number of deaths in combat during international and civil wars, the ratification of the Optional Protocol, and the tax GDP. The states’ and non-state actors’ behaviors under these circumstances are tested and analyzed.

Theoretical Rationale for Hypotheses

The per capita Gross Domestic Product (GDP) is “the total value of goods and services produced within a country’s borders during a given year” (Cohn, 2008, p. 396). The per capita GDP is a measure of a country’s economic power. The per capita GDP is logged to minimize the impact of outliers. The rationale for expecting a decreased likelihood in the use of child soldiers as per capita GDP increases is that states with higher GDPs can afford to hire professional military personnel above the age of eighteen. Countries experiencing economic stability in comparison to countries experiencing economic instability are in a better position to provide social services such as education, health care, and food to citizens in need, thus reducing the amount of suffering and despair. This leads to fewer children joining armies for economic purposes.
Additionally, countries with higher per capita GDP are likely to be socially stable. Social stability is a reflection of good primary socialization from two key institutions, the family and the school. Countries with good economies, unlike countries with poor economies, are likely to build strong family institutions and effective school systems that provide a good background to children, by instilling in them societal values and norms. The need for social stability was one reason for children enlisting in Sierra Leone and Uganda. Most of the children voiced the need for family support because many of their parents, relatives, and friends had been killed in war: for such children, joining the ranks provided substitute families and friends (Zack-Williams, 2001, p. 78-79; Goodwin, 2001, p. 148). Limited social safety nets, as a result of the death of family members and friends leave children in poor countries far more likely than their counterparts in wealthy countries, to be forcefully recruited by state and non-state actors into the military ranks. Essentially, given their nature and circumstances, they become easy recruit targets.

Tax collected, as a proportion of Gross Domestic Product (tax/ GDP), is employed to measure the states’ capacity, being the “willingness and [ability] of the state apparatus to carry out government policy” (Englehart, 2009, p. 11). The assumption is that states with higher tax/GDPs are most likely to be more strong and stable than states with lower tax/GDPs. According to Englehart (2009), “extracting taxes has traditionally been regarded as one of the most important functions of the state” (p. 13). Therefore, not only is the state’s ability to extract taxes a show of the government’s effectiveness at monitoring its main source of revenue, it is also a sign that there are enough resources within the government to run its activities, including enforcing laws. It is also assumed that rebel groups are least likely to exist in strong states, limiting their child recruitment activities.
Additionally, it is expected that on ratifying the Optional Protocol, states abide by its provisions. While ratification of the Optional Protocol is on a voluntary basis, states that agree to become party are expected to ensure proper enforcement and implementation at the national level, by ensuring that all citizens, including rebel groups, abide by the provisions. This entails preventing non-state actors from using child soldiers, because such is prohibited in Article 4(1) of the Optional Protocol.

Finally, the numbers of deaths during civil and international wars have a likelihood of increasing the recruitment and use of child soldiers by state and non-state actors. This variable is employed to measure the presence of conflicts as well as level of the conflict intensity. As noted earlier, countries that have experienced high mortality rates at times of wars and conflicts are most likely to recruit children to replace adult soldiers thus increasing their numbers.

Hypotheses

_Hypotheses for the States’ use of Child Soldiers (Dependant Variable)_

H1a: Being party to the Optional Protocol lowers the probability of the use of child soldiers by state actors in combat.

H2a: As per capita GDP decreases, the likelihood of using child soldiers by state forces in combat increases.

H3a: As the number of deaths increase in civil wars, the use of child soldiers by state forces during combat increases.

H4a: As the number of deaths increase in international wars, the use of child soldiers by state forces during combat increases.

H5a: As the tax/ GDP increases, the use of child soldiers by state actors decreases.
Hypotheses for Non-states actors’ use of Child Soldiers (Dependant Variable)

H1b: Being party to the Optional Protocol lowers the probability of the use of child soldiers by non-state actors during combat.

H2b: As the per capita GDP decreases, the use of child soldiers by non-state actors in combat increases.

H3b: As the number of deaths increase in civil wars, the use of child soldiers by non-state forces during combat increases.

H4b: As the number of deaths increase in international wars, the use of child soldiers by non-state forces during combat increases.

H5b: As the tax/GDP increases, the use of child soldiers by non-state actors decreases.

Binary logistic regression is employed to test the hypotheses. Panel corrected robust standard errors are used because the data are not drawn from a random sample (Beck, Katz, and Tucker, 1998, p. 1262). Standard errors are calculated separately for each country. Data used in this analysis is from international organizations, and NGOs. Every effort was made to include the most recent, reliable, and available data sources. All years for which complete data is available are included.
RESULTS

Table 1
Predicting State and Non-state use of Child Soldiers (2002- 2008)

<table>
<thead>
<tr>
<th>Variables</th>
<th>Non-state</th>
<th></th>
<th>State</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coef</td>
<td>Std Err</td>
<td>Coef</td>
<td>Std Err</td>
</tr>
<tr>
<td>Ratification of the Optional Protocol</td>
<td>-.36</td>
<td>(.55)</td>
<td>-.26</td>
<td>(36)</td>
</tr>
<tr>
<td>Per capita Gross Domestic Product (GDP)</td>
<td>-.71*</td>
<td>(.34)</td>
<td>.48</td>
<td>(.29)</td>
</tr>
<tr>
<td>Tax Gross Domestic Product (tax/ GDP)</td>
<td>-.80</td>
<td>(3.71)</td>
<td>-.8.62*</td>
<td>(3.41)</td>
</tr>
<tr>
<td>Total number of deaths in combat during</td>
<td>00</td>
<td>(.00)</td>
<td>.00**</td>
<td>(.00)</td>
</tr>
<tr>
<td>international wars</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Total number of deaths in combat during</td>
<td>.00**</td>
<td>(.00)</td>
<td>.00</td>
<td>(.00)</td>
</tr>
<tr>
<td>civil wars</td>
<td></td>
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| Obs (423)                                      |           |          | Obs (641)|           |
| Countries (151)                                |           |          | Countries (152)|       |

Entries are coefficients and (in parenthesis) standard errors from binary logit model with robust standard errors adjusted for each cluster.


*p > .10*  
**p > .05**  
***p > .01***
Table 1 shows the results of binary logistic regression analysis of the five variables likely to influence the use of child soldiers by both state and non-state actors. The two variables: tax/GDP, and the number of deaths during international wars, are significant positive predictors of the use of child soldiers for states. This suggests strong support for the hypotheses H5a, as the tax/GDP increases, the use of child soldiers by state forces decreases and H4a, as the number of deaths increase in international wars, the use of child soldiers by state forces during combat increases.

In addition, two variables: the per capita GDP and the number of deaths during civil wars are significant positive predictors of the use of child soldiers for non-state actors. This suggests strong support for the hypotheses H2b, as the per capita GDP decreases, the use of child soldiers by non-state actors in combat increases and H3b, as the number of deaths increase in civil wars, the use of child soldiers by non-state forces during combat increases.

The above results also show that the use of child soldiers by states is influenced by different forces compared to those of non-state actors. A state may be influenced to use child soldiers because of its political weakness and lack of resources to meet its obligations, as well as the need to fill positions in international wars as a result of deaths of adult soldiers. On the other, non-state actors are likely to use child soldiers when the economy is doing poorly and when there are high losses of adult soldiers during a civil war. While these results support four hypotheses, they also contribute greatly to the body of research on child soldiering. The findings are important because they add great value to the discussion on ending the use of child soldiers by both state and non-state actors. Indeed, knowing that state and non-state actors are motivated by different forces to use child soldiers gives states and the international community an opportunity
to narrow down its focus on potential precipitating factors of child soldiering, a strategy that is likely to strengthen the efforts in place to end the use of child soldiers.

While the hypothesis as tax/GDP increases the use of child soldiers by non-state actors decreases was not supported by the data, it is not surprising that this variable did not significantly predict non-state actors’ use of child soldiers. Regardless of whether the state’s tax/GDP is low or high, it does not reflect an illegal economy mostly run by non-state actors. These findings supports the argument that non-state actors in times of wars and conflict have certain influences that keep them economically healthy compared to the rest of the country (Riley, Sesay & Sesay, 1995, p. 123) or just that state capacity is not relevant to non-state actors. For example, “Diamonds have financed long-running wars in Sierra Leone and Angola. In Sudan, oil fuels the civil conflict. The profits from narcotics are at the heart of struggles in Afghanistan and Colombia” (Hick, 2001, p.109-110). Therefore, the results suggest that the use of child soldiers can and has been maintained through the existence of two economic systems within a single sovereign territory.

The results that states are likely to use child soldier when experiencing high mortality rates during international wars were very revealing. Indeed, these results support the argument made earlier that not only poor countries use child soldiers, but wealthy countries as well. For example, in the United States of America, “military-run programmes exist for children as young as eight…boys and girls from 8-10 wear uniforms, are assigned military ranks, and participate in ‘boot camp’ and rifle drills; the program has over 200 units nation-wide, with 14,865 participants in early 2001 ” (Coalition to Stop the Use of Child Soldiers, 2001, p.11). While such children are not likely to be sent to the battle zone before attaining the age of eighteen years, some of the activities performed by these children fit the definition of child soldier provided
earlier in this work. The United States which in neither party to the CRC nor the Optional Protocol has been fighting international wars in Afghanistan and Iraq since 2001 and 2003 respectively; basically, the entire time the Optional Protocol has been in force. Also, most of the United States NATO allies, such as the United Kingdom, have been known to engage in the same practice. One could easily argue that the United States and other countries involved in international wars engage children in paramilitary activities to prepare them for combat when they turn eighteen.

However, the fact that the ratification of the Optional Protocol has no statistical significance bearing on whether or not states and/or non-state actors use child soldiers is quite disturbing. The most striking and imperative observation here is that regardless of states’ expressed commitment to international norms, namely those expressed in the Optional Protocol, the likelihood of using child soldiers is not affected for both states and non-state actors. For better or worse, the results mirror the reality on the ground. This observation bears witness to the argument developed earlier in this work, (in the cases of Uganda and Sierra Leone) that international law, in this case the Optional Protocol, does not influence states’ and/or non-state actors’ behavior in regard to the use of child soldiers. This is especially true when conditions on the ground motivate them to enlist children. It is a reality: “international law arrives at the place of action a little late and somewhat out of breath” (Bueren, 1994, p. 809). This statement by Bueren, and the statistical analysis, supports the theoretical argument developed earlier in this work that international law is least effective in countries where it is most needed.

Indeed, being party to the Optional Protocol does not guarantee adherence to implementation and enforcement. The Coalition to Stop the Use of Child Soldiers (2008) provides a chilling report, with evidence that after seven years of being in existence, the Optional
Protocol has not in a significant way guarded the rights of children in armed conflict (p. 12). While the Coalition to Stop the Use of Child Soldiers states that the plight of child soldiers has not improved over the past seven years, my study renders support for their claims and further provides a multivariate explanation for why the Optional Protocol does not fulfill its purpose.

Without adequate implementation and enforcement, it is clear that while the enactment of laws relating to child soldiers is an important element to ensure children do not participate in armed conflicts, child soldiers’ laws alone have little effect. These results are in line with the explanations provided in the cases of Uganda and Sierra Leone, which are not isolated cases. Rather, they clearly serve as a reflection of the global phenomena of child soldiering.
CONCLUSION

Despite the challenges presented by wars and conflicts around the world, efforts highlighted in this work illustrate that at least in some countries, the issue of child soldiers has reached a level of prominence that reflects both the gravity of the problem, and the collective will to find a solution. In other countries, however, efforts to eliminate the use of child soldiers have not reached a similar level of commitment. Countries such as Sudan, Somalia, Uganda, Central Africa Republic, and Afghanistan, whose national armies recruit and use children, have demonstrated a lack of commitment to address the most grievous form of child abuse, child soldiering.

The Optional Protocol is the most advanced international legal agreement condemning the use of child soldiers, but as the statistical analysis shows, its presence has little or no effect on the behavior of state and non-state actors in regard to the use of child soldiers. Indeed, without effective implementation and enforcement at the national level, often made impossible by conditions within sovereign states, its presence has no effect on ensuring the full protection of children against recruitment and use in hostilities. Countries where conditions are ripe for the abuse of children’s rights, especially those marred by wars and conflicts, political instability, poverty, weak governments, and social instability, leave children vulnerable to abuse because these problems weaken the governments’ ability to implement and enforce laws meant to protect them.

In fact, these results render support to the discussion on the use of child soldiers by state and non-state actors in cases the Uganda and Sierra Leone. For example, the civil war in Sierra Leone was officially declared over in 2002 (Coalition to Stop the Use of Child Soldiers, 2008, p. 297), but the end of the civil war neither ended the poor economic conditions nor brought
political stability. In fact, political, as well as economic and social instabilities continue to make Sierra Leonean children more vulnerable to recruitment by forces from neighboring countries such as Liberia (Coalition to Stop the Use of Child Soldiers, 2008, p. 97). Also, as the civil war continues in Uganda, state as well as the non-state actors continues to recruit child soldiers.

While valid efforts by the international community are in place to raise awareness of the plight of children in armed conflict, little attention is being given to individual countries’ internal forces which fuel wars and conflict and continue to make the implementation of the Optional Protocol and other international treaties impossible. Details revealed in the two case studies (Uganda and Sierra Leone) and the data analysis bear witness that for any progress to be realized in the implementation and enforcement of any treaty, or any legal agreements for that matter, internal matters of states dominate international legal agreements.

Without a doubt, wars and conflicts, political instability, poverty, weak governments, and social instability create systems in which no one is held accountable for the implementation and the enforcement of international norms. Indeed, such systems create environments favorable for both state and non-state actors to act with impunity to recruit child solders. However, as it was revealed in the data analysis, state and non-state actors are influenced by different forces to use child soldiers. A state’s political weakness mainly caused by a lack of resources to meet civil obligations, as well the intensity of international wars were significant positive predictors for its use of child soldiers. On the contrary, non-state actors are likely to use child soldiers when the economy is doing poorly and when there are high losses of adult soldiers during a civil war. While these results support four hypotheses, the findings add great value to the research earlier conducted on the use of child soldiers by bringing a new perspective to the discussion toward ending the use of child soldiers that has not been known to exist from previous research.
The implementation of international norms is in the hands of sovereign states. Non-state actors are within the jurisdiction of sovereign states. In order for international norms to be effective in curbing human rights abuses, particularly those of children, member states have to be willing and able to incorporate and internalize such norms into their national laws. After which, they have to be willing and able to enforce the law. This includes reprimanding and punishing state and non-state actors who engage in the practice of recruiting child soldiers. In the case where government is unable or unwilling to implement and enforce laws protecting children against recruitment and use in hostilities, the international community should act to help states develop capacity to fulfill their internal obligations. Knowing that state and non-state actors have different motivations to recruit and use child soldiers is an important element in the effort to end the practice because the complexity of the child soldiering problem calls for a multifaceted initiative and partnership across all sectors of international society.

The Uganda and Sierra Leone cases and the data analysis illustrate that wars and conflicts, political instability, poverty, weak governments, and social instability must be eliminated if children’s rights are to be protected. The data analysis also shows that the use of child soldiers is not a practice unique to Uganda and Sierra Leone, it is a global problem. Indeed, until fundamental needs are effectively addressed in all countries in the global political system, the end of child soldiering remains a distant dream.
ACRONYMS

CRC              Convention on the Rights of the Child
Optional Protocol       Optional Protocol on the involvement of children in armed conflict
UN                   United Nations
NGOs                         Nongovernmental organizations
CEDAW                    Convention on the Elimination of All Forms of Discrimination against
                        Women
UNICEF                    United Nations Children's Fund
OHCHR                    Office of the High Commissioner for Human Rights
DRC                          Democratic Republic of the Congo
ICC                          International Criminal Court
SPLA                         Sudanese People’s Liberation Army
LRA                           Lord’s Resistant Army
NRA                          National Resistance Army
UPDF                        United People’s Defense Force
IDP                          Internally Displaced Persons’
IDPC                         Internally Displaced People’s Camps
LDU                          Local Defense Units
RUF                          Revolutionary United Front
SLA                          Sierra Leone Amy
APC                          All People's Congress
CDF                          Civil Defense Force
NPFL                         National Patriotic Front of Liberia
<table>
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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
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<tr>
<td>LURD</td>
<td>Liberians United for Reconciliation and Democracy</td>
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<tr>
<td>GDP</td>
<td>Per Capita Gross Domestic Product</td>
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<tr>
<td>Tax/GDP</td>
<td>Tax Gross Domestic Product</td>
</tr>
<tr>
<td>SCS</td>
<td>Special Court of Sierra Leone</td>
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</table>
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