

CHILD-SOLDIERS: HOW TO ENGAGE IN DIALOGUE WITH NON-STATE ARMED GROUPS

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Almost all conflicts are now fought not between states but within national boundaries and almost all involve non-state armed groups (armed groups).¹ Among the characteristics of many of these conflicts is the involvement of children.

The phenomenon of child soldiers is not new although it has become more widely recognized in the past decade.² It is now the subject of international and regional treaties and of United Nations (UN) Security Council resolutions and debate. It is reported on annually by the UN Secretary-General whose Special Representative for Children and Armed Conflict is mandated to promote protection of war-affected children, including child soldiers. Regional bodies, notably the European Union and the Economic Community of West African States, have the issue on their agendas. Abhorrence of the recruitment and use of children in hostilities is reflected in its criminalization in international law; under the Rome Statute of the International Criminal Court (ICC) conscripting and enlisting children under the age of 15 years into armed forces or groups or using them to par-

ticipate directly in hostilities constitutes a war crime. International labor law treats the forced recruitment of children under the age of 18 for use in armed conflict as one of the worst forms of child labor.

Corresponding to this increased attention has been a growing understanding of the complexity of the issue and the need for sophisticated, context-specific approaches towards prevention. Such approaches must necessarily address a range of actors, from those involved in recruiting and using children as soldiers to those responsible for their protection and well-being.

Among these, armed groups merit specific attention. This is not only because, at least in recent years, the majority of children involved in armed conflict have been within their ranks, but also because efforts to persuade armed groups to adhere to international standards on child soldiers have so far met with only limited success.

Developing more effective strategies to influence the policy and practices of armed groups is therefore essential if real progress towards

ending the recruitment and use of child soldiers is to be achieved. The question is, how best to influence that policy and practice?

Needless to say, there are no easy answers. Just as it is difficult to make generalizations about the characters of armed groups (and the conflicts in which they are involved), it is unwise to think in over-generalized terms about approaches to them. Moreover, experience of approaching armed groups on the issue of child soldiers is still being built and initiatives, particularly by grassroots players, are poorly documented.

Nevertheless, the accumulated experience to date points towards certain approaches as being more appropriate or effective in addressing the specific issues to be considered when children are associated with armed groups, including their physical security and psychosocial well-being. This chapter seeks to identify why engagement with armed groups is important and to reflect on the diverse experiences, as well as the dilemmas and challenges encountered by those involved in efforts to engage armed groups on the question of child soldiers. In doing so, it looks at various levels of engagement, from awareness-raising and dialogue through to negotiations. It also examines both direct engagement with armed groups and indirect engagement through communities.

Non-state armed groups and child soldiers

Although some government armed forces recruit and use children, the number that do so is on the decline. This is partly a consequence of increased awareness and condemnation of the practice resulting in some improvements in the adherence of states to international standards. In contrast, there is a depressing level of continuity in the practice by armed groups. Out of

the 38 parties in 12 countries that recruit or use children in situations of armed conflict listed in the latest report of the UN Secretary-General on Children and armed conflict, 24 are non-state armed groups.³ Many of these groups are persistent offenders that have proven remarkably resistant to appeals, condemnation or sanction. Armed groups involved in other conflicts not included in the Secretary-General's list, for example in Chechnya, Iraq and the Occupied Palestinian Territory, also recruit and use children.

Children are drawn towards armed groups for any number of reasons. Thousands are forcibly recruited or abducted. Thousands more, perhaps the majority, volunteer. In some cases their involvement may be genuinely voluntary. For many, real choice is lacking. They are pushed into joining armed groups by factors such as poverty, discrimination, lack of access to education and employment. Displaced or refugee children, children separated from their families, street children, children involved in forced labour and in the sex trade are particularly vulnerable.

The familiar image of a child carrying a gun tells only a part of the story of children's experience in conflict. Child soldiers perform a range of tasks other than as combatants. These can include laying mines and explosives; scouting; spying; acting as decoys; couriers; informers or guards. They may be involved in training, drill, or other preparations, or in logistics and support functions as porters, cooks and domestic labor. Others are recruited for sexual slavery or other sexual purposes.

Whatever their role, the association with armed forces or groups exposes children to extreme and unacceptable threats to their health and well-being. Over and above the risks of death, injury, permanent disability and trauma as a direct result of the conflict, children in

armed groups are also exposed to other serious human rights abuses including ill-treatment and torture, rape and other sexual violence.

Armed groups frequently deny the existence of children in their ranks even when there is overwhelming evidence to the contrary. Justification for their use may also be given: That children cannot be prevented from joining their ranks voluntarily; that it is not always possible to tell the age of a new recruit; that the group offers the children a source of support and protection that the state does not; that the children are merely accompanying members of their family; and so on. Some armed groups will also argue the military necessity of recruiting children.

Understanding what motivates an armed group to recruit and use children is important to designing effective protection strategies, including whether, when and how to enter into dialogue with such groups.

The international architecture and the limits of external pressure

Almost all those involved in this field – from the grassroots to the international level – agree that any approaches to armed groups should be informed by the norms of international humanitarian law and human rights law relating to child soldiers. Arguably these apply equally to state and non-state players.

The primary legal instruments of international humanitarian law relating to non-international (that is, internal) armed conflict, and which is therefore directly relevant to armed groups, is Article 3 common to the four Geneva Conventions of 1949. This is supplemented by Additional Protocol II which includes specific protection for children, including prohibition of recruitment of or participation in hostilities of children under the age of 15.⁴

The principal international human rights treaty relating to child soldiers is the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Optional Protocol). Entering into force on 12 February 2002, it was the culmination of a campaign to remedy the shortcomings of the Convention of the Rights of the Child that requires only that states “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.”⁵ Among other things, the Optional Protocol contains provisions that make specific reference to armed groups. It explicitly prohibits them, under any circumstances, from recruiting or using in hostilities persons under the age of 18 years.⁶

This represents a significant advance in the international legal framework insofar as it enjoins states to protect children against recruitment and use by armed groups. However, persuading armed groups to be bound by an international treaty to which only states can become party, or indeed by relevant provisions of international humanitarian law, represents a formidable challenge.

At an international level there are a number of important initiatives aimed at enforcing the standards. Successive Security Council resolutions have called for parties recruiting and using children as soldiers to be publicly named and for them to prepare time-bound action plans to end the recruitment. It has also called for improved monitoring and reporting on the application and adherence to the standards and for consideration of targeted measures against violators.⁷

As a result an annual list is now published by the UN Secretary-General that names both state and non-state parties which recruit and

use armed soldiers in countries of priority to the Security Council. Monitoring and reporting taskforce teams have been established by UN peacekeeping missions or country teams in various countries and the first reports were submitted to the Security Council in 2006.⁸ Progress on action plans has been slow, but two have been agreed with armed groups in Côte d'Ivoire.⁹ In the meantime, targeted measures against individual members of armed groups were applied by the Security Council for the first time in 2006 specifically in relation to the recruitment and use of children as child soldiers.¹⁰

However, since the Security Council began to address the issue of children and armed conflict in 1999, there has been only a very small decline in the overall number of parties recruiting or using child soldiers. The record of armed groups is particularly poor.

In real terms this means that tens of thousands of children continue to serve within the ranks of armed groups. They are exposed daily to all the associated dangers while thousands more are at risk of being recruited. Reports from emerging conflicts in Chad and Somalia illustrate all too clearly that unless real protection can be offered, children will continue to be drawn into armed conflict.

That fact does not diminish the importance of the international legal standards or the importance of the high-level of international attention to the issue. However, it is apparent that traditional techniques of pressure and persuasion go only so far. Alternative or supplementary actions must be sought to convince armed groups to stop recruiting and using children – actions in which engagement may form a central plank.

Engaging armed groups – no pariahs?

Much can be learned from the experiences of engagement with armed groups for purposes of humanitarian access and political interventions in the cause of peace processes or conflict resolution on which there is a growing body of literature.¹¹ Many of the same principles will apply to approaches to armed groups on the subject of child soldiers. For example, understanding the character, ideology, aims, capacity and constituency of the group; understanding your organization's capacities and competencies; coordination with other players; and ensuring clarity about the specific objectives of engagement (on the issue of child soldiers this might include *inter alia* preventing recruitment; negotiating release; training members of armed groups on international humanitarian law and human rights protection; extracting commitments to adhere to international standards; or seeking information).

Many of the same challenges will also be encountered, not least whether to engage at all. The arguments around engagement are well rehearsed, including whether engagement confers legitimacy on the armed group and its methods. While there is no definitive answer to this serious question, there are those who argue that at least minimal engagement with armed groups should be the norm rather than the exception.¹² In relation to children, many human rights and humanitarian players argue that not engaging is not an option. If protection of children is of paramount concern and engagement can assist towards that protection, then engagement must be considered.

The Save the Children Alliance has highlighted both the risks and the benefits to engagement with armed groups in its guidelines for policy makers and program staff working

with children associated with fighting forces. The guidelines state:

“The irregular structure and unpredictable behaviour of some non-state armed groups means that working with them carries risks. While this must always be approached with caution, contact with non-state armed groups can have a direct impact on the protection of children, especially those who are hard to reach.”¹³

The role of communities: Working in their own backyard

At a forum on armed groups and the involvement of children in armed conflict organized by the Coalition to Stop the Use of Child Soldiers in 2006, participants from settings as far apart as Sudan, Myanmar and Northern Ireland repeatedly emphasized the importance of involving communities in approaches to armed groups. Communities were interpreted broadly to include families, local authorities, traditional and religious leaders, civil society groups and non-governmental organizations (NGOs), diasporas and children themselves. The point being made as one participant noted was, that “in our own backyard we understand the problems better.”

Armed groups do not operate in a vacuum. It is only in rare cases that they do not have their roots in local communities or seek some level of acceptance or support from them. It goes without saying that children also originate in communities which in some cases may countenance their recruitment by armed groups and in others oppose it. Either way, communities are essential to understanding why children are recruited and how they can be protected. In some cases they may be in a position to directly influence attitudes within armed group, in other cases they may act as intermediaries.

In situations where there is little or no protection of children by the government, involving communities is likely to be essential to developing effective and sustainable strategies against child recruitment and use. In many cases, communities have recognized this and acted on their own initiative. Such community initiatives should be supported wherever possible.

At the same time, it is important to recognize the challenges to community involvement. In situations of profound under-development or prolonged conflict community structures may be severely degraded or may have collapsed entirely. High levels of violence, and the resulting fear and insecurity, can inhibit or even prevent community organization around an issue as sensitive as child soldiers. Ultimately, community involvement is desirable and should be encouraged. It cannot always be assumed, however.

Awareness raising among communities – a strategy for prevention

Developing greater awareness among communities about the rights of children, including the prohibitions on their use as soldiers, can be an important first step. It can help build community resistance to child recruitment. It may also act as a catalyst for community initiatives to protect or rescue children from armed groups. In situations where there is strong community support for the armed group, changing the community attitudes towards children as soldiers can be critical to changing attitudes within the group itself.

Research carried out in 2002 by the International Save the Children Alliance on community initiatives and concerns in various armed conflicts found considerable agreement on the importance of developing understanding of children’s needs and experience and awareness of

the negative impact of participation in conflict by children. The effects on the children's mental health were highlighted as a concern to which communities are most likely to respond. The research also emphasized the importance of informing children of their rights. Indeed it found that amongst adolescents who had participated in conflict were some who believed that if they had known about their rights they could have refused recruitment.¹⁴

Human rights awareness-raising and education may be one of the few available options in some conflict environments. Such is the case in the refugee camps on the Thai/Myanmar border to which Karen and Karenni peoples have fled to escape hostilities between armed groups and government troops in Myanmar. Thousands of children are in the Myanmar government forces, often recruited by force, and are also used by ethnic minority armed groups in conflict with them. Despite high levels of insecurity in the refugee camps, a Thai-based NGO, the Human Rights Education Institute of Burma (HREIB) in 2002 began a program of training of trainers and workshops on child rights and child soldiers. Participants include community and camp-based organizations, women's groups and child care providers and school teachers. Former child soldiers have also been involved as trainers.

Although progress is slow, local activists report some encouraging signs. These include greater grassroots involvement in initiatives to stop the use of child soldiers such as awareness-raising activities in schools and religious centres and the provision of informal education programmes for former child soldiers. The number of parents who are reporting the cases of forced recruitment or abduction of children is also said to have increased.

The experience of the Coalition against the Use of Child Soldiers in the Democratic Republic of Congo (DRC) illustrates how human rights awareness-raising amongst communities can stimulate grassroots action. At the height of the conflict that began in 1996, thousands of children were recruited and used by DRC government forces and numerous armed groups (an estimated 30,000 children were thought to be associated with armed forces and groups by late 2003). Although the conflict in the DRC has now formally ended and the recruitment and use of child soldiers has significantly declined, new recruitment and re-recruitment continues to be reported in eastern DRC by dissident and non-aligned armed groups.

Created in 2000, the DRC Coalition brought together local child protection NGOs. Their objective was to encourage the families of children recruited by armed forces to engage other local networks such as community and religious leaders, teachers, social workers to advocate for the protection of children from recruitment into the armed forces and armed groups and to support their demobilization and reintegration. Initially, discussions focused on the impact of involvement of children in armed conflict on the children, families and communities and, more broadly, on the future of the country. Concepts of child rights and child protection during armed conflict were then introduced. Emphasis was placed on local traditional roles of families in child protection to encourage reflection on why and how children should be protected.

From these discussions grew community networks involving a range of different actors from priests, Muslim leaders, traders, local associations, and school directors. Delegations from these networks undertook visits to com-

manders of groups in eastern DRC to press for the release of children and an end to recruitment. Among the groups visited were Rassemblement Congolais pour la Démocratie in Goma (RCD-Goma) and associated militias (Auto-Defence Local, ADL); Mai Mai groups; and the Muddu 40 group in both south and north Kivu. The same was done in other provinces such as Katanga, Kasai and Maniema. After 2003, the strategy was extended to engage with groups in western DRC.

Although initially the delegations were not always well received, over time the engagement has resulted in some change in attitudes and a noticeable reduction of forced recruitment and military training of under-18s. Most groups authorized the delegations, accompanied by representatives of UNICEF and UN Mission in the Democratic Republic of the Congo (MONUC), to enter military camps and identify under-age recruits. Some children have been released as a result and provided with documents to protect them against re-recruitment or prosecution for desertion. Encouragingly, a significant number of former commanders are now actively working to stop the recruitment and use of child soldiers including by working with local NGOs to engage with those armed groups that are still using children.

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- 1 The term “armed groups” in this chapter in most cases refers to groups that are engaged in conflict with the government (that is, armed opposition groups) and not to groups that are acting with the backing or complicity of governments.
- 2 There is no single definition of “child soldier.” The most commonly used definition is contained in the recently agreed Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups. This definition, which updates the Cape Town Principles, states that “a child associated with an armed force or group refers to any person below 18 years of age who is or who has been recruited or used by an armed force or group in any capacity, including but not limited to children used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken an active part in hostilities.”
- 3 UN Document: A/61/529-S/2006/826, 26 October 2006.
- 4 Optional Protocol II applies to a narrower array of situations than Common Article 3 requiring that the armed conflict take place between the armed forces of a state party to the Protocol and “dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.” Most of today’s internal conflicts are situated below this threshold.
- 5 Article 38(2) of the Convention on the Rights of the Child.
- 6 Optional Protocol, article 4. As of July 2007 there were 117 State Parties to the Optional Protocol.
- 7 See Security Council Resolutions: 1379(2001); 1460(2003); 1539(2004); 1612(2005).
- 8 Reports on the DRC, Sudan, Cote d’Ivoire and Burundi were submitted in 2006, and Nepal and Sri Lanka in January 2007.
- 9 One with the Forces Nouvelles and a regional plan with several militia groups.
- 10 See Security Council Resolution 1698 of 31 July 2006 in which it expanded existing sanctions (including travel bans and asset freezes) to apply to individual child recruiters in the Democratic Republic of Congo. In February 2006, a travel ban and asset freeze was imposed on Martin Kouakou Fofie, a commander of the Forces Nouvelles in Côte d’Ivoire, citing child recruitment as well as other violations.
- 11 See: Bibliography on Approaching Armed Groups, Coalition to Stop the Use of Child Soldiers, November 2006. Available at: www.child-soldiers.org.
- 12 See for example: *Choosing to engage: Armed groups and peace processes*, Accord, Conciliation Resources, edited by Robert Ricigliano, London 2005.
- 13 *A Fighting Chance: Guidelines and implications for programmes involving children associated with armed groups and armed forces*, Save the Children UK, 9 November 2004.
- 14 *The Prevention of Under-Age Military Recruitment: A Review of Local and Community-Based Concerns and Initiatives*. Margaret McCallin, Consultant to the International Save the Children Alliance. January 2002.
- 15 *Going Home: Demobilizing and reintegrating children in the Democratic Republic of Congo*, by Beth Verhey, published by Save the Children, 2003.
- 16 *Promoting humanitarian principles: The southern Sudan experience*, Iain Levine, Overseas Development Institute, Relief and Rehabilitation Network paper, 21 May 1997.

- 17 Human Rights Watch, World Report, 2004.
- 18 Children Not Soldiers: Guidelines for working with child soldiers and children associated with fighting forces, Isobel Mc Connan and Sarah Uppard. Save the Children, 2001.
- 19 Participant at the International Forum on armed groups and the involvement of children in armed conflict, organized by the Coalition to Stop the Use of Child Soldiers, Switzerland, July 2006.
- 20 Beth Verhey, The Demobilization and Reintegration of Child Soldiers: El Salvador Case Study, Work Bank, 2001.
- 21 The Inter-religious Council was formed in 1996 by Christian and Muslim spiritual leaders in Sierra Leone. It was arguably the most important community player in the Lomé peace process.
- 22 Report of the Secretary-General on Children and armed conflict, UN Doc: A/61/529-S/2006/826, 26 October 2006. Para 60.

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