INTERNATIONAL RESPONSES TO THE USE OF CHILD SOLDIERS: A CASE STUDY OF THE LIBERATION TIGERS OF TAMIL EELAM

Dissertation submitted to the Jawaharlal Nehru University in partial fulfilment of the requirements for the award of the degree of
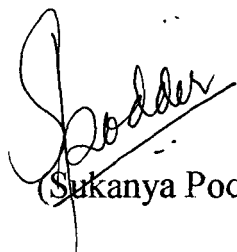
MASTER OF PHILOSOPHY

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CERTIFICATE

This is to certify that the dissertation entitled **"International Responses to the Use of Child Soldiers: A Case Study of the Liberation Tigers of Tamil Eelam"**, submitted by me in partial fulfilment of the requirements for the award of the degree of **Master of Philosophy**, is my own work and has not been previously submitted for any other degree of this or any other university.
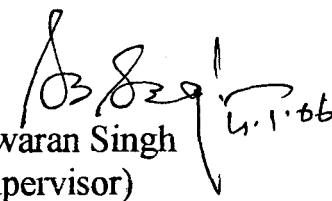
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We recommend that this dissertation be placed before the examiners for evaluation.

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For My Parents

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Acknowledgement

But most importantly I wish to thank my family, who have been my pillar of strength and whose indulgence makes me see the goodness of life. Baba, I wish to be all that you picture for your daughter....thank you for making life easier, simpler and worth exploring.

Sukanya Podder.

Glossary

AUC	United Self-Defense Forces
CDF	Civil Defence Forces
CIA	Central Intelligence Agency
CPAs	Child Protection Advisors
CRC	Convention on the Rights of the Child
DDR	Disarmament, Demobilization and Reintegration
DPKO	Department for Peacekeeping Operations
DRC	Democratic Republic of Congo
ELN	National Liberation Army (Ejercito de Lliberación Nacional) Colombia
EPLF	Eritrean People's Liberation Front
EU	European Union
FARC	Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia)
FTO	Foreign Terrorist Organisation
GoSL	Government of Sri Lanka
GUSCO	Gulu Save Our Children Organization
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IEDs	Improvised Explosive Devices
ILO	International Labour Organisation
IMF	International Monetary Fund
IPKF	Indian Peacekeeping Force
IRA	Irish Republican Army
LRA	Lord's Resistance Army

LTTE	Liberation Tigers of Tamil Eelam
MONUC	U N Mission in the Democratic Republic of Congo
NCPA	National Child Protection Authority
NGEs	Non Governmental Entities
NHRC	National Human Rights Commission
OAS	Organisation of American States
PA	People's Alliance
PKK	Kurdish People's Party, Turkey
PLO	Palestine Liberation Organisation
POW	Prisoners of War
RUF	Revolutionary United Front
SIHRN	Sub-Committee on Immediate Humanitarian and Rehabilitation Needs
SLA	Sri Lankan Army
SLMM	Sri Lankan Monitoring Mission
SPLA	Sudan People's Liberation Army
TRO	Tamil Rehabilitation Organisation
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMISIL	United Nations Mission for Sierra Leone
UNDP	United Nations Development Programme
UNF	United National Front
UNITA	National Union for Total Independence of Angola
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Emergency Fund
UNSC	United Nations Security Council
UPC	Union Des Patriotes Congolais
UTHR	University Teachers for Human Rights, Jaffna

Chapter One

Introduction

Wars have always victimized children and other non-combatants, but modern wars are exploiting, maiming and killing children more callously and more systematically than ever before. Children today find themselves caught up in complex and confusing conflicts that have multiple causes and that lack clear prospects for resolution. Children are being sucked into seemingly endless endemic struggles for power and resources.

Graca Machel, author, *Impact of Armed Conflict on Children*, 1996.[1]

This extract succinctly summarizes the predicament that children are subjected to in a world marked by dissipating morals and flagrant violation of the laws of war. The co-option of innocence and youth has come to be an inescapable other of post-modern warfare[2] where traditional notions of the 'warriors honour'[3] have come to be radically deconstructed in favour of expediency and advantage. Although the phenomenon of child soldiers is not a entirely new one, the disturbing trend lies in the fact that, while earlier children were recruited only when the supply of adult fighters ran short, today in an age where protracted civil wars are pervasive the youngest are often recruited as a matter of preference.

On its part the international community first began a coordinated effort to confront the complexities of the relationship between war and children with Graça Machel's groundbreaking 1996 United Nations study entitled *The Impact of Armed Conflict on Children*.[4] Since then many NGOs, United Nations agencies and governments have addressed the severity of abuses of children in wars more

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[1] These remarks are by Graca Machel at the Winnipeg Conference, 2001, cited in Hick, Steven, "Political Economy of War Affected Children", ANNALS, *AAPSS*, 575, May 2001, p.107.

[2] See, Gray, Chris. H., *Postmodern War: The New Politics of Conflict*, New York, Guilford Press, 1997, pp.168-170.

[3] See, Coker Christopher, *Waging War Without Warriors? The Changing Culture of Military Conflict*, Boulder, Colorado, Lynne Rienner, 2002, pp. 6-9.

[4] Machel, Graca, *Impact of Armed Conflict on Children: Report of the Expert of the Secretary-General, 1996* (submitted pursuant to General Assembly Resolution 48/157 of 20 December, 1993), available online at http:// www.unicef.org/graca/a51-306_en.pdf <accessed on 11.04.2005>

proactively, and have advocated for better protection of their rights and security. Progress has been made in thematic areas such as education in emergencies, small arms, land mines and in strengthening international standards. However it is the issue of child soldiers which in recent times has evoked much international attention.

The existence of child soldiers in a sense represents the very antithesis of the protection and upholding of human rights that states are expected to provide. It needs to be contextualized within the ongoing globalization debate and perceived as one of the many examples of the 'dark side' of globalization.[5] Today security problematiques do not exist in a vacuum but are part of a chain of interlinked and overlapping threats. The diversification of violence and prevalence of multiple armed groups complicates traditional conflict management and resolution, and poses significant challenge for international security governance more generally.[6]

Most contemporary conflicts are intra-state, involving by definition at least one non-state actor, and many are fought without state involvement. Nevertheless, international laws and norms governing the use of force are still understood primarily within a state-defined paradigm. In nearly every conflict where government forces use child soldiers, opposition forces deploy them as well. But even when governments do not recruit children, as for example, in Nepal, the Philippines or Sri Lanka the use of child soldiers by opposition groups tends to be routine practice. This endemic use of child soldiers by nongovernmental armed groups is perceived as a more intractable problem than such use by states, due to the more limited range of pressure points available to the international community when dealing with non-state actors.[7]

This study examines the use of child soldiers by both state and non-state armed groups as a pervasive problem of international security. However it tries to

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[5] op.cit., Fox, Mary-Jane, "Girl Soldiers: Human Security And Gendered Insecurity", *Security Dialogue*, Vol.35, 2004, p.473

[6] www.sipri.org/contents/conflict/nonstateactors.html <accessed 10.08.2005>

[7] op.cit., Becker Jo, Children as Weapons of War, *Human Rights Watch World Report, 2004*, available online at http://www.hrw.org/wr2k4/11.htm <accessed on 15.03.2005>

illustrate evolution of the international response to the child soldier problem and its loopholes in the context of non-state actors in contemporary conflicts. It asks what can be done to more effectively impact on their behaviour and in the longer term to increase the prospects for peace. Given that, this seemingly soft issue increasingly poses as a hard core national security threat[8] to countries spawning every continent and conflict zone, one needs to explore the efforts that have been made to counter this menace? The evolution of the international community's position is relevant and needs to be documented through a more neutral lens. Clearly the response of the international community has an important role in mitigating this banal practice.

The introduction provides an overview of the child soldier problem in terms of its genesis and growth. While debates abound on whether the phenomenon is an entirely new one, its prevalence among rebel armies and non-state groups is explained by the transforming nature of war itself in a globalizing world. It delves into the intricacies of cause and process, recounting the stages involved in transforming a child into a soldier. The modes of recruitment, training and use are discussed with a view to highlighting the broader implications of children's involvement in combat. It also touches on the emergent linkages between children and terrorism underlining the atrocities and inhumane practices marking the progressive dehumanization of conflict.

The second chapter delves into the politics of norm building; it examines the legal protections available to child soldiers, and the responsibilities incumbent on state and non-state actors. By highlighting the incipient loopholes in the prevalent standards, alternatives are proposed which could provide for a more effective regime. The legal landscape aims primarily at preventive strategies to thwart both demand and supply. The United Nations Security Council (UNSC) and the Office of the Special Representative for Children and Armed Conflict have proactively pursued the issue and have been instrumental in bringing it to the forefront of the debate on

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[8] op.cit., Singer, P.W. "Terrorists must be denied Child Recruits", *Financial Times*, 20 January 2005, available online at http://www.brookings.edu/views/op-ed/fellows/singer20050120.htm <accessed 12.09.2005>

international peace and security. While the naming and shaming strategy that the UNSC has followed by way of publishing a list of offenders has proved largely ineffective, of late it has sought to design a more substantive monitoring and enforcement mechanism. This it is hoped would provide for a more stringent denial regime and mark the genesis of a more adequate response. While much of these efforts focus on preventive strategies the fact that use of child soldiers has proliferated in the nineties decade throws up rehabilitation issues in post-conflict societies.

These post hoc responses encompassing the challenging and complicated post-conflict peace building processes of Disarmament, Demobilization and Reintegration (DDR) is subjected to closer scrutiny in the third chapter. In the context of children and armed conflict while children are often central to public pronouncements on peace the legal documentation to safeguard that peace is often lacking in any reference to the child. As a result, the issue of child soldiers has been subjected to benign neglect in post-conflict peace building efforts and in peace agreements until recently. The Lome Accord (1999) in Sierra Leone was the first instance where DDR of child soldiers was addressed. Subsequently in Angola, Democratic Republic of Congo, Uganda etc., DDR programmes have been undertaken. The issues involved are complex and the military component of disarmament and demobilization is often emphasised at the cost of more long-term requirements of reintegration. The chapter reveals that children and youth involved in armed conflict can re-engage in positive social relations and productive civilian lives. It depends crucially on political will and available or allocated resources to include child soldiers in peace agreements and demobilization programmes and to support their reintegration into family and community.

The fourth chapter examines the efficacy of the international response in terms of how legal protections and DDR strategies have operated on the ground. Sri Lanka provides an ideal test case; the use of child soldiers is confined to the insurgent separatist grouping of the Liberation Tigers of Tamil Eelam (LTTE). On the

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preventive side of the equation; the government is a signatory to the main legal standards governing child soldiers. As far as post-conflict peace building strategies are concerned, DDR of LTTE child combatants has been envisaged as part of the ongoing peace process. The dynamics of international donor involvement in peace has also witnessed the instrument of peace conditionality being invoked in the Sri Lankan case. The indictment of the LTTE's continued use of child soldiers through the latest Secretary General's Report highlights the international attention that the issue has evoked. The recent travel ban imposed by the European Union (EU) on LTTE leaders can be regarded as a follow-up to the Report. The chapter analyses how far the international community has succeeded in making a dent in the LTTE's strategy of child soldier recruitment and use. The precarious nature of peace and allegations of ongoing recruitment and recruitment of child cadres by the LTTE provides an insight into the drawbacks incipient in the international community's approach and highlights the need for a more adequate response.

The aim of my research is to analyse the rationale behind the growing cooption of children into combat, and examine the efficacy of the international community's response in mitigating this banal practice. The assessments made in the fourth chapter on the LTTE child soldier problem will help in identifying the core areas where action is needed to garner a more stringent denial regime for non-state groups that use child soldiers as part of a systematic military strategy. The study based on a descriptive and analytical approach, reflects on the loopholes incipient in the language of law and the restrictive mandates that mar peacebuilding agendas. Resource commitments made are often not realized in practice and despite being the most vulnerable children are often subjected to benign neglect in efforts at securing peace.

The issue of child soldiers quintessentially underpins a human security perspective. Drawing on the debate about broadening of the security agenda the idea

of human security[9] though much contested provides fertile ground for grafting a more theoretically nuanced case for the protection of children's rights in cases of active involvement in hostilities. Children and youth need to be privileged and included in the broader peacebuilding approaches as active participants and agents. They deserve a voice in the restructuring and rebuilding of war-torn societies and need to figure more prominently in the international community's efforts to be a midwife in war to peace transitions.

In my understanding the LTTE case will help in unveiling a malignant threat, the use of child soldiers is on the rise in the South Asian region, a fact that is often neglected and overlooked. The literature on child soldiers has over the years transcended from being purely journalistic reportage to scholarly analysis based on extensive empirical research, yet in the South Asian context no study has so far attempted to analyse the scope and extent of the problem. This study endeavours to fill that gap, underlining the real yet often underplayed threats posed by the interface of children and armed conflict. This is an area of security studies which has several overlapping dimensions and provides fertile ground for new perspectives to emerge and explore.

Child Soldiers - New Agents of Violence

One of the paradoxes embedded in the language of international law stems from the fact that while it clearly defines who is a child, as well as a combatant, there is no category for someone who is both a child and a combatant. As the law stands, once a minor wields a weapon, he or she is considered a legitimate target.[10] Interestingly therefore the concept of child soldier or child combatant does not exist in

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[9] See Buzan,Barry, Waever, Ole, and Wilde, Jaap, de, (eds.), Security: A New Framework for Analysis, Colorado, Lynne Rienner Publishers, 1998,p.39. Literature on human security has proliferated of late; for an introduction see Bajpai, Kanti, "Idea of Human Security", *International Studies*, Vol.40, No.3, July-September, 2003,pp.196-199. See also Paris, Roland, "Human Security: Paradigm Shift or Hot Air?", *International Security*, Vol.26(2), 2001, pp.89-92; Suhrke, Astri, "Human Security and the Interests of States", *Security Dialogue*, Vol. 30, (3), 1999, pp.270-275.

[10] Fox, Mary-Jane, "Too Young to Die", *World Today*, Vol.60, No.7, 2004, p.15.

international law. Who then is a child soldier? The closest to a consensus definition is provided by the London-based Coalition to Stop the Use of Child Soldiers. Based on the Cape Town principles, this definition developed by participants in a 1997 symposium defines a child soldier as 'any person under-eighteen years of age who is a member of or attached to the armed political forces or an armed political group, whether or not there is an armed conflict.'[11]

At a theoretical level too, the concept of child soldier presents a contradiction in terms. A 'child' is perceived as a young person in the transition between infancy and youth, with underlying connotations of immaturity, simplicity and absence of full physical, mental and emotional development. 'Soldier' generally refers to men and women who are skilled warriors. But where do childhood, youth, adolescence, and adulthood begin and end? Can they be classified into watertight compartments, being essentially culturally and socially contextual?[12]

A historical perusal of children's role in conflict presents an interesting paradox. During the medieval period attitude towards children was generally one of indifference to age, children were seen to be the natural companions of adults. Young boys were apprenticed as squires to serve knights by undertaking armouring duties, such as maintaining the knight's body armour, performing simple logistical tasks and acting in a general supportive or ancillary role. Children seem also to have long been recruited to act as spies, lookouts, and messengers. There is in fact a well- entrenched tradition of young boys fulfilling the role of "drummer boys". The middle ages however, also witnessed germination of a new set of ideas about childhood. In which

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[11] http://www.unicef.org/emerg/index_childsoldiers.html <accessed on 20.04.2005>

[12] Rosen, David M., *Armies of the Young: Child Soldiers in War and Terrorism*, New Brunswick, New Jersey and London, , Rutgers, University Press, 2005, p.3. Postmodernists such as Dasberg and Veerman have led the 'cultural relativist call' for acknowledging the importance of 'difference' between peoples and societies and the need to respect and maintain these differences. They argue that childhood is a relative concept that changes 'according to historical time, geographical environment, local culture, and socio-economic conditions'. See, Kuper, Jenny, *International Law Concerning Child Civilians in Armed Conflict*, Oxford, Clarendon Press, 1997, p.13, also http://www.essex.ac.uk/armedcon/story_id/000122.htm <accessed 12.04.2005>

isolation or segregation of children from adults, and prolongation of childhood as a special protected state came to be embedded in ideas and practices.

Although the closing weeks of the Second World War witnessed the use of juveniles in modern armies most notably the Hitler *Jugend*, the legitimacy of child soldiering came increasingly to be contested on ethical, cultural and social grounds. The arguments have generally figured in one of the two categories: the universalist and the contextualist. Those in the former category focussed on human rights, while those in the latter caution against universal ethical standards and definitions of childhood.[13] Lately, there has evolved a far more nuanced perspective. The child soldier problem to sceptics is a construct, product of a particular socio-historical juncture. It embodies a crisis of the post-colonial state. Contemporary humanitarian narratives that have come to dominate the norm or regime building efforts for banning recruitment or use of child soldiers – tend to reverse traditional images of the child soldier. They amplify the perception that children are irrational by contrasting the helplessness of children with an excessively idealized version of adult autonomy, independence and maturity.[14]

Flowing from there most modern studies of children have come full circle. Today they articulate the premise that it is no longer appropriate to see children solely as undeveloped or incomplete adults. They assert that children have "agency" i.e. the capacity to account and exercise power even in situations not of their own making. Interviews of child soldiers by Brett and Sprecht, Paul Richards suggest an element of voluntarism or agency hence the fact that child soldiering may in some instances involve a rational choice can no longer be overlooked.[15]

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[13] Singer, P.W., "Western Militaries confront Child Soldiers Threat", *Jane's Intelligence Review*, January 01, 2005, http://www.brookings.edu/views/articles/fellows/singer20050115.pdf,p.1, <accessed on 11.05.2005>, Wessels Michael, "How can we prevent child soldiering?", *Peace Review* 12:3 (2000), p.408.

[14] op.cit.,Rosen, David M., *Armies of the Young: Child Soldiers in War and Terrorism*, New Brunswick, New Jersey and London, Rutgers University Press, 2005. p.3.

[15] Ibid. See also, Brett, Rachel and Sprecht, Irma, *Young Soldiers: Why They Choose to Fight*, Colorado, Lynne Rienner Publishers, 2004, pp. 108-117.

Problem of Girl Child Soldiers

The problem also increasingly defies gender boundaries. While girl soldiers fall within the larger issue of child soldiers primarily because both boy and girl soldiers legally belong to the special category of minors or children, there exists an additional and disturbing gendered component to the girls' experiences, which needs to be addressed separately. Mary-Jane Fox estimates girl soldiers comprise approximately between one-tenth and one-third of all child soldiers and have been found to exist in almost all non-state political armed groups. Typically, sexual victimization is a part of soldiering for girls, many of whom are forced to become "soldiers' wives". Girls are also part of fidayeen or suicide squads given that they look relatively harmless and less suspicious than men. Issues of abuse, sexual exploitation of girl soldiers and their exclusion from Disarmament Demobilization and Re-integration (DDR) programmes are impending special problems of girl soldiers.[16]

Cause and Process

In understanding the child soldier problem in international security one needs to explore the issues at the twin levels of causation and procedure. There are a multiplicity of factors which account for the proliferation of child soldier recruitment and use in recent civil and internal conflicts. These can best be described as the convergence of a number of facilitating trends. One such factor is demography. Due to demographic changes, stemming from global social instability, and the legacy of multiple conflicts entering their second and third generations, a new broader pool of potential recruits has emerged. Child soldiering has in some respects become a direct fallout of the massive displacement, refugee outflows and disease which marks

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[16] Fox, Mary-Jane,"Girl Soldiers: Human Security And Gendered Insecurity", *Security Dialogue*, Vol.35, 2004, p.473 , op. cit., Mazurana, Dyan and McKay Susan, "Child Soldiers: What about the Girls?" *Bulletin of the Atomic Scientists*, vol. 57, no. 05, September/October 2001, p. 33.

conflict zones around the globe.[17] According to one estimate, more than 40 million children will be AIDS orphans by 2010, while the UN High Commission for Refugees (UNHCR) estimates that there are more than 25 million up-rooted children in the world.[18]

Transformations in the nature of war and its conduct also provide fertile ground for use of children and minors in combat. Although the large-scale military operations carried out by the Western powers have become more technological, this is not the only face of warfare. In the majority of conflicts carried out in the developing world, warfare has become messier and criminalized. A major catalyst has been the proliferation of legitimate, simple, and cheap small arms. Such child-portable weapons as the AK-47 are not only far more lethal than prior generations of battlefield weapons, but easy to wield and use.[19] These weapons have played a primary role in multiplying and sustaining conflicts.

Besides the rapid change in the global security paradigm has also led to the emergence of new conflict groups not bound to any one state. These Non Governmental Entities (NGEs) range from terrorist organisations like Al Qaeda to transnational drug cartels. The increasingly borderless world has also played a part in their growing independent power and capacities.

It is within this changing context of warfare that the perception of children and their role in warfare has also begun to change. With their ready availability and easy transformation into combatants, children now represent a low-cost way to mobilize and generate force given that most conflict groups are not overtly perturbed by

[17] See., Anderson Lisa, "Child Soldiers, displacement and human security", *Disarmament Forum*, No.3, 2002, pp.19-23.

[18] Singer, W., Peter, *Children at War*, New York, Pantheon, 2005, p.42.

[19] op.cit., Singer, Peter W., *Corporate Warriors: The Rise of the Privatized Military Industry*, USA, Cornell University Press, 2004. pp. 51-52. See also Stohl, Rachel, "Reality Check: The reality of Small Arms Proliferation", *Georgetown Journal of International Affairs*, September 21, 2005, available online http://journal.georgetown.edu/Issues/6.2/consec_stohl.cfm <accessed on 25.09.2005>

adverse public opinion. This creates according to Brookings scholar Peter W. Singer the doctrine of child soldiers, a new way of enacting violence that prescribes the methods and circumstances of children's employment in battle. This new doctrine is particularly well suited for weak or failed states, which have become ever more prevalent because of the trends described earlier.[20]

Besides as Bennett points out child soldiers are not used solely by non-state groups, in conflict zones debilitated by war, poverty and disease, children tend to provide a last reserve of able-bodied combatants. While irregular and guerrilla forces are the first to resort to this option, largely because they have no administrative means for conscripting members of the general population, but even governments when desperate to replenish their fighting forces, yield to the same temptation and draw on children for force mobilization.[21]Countries where children serve in government forces include Burma, Cambodia, Colombia, Guatemala, Peru, and Sudan. Opposition groups known to use children include the Khmer Rouge in Cambodia, the Kurdish Peoples Party (PKK) in Turkey, the LTTE in Sri Lanka, and the Lords Resistance Army (LRA) in Uganda.[22]

Child Soldiers – A Global Phenomenon

Children are to be found providing the foot soldiers for war in conflicts ranging every continent. In Africa, Algeria, Angola, Burundi, Djibouti, Liberia, Rwanda, Sierra Leone, Somalia, South Africa and Uganda provide recorded instances of child soldier use. In the Americas, Colombia provides a prominent case where child soldiers have been used by both government and opposition forces. Called as "Little Bells" by the military and "Little Bees" by the Revolutionary Armed Forces of

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[20] op.cit., Singer, P.W., *Children at War*, New York, Pantheon, 2005, p.6.

[21] Bennett, T.W.,*Using Children in Armed Conflict: A Legitimate African Tradition?: Criminalising the Recruitment of Child Soldiers*, Halfway House, South Africa, Institute for Security Studies, 1998, p.31

[22] *Child Soldiers Global Report*, 2004, p.13, available at http://www.child-soldiers.org/resources/ global-reports <accessed on 12.05.2005>

Colombia (FARC) guerrillas nearly 85% of certain militia units are made up of children.[23]

In Europe the Bosnia-Herzegovina conflict provided ample instance of child soldier use. Besides Croatia, Ireland, Russian Federation, Chechnya, Turkey, Kurdistan and even Britain recruits under-18 year olds for its armed forces. In the Middle East, the Palestinian territories have witnessed the phenomenon of stone throwers[24] also the 'Ashbal Saddam' or Saddam's Lion Cubs have been cited as explicit examples of children's involvement in conflict.[25] In Asia, Afghanistan, Myanmar, Cambodia, India, Indonesia/East Timor, Philippines, Papua New Guinea, Sri Lanka, Nepal and Tajikistan are some of the cases of child soldier recruitment and use[26] (See **Appendix IV**).

It is evident from the above that the use of child soldiers by state and non-state actors is a widespread and established practice, at this juncture therefore it will be prudent to analyse what are the benefits or advantages that children are perceived to provide which make them sought after recruits and at times even preferred over adults.

Reportedly some commanders view children as obedient, dedicated and highly motivated. They are also far easier to manipulate than adults as they still lack a fully developed sense of right and wrong. At the same time there are drawbacks, children often misbehave, are unruly and messy. Yet they are easier to attract than adults particularly for non-state armed groups. In most parts of the world children can be lured by the romance of a gun and promises of a better life. When they cannot be thus

[23] The Coalition to Stop the Use of Child Soldiers, "The Use of Child Soldiers in Americas: An Overview"; http://www.us-childsoldiers.org/child_soldiers/child-sold.html <accessed on 10.04.2005>

[24] See Usher, Graham, "Facing Defeat: The Intifada Two Years On", Journal of Palestinian Studies, Sample Issue, 2002, available on line, http://www.ucpress.edu/journals/jps/pdf/jps_eprospectus.pdf, pp. 5-24, <accessed on 11.09.2005>

[25] www.iraqinews.com/org_ashbal_saddam.shtml < accessed on 12.10.2005>

[26] See, *Child Soldiers Global Report*, 2004, available at www.child-soldiers.org/resources/global-reports <accessed on 12.05.2005>

tempted into the ranks, they are more easily abducted or press ganged than adults. Once secured children can be more readily moulded into unquestioning fighters, their willingness to do the most dangerous jobs, such as laying and clearing mines, serving as suicide bombers make them attractive recruits as well.

Turning a Child into a Soldier

Typical processes of turning a child into a soldier involves recruitment, indoctrination and then training in basic and specialized military skills. A major issue in this context has been the mode of child soldier recruitment i.e. whether it is voluntary or forced. Most studies refute the voluntary angle explaining that circumstances coalesce to impinge on the choices of children and youth creating the structural compulsions for their joining militias, terrorist organisations. A powerful link exists between victimization and soldiering. Children who have lost their parents may go with the military as a means of survival; impoverished children and their parents may view soldiering as a path to material gain and a better life; and children who have experienced attack, loss, and community destruction may seek protection or revenge. Issues of identity, nationalism, and ideology may also loom large.[27]

Also, given the hardships, economic pressures and situational complexities surrounding children's decisions to enter the military, the term 'voluntary' is ill suited to most recruitment situations. However though difficult to accept there are instances when children take part in conflicts of their own volition.[28] The major problem here lies in the traditional notions of agency that are used in order to provide various actors with a place in the international system. Children as James and Prout have noted might employ a variety of modes of agency within and between different social

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[27] op.cit.,Wessells, Mike, "Child Soldiers", *Bulletin of the Atomic Scientists*, Vol.53, No. 6, November/ December 1997, p.36.

[28] See also, Brett, Rachel and Sprecht, Irma, *Young Soldiers: Why They Choose to Fight*, Colorado, Lynne Rienner Publishers, 2004, pp.108-117.

environments and the possibility exists that children locate themselves flexibly and strategically within particular social contexts. [29]

Children need not necessarily be combatants to be perceived as members of or attached to armed forces or groups. They may perform a variety of tasks both military and non-military, including: scouting, spying, sabotage, training, drill and other preparations. Most are recruited through coercion, involving various modes of abduction, press-ganging or forced conscription. Abduction tends to be the primary method, child recruits are often arbitrarily seized from the streets or even from schools and orphanages. Children are also forcibly recruited from refugee camps and forced to join armed opposition groups, in regional conflicts.[30]

Interestingly vast majority of young soldiers are not forced or coerced into participating in conflict, but are subject to subtly manipulative motivations and pressures that are all the more difficult to eliminate than blatant forced recruitment. Militaristic values may be transmitted via parades, ceremonies to honor war heroes, and the martyrdom of soldiers. Media images may also play a part, in Sri Lanka, for instance opposition forces have broadcast Rambo-style TV movies of live combat training. In such contexts boys learn machismo and come to associate military activity with respect and power – compelling attractions for children who otherwise feel powerless.[31]

Becoming a soldier involves a longer process incorporating interconnected phases of indoctrination, training and battle. Indoctrination entails the act of imbuing a child with the worldview of a soldier. The types and techniques vary between groups yet they capitalize equally on the emotional and psychological disconnections

[29] op.cit., Watson Alison, M.S., "The Child That Bombs Built", *Studies in Conflict and Terrorism*, Volume No. 27, 2004,pp.162-163.

[30] "Invisible Soldiers: Child Combatants", *Defense Monitor*, Vol.26, No. 4 , July 1997,pp.2-3, available online www.cdi.org/dm/1997/issue4 <accessed on 10.04.2005>

[31] Ibid., op.cit., Cohn, Ilene and Guy S. Goodwin-Gill, *Child Soldiers: The Role of Children in Armed Conflict*. Oxford, Clarendon, 1994, pp.23-24.

experienced by children estranged from family, traumatized and at a fundamental loss of control. With a view to creating a kind of moral disengagement from the violence they are required to execute as combatants, children are exposed to brutality in the form of ritualistic killings. Often they are physically branded as with the Revolutionary United Front (RUF) cadres in Sierra Leone or made to kill publicly, closing off their avenues of return to the community. Once indoctrinated, children's own self-concept often becomes concretely entwined with that of their captors or commanders. Many grow physically and psychologically addicted to the drugs and alcohol which are supplied in abundance and tend to identify with the group, at times developing bonds of combat which reinforce their loyalty.[32]

The typical training pattern for children in non-state armed groups involves short instruction courses aimed at familiarizing them in the most basic infantry skills: how to fire and clean their weapons, lay land mines, set an ambush, etc. According to Singer the time period for training ranges from a single day to four months. Though short by common standards, it is enough to learn the basics of murder and brutality. Of the rebel groups the Tamil Tigers are reputed to have the most developed child soldier training programme, emulating drill techniques used by professional militaries.

While it is often claimed that child soldiers rarely fight, research indicates that the majority of child soldiers do participate in combat. In one global survey, 91% of child soldiers had served in combat.[33] Human Rights Watch reports that armed rebel groups have deployed child soldiers under the age of 15 in thirty three of the civil conflicts fought since 1997. Another survey carried out in Colombia among Revolutionary Armed Forces of Colombia (FARC), National Liberation Army (ELN)

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[32] op.cit., Singer. P.W., Children at War, New York, Pantheon, pp.72-74; Wessels, Mike, "Child Soldiers", *Bulletin of the Atomic Scientists*, Vol. 53, No. 6, November/December 1997, p.36.
[33] UNICEF, *Adult Wars, Child Soldiers*, Geneva, 2003, p.13, available online http://www.unicef.org/publications/pub_adultwars_en.pdf <accessed 12.09.2005>

and United Self-Defense Forces (AUC) child soldiers found that 75% had been in combat at least once, with multiple interviewees taking part in more than 10 battles.[34]

States training of child soldiers is marked by greater institutionalization, encompassing formal training programmes along the lines given to adults. Children in state armies are given regular rations, uniforms and even pay, all the trappings of a professional unit. The best instance of such an unit was the Ashbal Saddam or Saddam Hussein's Lion Cubs. The Baathist regime laid the foundation for a broad programme of child soldier recruitment. Formed in the aftermath of the Iraq war it involved boys between ten and fifteen yeas who attended military training camps and learned the use of small arms and infantry tactics.[35]

This ruthless and inhuman regimen of training and indoctrination dehumanizes children and takes advantage of their innocence and pliability. The rigors of combat are reinforced by the fear of death. Fear in fact plays a fundamental role in binding children to the group. Escape proves difficult and punishments for escapees who are caught tend to be symbolically brutal.[36] Large number of child soldiers witness atrocities but they are also systematically made to commit atrocities. In countries like Uganda, Liberia and Honduras, child soldiers served as executioners and in some cases notably in Colombia, Peru and Mozambique – they have been required to perform ritual acts of cannibalism on their victims, aimed at instilling contempt.[37]

Most disconcerting however is the use of children in human wave attacks, which seek to drain the opponent's resources by the sheer force of numbers. For instance in Sri Lanka and Myanmar, child soldiers were drugged with amphetamines and tranquilizers to blunt fear and pain, before deploying them in human wave

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[34] Human Rights Watch, *"You'll Learn Not to Cry": Child Combatants in Colombia"*, New York, 2003, p.96.

[35] Singer, P.W., *Children at War*, New York, Pantheon, pp. 77-78.

[36] Ibid., pp.88-89.

[37] Wessels, Mike, "Child Soldiers", *Bulletin of Atomic Scientists*, Vol.53, No.6, November/December 1997, p.35.

attacks that resulted in massive casualties. This has the effect of morally undermining and cheapening children's lives, reducing them to canon fodder in military planning.

Through strategies of abduction or indoctrination, children also offer unpopular armies and rebel groups the possibility of fielding far greater forces than they otherwise could. Indeed, many groups little larger than gangs are able to sustain themselves as viable military threats through the use of child fighters. For example, the Lord's Resistance Army in Uganda is effectively a cult with a core of just 200 adult members. Over the years, it has abducted over 14,000 children, and used them to fight a decade long civil war against the Ugandan army.[38]

Children and Terrorism

An emergent theme within the discourse on children and armed conflict pertains to children being increasingly used in various terrorist operations. In this context the changed dynamics post September 11th has focussed renewed attention on the trained fidayeen and suicide squads of terror outfits, bringing the issue of child soldiers to the forefront of policy debates in the West.

Captured Al-Qaeda training videos reveal young boys receiving instruction in the manufacture of bombs and the setting of explosive booby traps. Palestinian Islamic Jihad and Hamas have recruited children as young as 13 years to be suicide bombers and children as young as 11years to smuggle explosives and weapons. At least 30 suicide-bombing attacks have been carried out by youths since the fighting in Israel-Palestine sparked up again in 2000. The Real IRA, a coalition of dissident Irish Republican Army (IRA) terrorists in Northern Ireland, began to recruit boys in the 14

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[38] Singer, P W., *Children at War*, New York, Pantheon, p.95.

to 16-year-old range in the late 1990s, according to a Guardian Weekly report published on 29 November 2000. [39]

The US Department of State says that the youngest terrorist on record was a nine-year-old boy in Colombia, sent by the National Liberation Army (Ejercito de Liberación Nacional - ELN) to bomb a polling station in 1997. A 10-year-old was later used by the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia - FARC) to bomb a military checkpoint in 2003. The lead in use of children for suicide missions has been provided by the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka. The LTTE, which has utilised suicide bombers to kill both the Indian Prime Minister Rajiv Gandhi and the Sri Lankan President Premadasa, has reportedly manufactured specialised denim jackets designed to conceal explosives, specially tailored in smaller sizes for child suicide bombers.[40]

Another aspect relevant to the child soldier problem involves the attempt in recent times to securitize the issue. The lack of military rules of engagement stems from absence of a formal definition of child soldier in international law.[41] This raises a dilemma for professional armies who tend to empathize with child combatants as minors and innocents often jeopardizing the safety and security of their missions.[42] Hence the interface of children and armed conflict and their use as combatants has broader implications which spill into the domains of human security, peacebuilding and persistence of conflicts.

Implications of Children on the Battlefield

Child soldiering entails a comprehensive violation of children's fundamental rights. It exploits youth for political purposes, subjects them to slaughter and the

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[39] Singer, P.W., Singer, P.W., "Western Militaries confront Child Soldiers Threat", *Jane's Intelligence Review*, January 01, 2005. pp. 1-4.

[40] Ibid.

[41] Fox, Mary-Jane, "Too Young to Die", *World Today*, Vol.60, No.7, 2004, p.15.

[42] Singer, P.W., "Fighting Child Soldiers", *Military Review*, May- June 2003,pp. 29-31.

ravages of war, and poses formidable security risks for others.[43] Plunging children into a culture of war can have the effect of decentring the moral and social development of society for the future. Conversion of a generation of children into soldiers not only heightens the possibility of conflict recurrence within a country, but also endangers regional stability. Liberia and much of the African continent bear testimony to the wider regional ramifications of child soldiering. Child soldiers from Liberia have ended up fighting in Sierra Leone, Guinea, Côte d'Ivoire, and even as far as the Democratic Republic of Congo. [44]

There is a wealth of evidence from battle zones demonstrating that children often prove to be effective combatants and tend to operate with unparalleled audacity. They are fearless particularly when infused with religious or political fervour or when under the influence of narcotics and execute the most daunting of missions.[45] At the same time presence of children on the battlefield adds to the overall confusion of battle and can slow the progress of forces, particularly when operating in an urban environment. The use of child soldiers also threatens fragile cease-fires and blocks reconciliation and peace. Not infrequently, conflict continues at the local level even after a cease-fire has been signed. Hence when children are present, research has found conflicts tend to be easier to start, harder to end, and involve greater losses of life.[46]

The inherent paradox which the phenomenon underpins relates to its inherently transitional nature. Childhood and youth are phases which are temporal and all children eventually grow up, however the scars of violence and conflict remain. Violence is entrenched in their personalities and tends to pose enervating consequences for society later. Complex psychosocial consequences make the

[43] Wessells, Mike, "Child Soldiers", *Bulletin of the Atomic Scientists*, 53, no. 6, November/December 1997, p.33.

[44] op.cit.,Cohn, Ilene and Guy S. Goodwin-Gill, *Child Soldiers: The Role of Children in Armed Conflict*. Oxford, Clarendon, 1994, p.23, 31.

[45] op.cit.,Wessells, Mike, "Child Soldiers", *Bulletin of the Atomic Scientists*, 53, no. 6, November/December 1997, p.36.

[46] Ibid. p.33; Singer, P.W., Children at War, New York, Pantheon, 2005, p. 95.

phenomenon increasingly relevant to post conflict peace-building efforts.[47] Yet much of the efforts of the international community have focussed on preventive legal strategies aimed at delegitimising and stigmatising the recruitment and use of child soldiers. Conceding that international law has been important in bringing the problem of child soldiers to the forefront of international debate, one must accept that despite its advances international law cannot be treated as a panacea.

International humanitarian law is often transgressed and enforcement mechanisms are weak at best. Developing the law is just as important as setting enforcement mechanisms. The next section elaborates on the politics of norm building, and by examining the protections available to child soldiers in international law it attempts to suggest how existing loopholes can be plugged. Alternatives are also offered with a view to make the regime more effective.

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[47] "Invisible Soldiers: Child Combatants", *Defense Monitor*, 26, No. 4,July 1997,available online at www.cdi.org/adm/1042/ <accessed on 10.04.2005>

Chapter Two

International Law and the Child Soldier

The child soldier problem has transcended from benign neglect to prominence largely on account of the norm entrepreneurs, the United Nations agencies and several INGOs notably the Coalition to Stop the Use of Child Soldiers.[1] Functioning as 'epistemic communities'[2] they have disseminated knowledge regarding problems connected with the proliferation of the child soldier phenomenon thereby mobilizing much of the international action involving global and regional norm building.

Ethical norms are clearly important in providing the standards that are intended to guide behaviour,[3] a major part of the strategy followed by the Coalition to Stop the use of Child Soldiers aimed at building a consensus and enacting treaties against the practice of child soldiering from the state and regional level first. In this it was quite successful, eventually mobilizing campaigns in more than forty different countries. Its efforts culminated in the adoption of the Optional Protocol to the Convention on the Rights of the Child (OP-CRC) in 2000.

Proponents of the legal effort against child soldiering like Rachel Stohl point to five key strengths of this activism: it helped establish an international standard on the employment of child soldiers, codified legal norms, set minimum age requirements that are more difficult to fabricate, encouraged states to implement the

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[1] The Coalition was formed in May 1998 by six leading NGOs: Amnesty International, Human Rights Watch, Save the Children- Sweden for the Save the Children Alliance, Jesuit Refugee Service, Quaker United Nations Office-Geneva, and International Federation Terre des Hommes. Over the next years it built up a global network of interested NGOs, aid agencies, research institutes, and other linked coalitions that were willing to stand against the use of child soldiers.

[2] See Haas, Peter M., "Introduction: Epistemic Communities and International Policy Coordination" *International Organisation*, Vol. 46, No.1, Winter 1992, pp. 3-7.

[3] See Finnermore, Martha and Sikkink, Kathryn, "International Norm Dynamics and. International Change," *International Organization*, Vol.52, No. 4, 1998, pp.887-917.

laws, and raised public awareness, both in the West and in areas where the child soldier groups were active, potentially empowering greater activism.[4]

Unfortunately all this international attention and condemnation of child soldiers did not translate into an end of the practice. Throughout the process, the use of child soldiers on an international scale did not diminish, but instead spread still further. Indeed, many of the same countries that signed the various treaties continued to flout their obligations. This is evidenced by the fact that while there are more than one hundred signatories, child soldiers are still present in roughly 85 countries.[5] What accounts for this widespread impunity? Through a detailed examination of the relevant legal instruments and codes this chapter seeks to highlight the loopholes incipient in this approach, and suggest alternatives with a view to harnessing a more appropriate strategy for countering this menace.

Assessment of Legal Provisions

Much of the legal provisions that have spawned over the last decade have drawn impetus from the need to arrest the phenomenon of child soldiers at the demand and supply side of the equation. While both sides are the result of a unique conjunction of facilitating circumstances, the focus has clearly been on stemming recruitment and use of children in both state and non-state armed forces.

The legal standards which provide basic protection of children in armed conflict draw widely on the areas of international humanitarian and human rights law. It is embedded in the context of human rights regimes and customary legal codes that have spawned millennia of warfare and its conduct. A central concern of international humanitarian law is to prevent children from serving as combatants. It seeks both to

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4   Stohl Rachel, "Children in Conflict: Assessing the Optional Protocol", *Conflict, Security & Development*, Vol 2, No.2 2002 available at http://www.cdi.org/document/attachment/Stohl.pdf, p. 137, <accessed 10.08.2005>

5   Singer, P.W., Children at War, New York, Pantheon, 2005,p.75.

extend special Prisoner of War (P.O.W.) privileges to captured children who are lawful combatants and also to protect captured children who served as unlawful combatants or committed war crimes from severest punishments.[6]

The earliest treaty in this respect was the 1924 Declaration for the Rights of the Child drafted by the League of Nations; it laid out general principles for the universal care and protection of children, and ascribed to them the inalienable right to the components of a secure and healthy upbringing. Although in 1939 the International Committee of the Red Cross and the Save the Children International Union created a draft convention for the special protection of children in the event of armed conflict, its adoption was halted by the outbreak of the Second World War. The Geneva Conventions were adopted in 1949 to provide a new level of humanitarian protection to both civilians and combatants. Children under 15 years received specific mention in the Fourth Geneva Convention, but only as non-combatants; they were classified along with pregnant women, the elderly and the infirm, all of whom were given special rights to insulation from war's ravaging effects. Thus for a large part of the twentieth century children's legal role in combat remained that of innocent bystanders.[7]

The international law of the child also draws extensively on the human rights regime that has spawned over the last five decades. It includes notably the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948. A non-binding instrument it has since been followed by both regional and global treaties in which States have accepted formal legal obligations with respect to wide range of human rights. These include the two 1966 Covenants, on Civil and Political Rights and Economic, Social and Cultural Rights. Other instruments include the 1951 Convention and the 1967 Protocol relating to the Status of Refugees; and the

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[6] Cohn, Ilene and Guy S. Goodwin-Gill, *Child Soldiers: The Role of Children in Armed Conflict.* Oxford, U.K., Clarendon, 1994, pp.55-56.

[7] op.cit., Hughes, Lisa, "Can International Law Protect Child Soldiers?", *Peace Review,* Vol. 12, No. 3, September 1, 2000, p.400

1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. All provisions in these instruments pertain to children, except for specific articles codifying rights of political participation extended only to those over a certain age. In addition, regional organizations have promoted local systems of obligation and supervision, for example, under the 1950 European Convention on Human Rights, the 1969 American Convention on Human Rights and the 1981 African Convention on Human and People's Rights. [8]

Till the 1977 Additional Protocols, international law of the child as a whole was contextualized within a body of rules operating primarily between states and generally having only an indirect effect on non-state actors such as individuals, NGEs or other groups. This did not however exclude the possibility of individual liability for breaches of the law.[9] During the three decades following the Second World War, the nature of warfare underwent a tremendous shift. Internal wars of rebellion, often taking the form of guerrilla combat, were now being fought around the globe, usually against colonial or totalitarian regimes. Children participated in these wars in increasing numbers and two Additional Protocols to the Geneva Conventions, adopted in 1977, recognized children as potential combatants for the first time in international law. [10]

According to the Additional Protocols to the Geneva Conventions, 1977 an effort was made to standardise 15 years as the age for recruitment and deployment of children. Additional Protocol I pertaining to international conflicts in Article 77(2), explicitly states that "The 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

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[8] Cohn, Ilene and Guy S. Goodwin-Gill, *Child Soldiers: The Role of Children in Armed Conflict.* Oxford, U.K., Clarendon, 1994. pp. 55-56.

[9] op.cit., Ibid.,p.56.

[10] op.cit.,Hughes Lisa, "Can International Law Protect Child Soldiers?", *Peace Review*, Vol. 12, No. 3, September 1, 2000, p.400

years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavour to give priority to those who are oldest."[11]

Additional Protocol II codifies the rules relating to internal conflict , in Article 4 (3) (c) it states that "Children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities".[12]

The language of law as embodied in the Additional Protocols is weak, phrases like "all feasible measures" and "endeavour to give priority" leave much to the discretion of military leaders. Besides, Additional Protocol I, (which concerns international conflicts) primarily addresses the composition of government armies, and omits any mention of indirect participation in hostilities. This might include children carrying gear, acting as spies, or guarding prisoners – activities that could easily evolve into direct participation. Furthermore, since proving that a state failed to give preference to older recruits is a difficult task, the law does little for 15- to 17-year-olds.

Protocol II pertaining to internal conflicts also has limited power. The law cannot apply unless certain types and levels of violence exist. "Internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature" do not qualify. A further weakness is that all warring parties must ratify the protocols if they are legally binding.

The UN Convention on the Rights of the Child, (CRC) 1989 is the most widely ratified treaty in human history, it underlines the international consensus on the need to recognise and privilege the rights of children. It too codifies 15 years as the minimum age for recruitment and use of children in war. According to Article 38

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[11] op.cit., Harvey, Rachel , *Children and Armed Conflict: A Guide to International Humanitarian and Human Rights Law*, http//:www.essex.ac.uk/armedconflict, pp.26-27, 33,<accessed 20.06.2005>
[12] Ibid.

(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". Article 38 (3) provides that "States Parties shall refrain from recruiting any person who has not 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."[13]

Although the CRC remains the main standard for protection of child rights, Article 38, is largely a recapitulation of the pre-existing 1977 protocols. The only positive aspect in reiteration of the minimum recruitment age stems from the extensive ratification of the Convention on the Rights of the Child. It implies that children under the age of 15 in conflict has become illegal almost everywhere. It is important to note, however, that although the convention, on the whole, does not limit its applicability to governments, it does not (unlike the 1977 Protocol II) make it's applicability to non-state parties explicit in Article 38, and so non-state parties could argue that they are not bound by its terms. This is particularly important because most conflicts employing children are civil wars.[14] Besides, since it gives children 'conventional modelled rights' this legal document is inappropriate for tackling the greater question of how to prevent the use of children in war.

The International Labour Organisation (ILO) Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour (1999) reflects the growing international consensus towards accepting 18 years as the benchmark for recruitment into armed forces. Article 2 includes the "forced or compulsory recruitment of children for use in armed conflict" in the list of the worst forms of child labour. Recommendation 190, which accompanies the Convention,

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[13] Ibid.,p.33

[14] op.cit.,Millard, Ananda S., "Children in Armed Conflicts: Transcending Legal Responses", *Security Dialogue*, Vol.32 (2),2001, pp.188-189.

provides that member states should make such recruitment practices a criminal offence.[15]

The Optional Protocol to the Convention on the Rights of the Child (OP-CRC) on the Involvement of Children in Armed Conflict, May 2000, raised the minimum age for direct participation to 18 years for State forces (Article 1) and prohibited the compulsory recruitment of under-18s into national armed forces. However, the OP did not prevent voluntary recruitment by States of under-18s. This disappointing omission can be largely attributed, to the resistance of the USA (which allows voluntary enlistment at the age of 17 years) to raise the recruitment standard to 18 years. This provision allowing voluntary recruitment of under-18s by state parties is circumscribed by the conditions explicated in Article 3 (3). It prescribes certain minimum safeguards namely recruitment should be genuinely voluntary, it should be carried out with the informed consent of the person's parents or legal guardians, such persons should be fully informed of the duties involved in such military service, they are also required to provide reliable proof of age prior to acceptance into national military service. For non-state actors the Optional Protocol explicitly prohibits the recruitment and use of persons below 18 years (Article 4 (1)).[16]

Herein is evident the blatant dichotomy of international law, with stronger obligations for non-state groups than what the states are willing to accept for themselves; under the prevailing norms then states can continue to recruit 16 year olds voluntarily.[17] Although under the OP-CRC state parties are required to submit a binding declaration setting forth a minimum age for voluntary recruitment, as with

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[15] Harvey, Rachel , *Children and Armed Conflict : A Guide to International Humanitarian and Human Rights Law*, http//:www.essex.ac.uk/armedconflict, pp.27, 34, <accessed on 20.06.2005>
[16] Ibid., pp.28, 34.
[17] op.cit.,Rosen , M. David , *Armies of the Young: Child Soldiers In War And Terrorism*, The Rutgers Series in Childhood Studies, 2005,pp.141-142, 146 See here the concept of 'compliance gap' invoked by Herbst, Jeffrey, "International Laws of War and the African Child: Norms, Compliance and Sovereignty," Princeton University Center for Research on Child Well Being, 2002, http://crcw.princeton.edu/workingpapers/WPOO-02-Herbst.pdf <accessed 12.02.2005>

most treaties enforcement is weak.[18] Moreover, the treaty is pre-emptive in that it does not require the existence of an actual conflict to criminalize the efforts of non-state armed groups to recruit children.[19]

So far as regional agreements and compacts are concerned, the prominent standards include the African Charter on the Rights and Welfare of the Child, 1990. This instrument defines children as all those under 18 years (Article 2), and obligates states to take "all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child" (Article 22). Further in 1999, an African conference held to discuss the issue of child soldiers adopted the Maputo Declaration on the Use of Children as Soldiers. This declaration called for the end of the recruitment and use of children under 18 years. The Organisation of American States (OAS) resolution on children and armed conflict, adopted in May 2000, also encouraged its member states to respect international law regarding child soldiers especially the Optional Protocol on the Involvement of Children in Armed Conflict and International Labour Organisation (ILO) Convention 182. The Council of Europe has also expressed its concern about the recruitment of children into armed forces and the treatment of child soldiers by national forces.[20]

In recent years a nascent body of international criminal law has offered the hope of further strengthening the safeguards available to children in conflict scenarios. The Rome Statute of the International Criminal Court (ICC) (1998) recognises 15 years as the minimum age for recruitment and participation. Article 8 (2) (b) (xxvi) pertaining to international conflicts prohibits the conscription or enlistment of children under 15 years of age into the national armed forces or their use as active participants in hostilities. Article 8 (2) (e) (vii) deals with conflicts of a non-

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[18] op.cit., Geist David, "Innocence Lost: The Story of Child Soldiers", available online at http//:www.princeton.edu/~dgeist/Child%20Soldieressay.pdf , p.7 <accessed on 10.04.2005>.

[19] Rosen , M.David , *Armies of the Young: Child Soldiers In War And Terrorism*, The Rutgers Series in Childhood Studies, 2005, p.146.

[20] op.cit., Harvey, Rachel , *Children and Armed Conflict: A Guide to International Humanitarian and Human Rights Law*", http//:www.essex.ac.uk/armedconflict, pp.30-31, <accessed on 20.06.2005>.

international character, it prescribes a similar prohibition as Article 8 (2) (b) (xxvi), only the context of application differs.[21] The existence of such a document however does not ensure its enforcement. Inability to monitor the participation of children in armed conflict leaves the ICC Statute potentially ineffective. So far no case on grounds of the violation of Article 8 has taken place, and the ICC has not been able to serve as a further deterrent to conscription.[22]

Another debate which relates to the issue of child soldiers is whether they should be prosecuted for crimes committed in their roles as active combatants. This is a sensitive issue as in many national jurisdictions; children are exempt from criminal liability for their acts because they are regarded as *doli incapax* - incapable of forming a criminal intent.[23] As a general principle, Amnesty International calls for all those who commit serious crimes such as genocide, crimes against humanity, and war crimes, to be held accountable for their actions. However, child soldiers who were drugged and not in control of their actions, or were forced under threat of death to commit atrocities problematize the issue of criminal accountability. This is further qualified by instances where children have committed atrocities voluntarily. Thus the particular circumstances need to be established on the basis of thorough and impartial investigation. [24]

The international legal provisions obligating the rehabilitation and reintegration of child soldiers are explicated in Article 39 of the UNCRC, 1989 and Article 6 (3), Articles 7 (1) and (2) of the OP-CRC.[25] The post-conflict rehabilitation needs of child soldiers will be dealt in detail in the following chapter, it suffices here

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[21] See Plessis, Max du, "Children under International Criminal Law", *African Security Review*, Vol. 13(2), 2004; Harvey, Rachel, *Children and Armed Conflict: A Guide to International Humanitarian and Human Rights Law*, http//:www.essex.ac.uk/armedconflict, p.33, <accessed on 20.06.2005>.

[22] Plessis, Max du, "Children under International Criminal Law", *African Security Review*, Vol. 13(2), 2004, p.107.

[23] Ibid., pp.109-110.

[24] op.cit., "Child Soldiers – Criminals or victims?" Amnesty International paper available at http://web.amnesty.org/library/Index/engIOR5000022000?OpenDocument&of=THEMES/CHILDR EN+JUVENILES <accessed on 4.09.2005>

[25] Ibid.,p.32

to say that the language of law has attempted to provide a comprehensive protection to children and minors in armed conflicts yet as the following discussion illustrates the existent mechanism is neither foolproof nor effective. Hence the child soldier problem has come to be a dominant theme in international security discourse in the twenty first century.

Problems within the body of International Law for Child Soldiers

The preceding discussion on legal provisions illustrates that there exists now a strong legal framework for the protection of children in armed conflicts against which one can judge the actions of state and non-state actors. However, the application of these laws and standards in reality is limited, leaving children vulnerable to abuse. In the majority of situations governments tend to deny involvement in an internal armed conflict as classified by the 1949 Geneva Conventions or the 1977 Additional Protocols, believing that such denial will prevent the application of international humanitarian law. Denial of international armed conflict status defines the situation as one of internal conflict, thus placing it outside the scope of groups such as the International Committee of the Red Cross (ICRC). This is turn makes monitoring governmental activity much more difficult[26].

More specifically, if the presence of child combatants is denied by the parties involved, then frequently no organization or government is willing to put at risk an often fragile peace in order to ensure that children who participated in the conflict receive the appropriate post-conflict attention. Besides where parties to a conflict violate international law, there is little action that can be taken by the international community to enforce compliance while the conflict is on going. Generally the international community enforces the law by seeking prosecutions following the cession of hostilities and the signing of a peace agreement. However this does not

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[26] Watson Alison, M.S., "The Child That Bombs Built", *Studies in Conflict and Terrorism*, Volume No. 27, 2004. pp.163-164.

always ensure justice as often the victors avoid prosecutions or amnesties agreed upon to bring an end to a conflict, allowing those culpable to escape punishment.[27]

The second fundamental problem pertains to the fact that at the domestic level governments are often unable and unwilling to deal with the problem of recruitment of children. National laws that prevent recruitment of children are often not enforced whereas enforcement efforts, when attempted, are ineffective because the government may be either unable or unwilling, for whatever reason, to regulate recruitment in armed opposition groups. Other problems include inadequate or non-existent birth registration. If governments are compulsorily required to institute a program of universal birth registration it would provide a safeguard by preventing recruiters from drafting children that they claim are older than they really are.[28]

A third fatal flaw in the existing legal framework is that there is a conflict between the provisions of the UNCRC and the provisions of the ICC. The upholding and enforcement of the provisions of the Convention on the Rights of the Child depend on the good will of parties to it. However, in the case of child combatants, the notion of good will has been countered by the 1998 Statute of the ICC which outlines in Art.8 that the use of child combatants will be regarded as a crime of war. Admitting the use of child combatants is tantamount to admitting that a war crime has taken place.[29] Despite then the comprehensive international legal framework that exists to protect children, together with the international legal framework to protect human rights, and the international laws to combat terrorism, children slip through the gaps.[30]

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[27] Plessis, Max du, "Children under International Criminal Law", *African Security Review*, Vol. 13(2), 2004, p.107.

[28] Rrajeev Purohit, "Child soldiers: an analysis of the violations of the rights of the child", http://www.wcl.american.edu/hrbrief/v5i2/html/child.htm < accessed 12.07.2005>

[29] Watson Alison, M.S., "The Child That Bombs Built", *Studies in Conflict and Terrorism*, Volume No. 27, 2004. p.164.

[30] Ibid.

UN Security Council Efforts to Achieve Compliance

As regards enforcing existent laws and norms, the U.N. Security Council (UNSC) has at least since 1998 addressed the issue of children and armed conflict as a priority and also adopted a series of resolutions aimed at stronger enforcement of international standards. These resolutions signify a calibrated attempt to attach prominence to the children and security discourse within the Security Council's peace and security agenda. Beginning with resolution 1261(1999), in which the Security Council "strongly condemned" the abduction and recruitment of children in armed conflict, the UNSC has engaged in annual debates on the issue, seeking to institutionalize efforts in this regard. Resolution 1261 also recommended that welfare of children should be promoted throughout the peace process.[31] As a concrete follow-up to this the first Child Protection Adviser was appointed as part of peacekeeping operation in Sierra Leone (UNAMISIL) (2000). Later child protection advisers were also appointed in Democratic Republic of Congo (DRC) as part of (MONUC), and Angola (UNAMA).[32]

In the year 2000, the Council urged member states in resolution 1314 (2000), "to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict." This has made 18 years as a widely recognised minimum age requirement for recruitment in armed forces of state and non-state actors. Taking the agenda forward in 2001 through adoption of Resolution 1379, the Security Council specifically called on member states to "consider appropriate legal, political, diplomatic, financial and material measures, in accordance with the Charter of the U.N., in order to ensure that parties to armed conflict respect international norms for the protection of children."

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[31] www.un.org/Docs/scres/1999/sc99.htm < accessed on 12.05.2005>

[32] op.cit., Harvey, Rachel ,*Children and Armed Conflict : A Guide to International Humanitarian and Human Rights Law*, http//:www.essex.ac.uk/armedconflict pp.17-18,<accessed on 20.06.2005>

The Security Council also took the unusual step of asking the U.N. secretary-general to compile and publish a list of specific parties to armed conflict that were recruiting or using child soldiers in violation of their obligations. This "name and shame" initiative was the first time that the Security Council had specifically named abusive parties, and was intended to hold violators accountable for their actions. The initial list was limited to parties to armed conflict in situations on the Security Council's agenda. In 2003, resolution 1460 called for the preparation of a report on the progress made by the parties listed in the previous report in supporting the use of child soldiers. The Security Council also pledged that it would consider taking "appropriate steps" to further address the issue if, upon reviewing the next report of the Secretary-General, it deems that insufficient progress is made. [33]

Finally moved by the flagrant violation of children's rights the UN Security Council Resolution 1539 (2004) reached the conclusion that concrete gestures must accompany well-meaning words. The UNSC has unanimously adopted specific measures to curtail serious violations against children caught up in armed conflicts. The United Nations (UN) is setting up a comprehensive mechanism under Resolution 1612 of 26th July, 2005,[34] that will monitor and report on specific violations by governments and insurgents. The violations include the killing or maiming of children; the recruiting or use of child soldiers; attacks against schools or hospitals; abduction of children; and the denial of humanitarian access for children. The UN already has a long list of known violators, including Sudan's *janjaweed* militia, Sri Lanka's Tamil Tigers and Uganda's Lord's Resistance Army. The UN teams will carry out their monitoring in stages. In 2005, they will scrutinize Burundi, Congo, Ivory Coast, the Republic of Congo, Somali and Sudan; next year, they will monitor Colombia, Myanmar, Nepal, the Philippines, Sri Lanka and Uganda.[35]

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[33] Ibid., pp.15-16.
[34] www.un.org/special-rep/children-armed-conflict/KeyDocuments/Resolution/S-RES-1539English.html; www.un.org/Docs/sc/unsc_resolutions05.html<accessed 21.09.2005>
[35] op.cit., Sambandan, V.S., "Setback for the Tigers", *Frontline*, Vol.22, Issue 05, February 26-March 11, 2005, available online at http://www.flonnet.com/fl2205/stories/20050311000205700.htm <accessed 15.03.2005>

In spite of these advances the situation for children remains grave and unacceptable on the ground. The international community is now faced with a cruel dichotomy – on the one hand clear and strong child protection standards and important concrete initiatives, particularly at the international level, have been developed on the other hand, atrocities against children and impunity for violators continue largely unabated on the ground.

The key to bridging this gulf lies in a systematic campaign for the 'era of application'. Olara Otunnu the U.N. Special Representative for Children and Armed Conflict has been campaigning for the era of application as a leit motif of his advocacy urging the international community to redirect its energies from the normative task of elaboration of standards to the compliance mission of ensuring their application on the ground. In his Report (2004) the Special Representative affirms that today like never before a body of necessary norms, institutions and means exist to realize the 'era of application' for the protection of all children exposed to armed conflict. The campaign for the era of application encompasses four key components – advocacy and dissemination of children and armed conflict norms; developing and strengthening local civil society networks for protection, monitoring and rehabilitation, mainstreaming children and armed conflict issues into the programmes and mechanisms of key institutions within and outside the UN and the establishment of a monitoring, reporting and compliance mechanism, which if provided, will lead to well-informed, concerted and effective responses to ensure compliance with international and local children and armed conflict protection norms. [36]

A preliminary model for monitoring and reporting as envisaged in the Secretary General's (S/2005/72) of 9th February 2005 Report on Children and Armed Conflict is illustrated in Figure 2.1 overleaf.

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[36] *Report of the Special Representative for Children and Armed Conflict to the General Assembly,* A/59/426, 8 October, 2004, available online http://www.un.org/special-rep/children-armed-conflict/Download/A-59-426e.pdf <accessed 14.06.2005>pp.2,22.

Figure 2.1
Monitoring and Reporting Mechanism envisaged under the Secretary General's Report, 2005.

Flow chart for monitoring and reporting on children and armed conflict
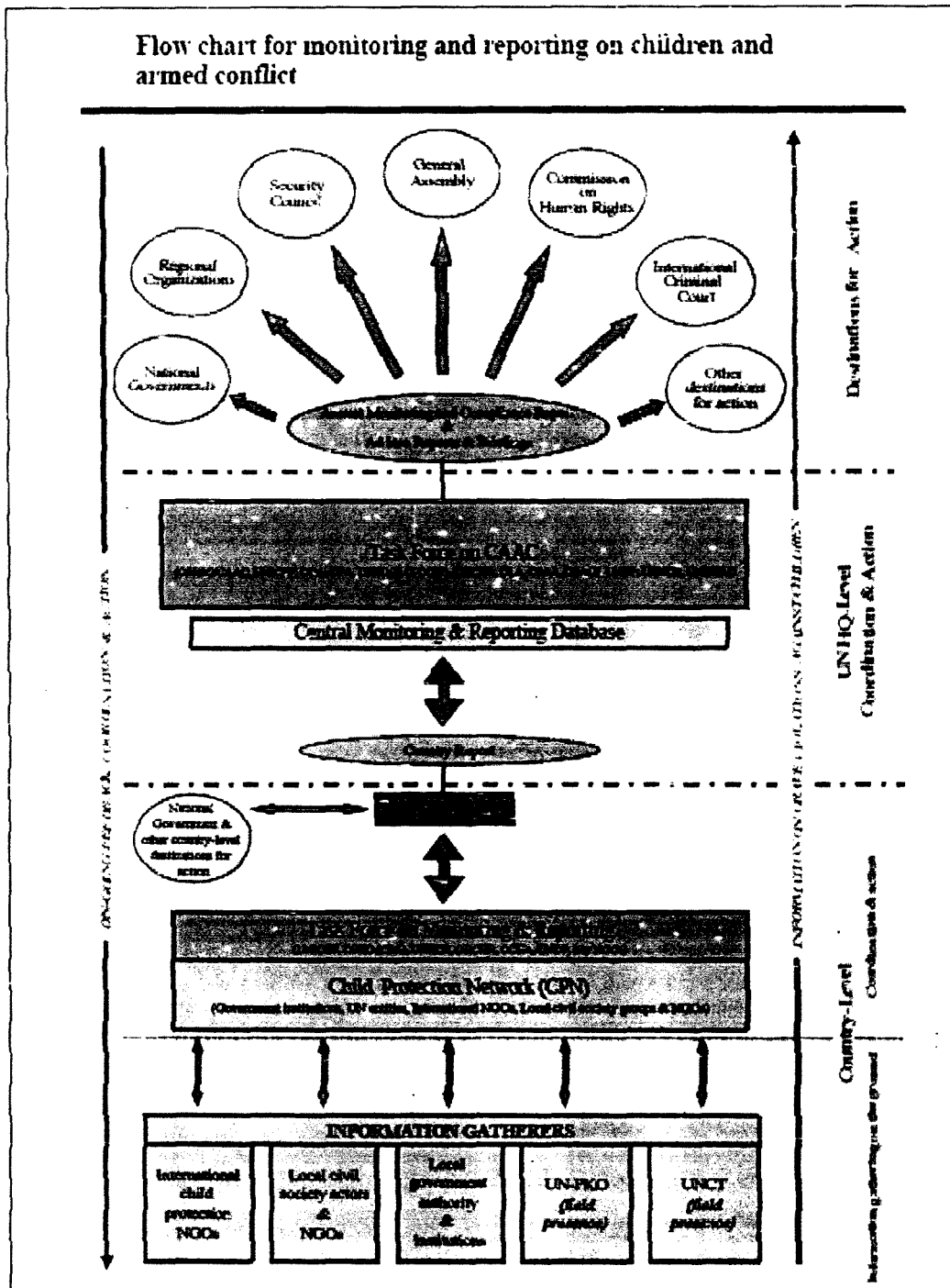
*Source: Children and Armed Conflict, *Report of the Secretary-General*, A/59/695–S/2005/72, 2005, p.29.[37]

[37] http://daccessdds.un.org/doc/UNDOC/GEN/N05/215/07/PDF/N0521507.pdf?OpenElement, <accessed 05.06.2005>

The Secretary General's Report (S/2005/72) of 9th February 2005 also provides information on compliance and progress in ending the recruitment and use of children and other violations being committed against children – between 10 November 2003 and December 2004. Progress made by parties listed in annexes I and II of the Report (see **Appendix I and II**) and named in 2003 has been assessed with respect to whether the parties have engaged in dialogue with UN field representatives as a follow-up to Security Council Resolutions 1539 (2004), and whether through this dialogue, or in the context of other processes, such as DDR and planning, they have developed action plans to end the use of child soldiers. It also assesses whether these groups have in fact, ceased recruiting and using child soldiers, and whether they have refrained from committing other grave violations against children. In view of the widespread and unacceptable patterns of violations recorded in this report, the Secretary General recommended that the Security Council take targeted and concrete measures where insufficient or no progress has been made by parties named in the lists annexed to previous reports in accordance with its resolutions 1379 (2001), 1460 (2003) and 1539 (2004). Such measures should include imposition of travel restrictions on leaders and their exclusion from any governance structures and amnesty provisions, the imposition of arms embargoes, a ban on military assistance and restrictions on the flow of financial resources to the parties concerned.[38]

Clearly for the issue of children affected by armed conflict to emerge as a consistent cross-cutting issue in United Nations policies and programmes there must be system-wide commitment and action on this agenda. Translation into reality and practice requires the strong commitment of the leaders of the key United Nations entities, together with mobilization and allocation of the requisite financial and human resources as a matter of priority. This includes the systematic and concerted engagement of the Security Council and the integration of children's issues in the context of United Nations peacekeeping and into relevant thematic activities across

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[38] *Report of the Secretary General*, S/2005/72, 9 February, 2005, available online at http://daccessdds.un.org/doc/UNDOC/GEN/N05/215/07/PDF/N0521507.pdf?OpenElement, pp. 14-19<accessed 05.06.2005>

the United Nations system. This is recognised by Resolution 1612 (2005), it recommends that implementation of action plans should be in close collaboration with UN peacekeeping missions and UN country teams.[39]

These measures are commendable without doubt, yet, the gains that have been made remain fragile and may dissipate if not consolidated and institutionalized. This is further problematized by the conspicuous gaps that exist in the United Nations system response, which need to be urgently redressed. What needs to be internalized is that employment of children as soldiers reflects the execution of a well-planned strategy informed by a conscious and systematic choice made by adults. Unless the real calculations and conditions that have led to this choice are altered, the prohibitions against child soldiering will be perennially toothless and continually violated. In short, making laws is not the same as finding ways to enforce them. In this respect recent scholarship attaches much enthusiasm to the genesis of the International Criminal Court and argues that criminalizing the use of child soldiers and effective prosecution of violators can provide the necessary deterrent to the problem.

Criminalization of the practice would make it binding on all states to turn over any leaders who have escaped across state boundaries. The same would apply to their assets, which might have been acquired as a result of using child soldiers. Singer here underlines the fact that non-state groups do not escape the jurisdiction of these laws. Like all governments, they are both bound by the basic principles of international law and are required to respect all four Geneva Conventions, even in internal conflicts.[40] Hence while applying the general body of international law to the issue, specific and incisive measures need to be adopted.

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[39] www.un.org/Docs/sc/unsc_resolutions05.htm <accessed 21.09.2005>
[40] Singer. P.W., *Children at War*, New York, Pantheon, 2005, pp. 150-151.

The first means for carrying out such a programme is through the ad hoc international tribunals that are often established in response to egregious conflicts. The most recent is the war crimes tribunal in Sierra Leone. These ad hoc courts also merit greater support from the donor community and need to be part of their peacebuilding agendas. Singer advocates that the UN Security Council might convene a new issue-centred tribunal that would specifically tackle the international child soldier problem.[41] The purpose of this program of criminalization would be to affect the decision calculus behind the use of child soldiers. The use of children as weapons of war would be made like the use of chemical or biological weapons – simply unacceptable to the world opinion, under any circumstances.[42]

Thus while these are preventive strategies aimed at stemming both demand and supply side of the problem the post conflict peace building efforts comprises the other part of the story. In this respect the United Nations and other international humanitarian agencies have played a crucial and leading role in formulating responses to deal with post-conflict reconstruction where disarmament, demobilization and reintegration (DDR) of ex-combatants in civil wars including child soldiers has formed an important aspect of peace-building efforts. Most troubling aspect here is while the UNCRC guarantees that children be provided with psychosocial recovery and social re-integration in post-conflict peace-building, child combatants are usually not discussed in cease-fire negotiations and thus are often excluded from DDR processes. In fact Sierra Leone's 1999 Peace Agreement was the first such pact to recognize the needs of child soldiers and to plan for their demobilization and reintegration into community life. The intricacies of these complex processes will be dealt with in the next section.

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[41] Ibid.

[42] Becker, Jo, "Children as Weapons of War", Human Rights Watch World Report, 2004, available online at hrw.org/wr2k4/11.htm <accessed on 15.03.2005>

Chapter Three

Post-conflict Peace Building and Disarmament Demobilization and Reintegration of Child Soldiers

Owing to the failure to prevent recruitment of child soldiers there has been a growing need to explore issues of post-conflict assistance to children who have been involved in armed conflict. But interestingly while children are often central to public pronouncements on peace the legal documentation to safeguard that peace is often lacking in any reference to the child.[1] As a result the issue of child soldiers has been subjected to benign neglect in post-conflict peace building efforts and in peace agreements. This chapter delves into the intricacies of Disarmament, Demobilization and Reintegration (DDR) in the context of war-to-peace transitions. It discusses the terminology and best practices that have come to be accepted in the field, the loopholes in the context of child soldiers and areas deserving greater attention from the international community are also highlighted.

Changing Role of Children in Peace Processes

Historically the processes of securing peace, reconciliation and reconstructing a country have neglected the specific needs and rights of children and have not encouraged their involvement in the peace process itself. However, the approach to the role of children in post-conflict societies is slowly changing. To ensure the long-term peace, security and development of a country, it has become accepted that children, having played a significant role in the conflict as victims, witnesses and

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[1] Watson Alison, M.S., "The Child That Bombs Built", *Studies in Conflict and Terrorism*, Volume No. 27, 2004, p.166.

perpetrators of violence and war crimes, must not be ignored or marginalized in the peace process.[2]

The need to reintegrate and rehabilitate children has only recently been recognised in international law. While the Convention on the Rights of the Child obligates States to take measures to rehabilitate all children who have been victims of exploitation or abuse during armed conflicts, it was not until 2000, with the adoption of the Optional Protocol, that a binding international agreement specifically obliged States to demobilise, rehabilitate and reintegrate children who have been recruited or used in hostilities. To address the lack of resources available for this work, the Optional Protocol also obligates States to cooperate through technical and financial assistance.

Besides in Feb 2000, the Secretary General submitted a report entitled "the Role of the United Nations Peacekeeping in DDR" which stated –

> "where relevant, the role of children in armed conflict should be acknowledged from the onset of peace negotiations and children's rights should be identified as an explicit priority in ... disarmament, demobilization and reintegration plans."[3]

Most recently, Security Council resolutions 1460 (2003), 1539 (2004) called upon member-states and international organisations to ensure that former child soldiers are involved in all DDR processes, which should be of sufficient duration to ensure successful reintegration. Resolution 1460 · in particular highlighted the importance of taking into account the specific needs of girls.[4]

Another shift has been in specific wording for peace treaties. Peace Agreements have traditionally rarely mentioned children let alone include child

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[2] Harvey, Rachel ,*Children and Armed Conflict : A Guide to International Humanitarian and Human Rights Law*, http//:www.essex.ac.uk/armedconflict , p.65, <accessed 20.06.2005>

[3] "Role of United Nations Peacekeeping in Disarmament, Demobilization and Reintegration", *Report of the Secretary General to the Security Council*, www.un.org/Depts/dpko/lessons/DD&R.pdf, p.4, <accessed 10.08.2005>

[4] www.un.org/Docs/sc/unsc_resolutions03.html <accessed14.07.2005>; www.un.org/special-rep/children-armed -conflict/KeyDocuments/Resolution/S-RES-1539English.html<accessed 21.09.2005>

specific obligations for the parties to a conflict. The first specific and unambiguous obligation was contained in the Lome Peace Accord 1999, signed by the warring parties in Sierra Leone. Article XXX obligates the Government to accord particular attention to the issue of child soldiers and "mobilize resources... to address the special needs of these children in the existing disarmament, demobilization and reintegration processes."[5] Further, Article XXXI obligates the Government to provide free compulsory education for the first nine years of schooling and for a further three years after that. The Government shall also endeavour to provide affordable health care throughout the country.

In the following year, the Arusha Peace and Reconciliation Agreement 2000 for Burundi was signed. This agreement contains numerous specific references to and obligations for children in its five protocols, including, among others, the incorporation of the CRC and the African Charter on the Rights and Welfare of the Child 1990 into the Constitution of the Republic of Burundi, protection from use in armed conflict, protection from abuse and exploitation, and an obligation to assist, protect and educate. Further, Article 10 (Protocol IV) states:

> 'The Government shall ensure, through special assistance, the protection, rehabilitation and advancement of vulnerable groups, namely child heads of families, orphans, street children, unaccompanied minors, traumatized children... juvenile delinquents ...etc." [6]

In addition to these peace agreements, governments and insurgent groups in Sudan, Colombia, the DRC and Sri Lanka have also committed to placing the rights and protections of children on the agendas of their on-going peace processes. The Security Council has also emphasized the need for serious abuses involving children to be addressed in post conflict truth and reconciliation processes. However, this process not only enables abuses to be documented, but also provides an ideal opportunity for children to tell their story and participate in the process of reconciliation. By allowing this participation, society acknowledges the huge impact

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[5] Harvey, Rachel , *Children and Armed Conflict : A Guide to International Humanitarian and Human Rights Law*, http//:www.essex.ac.uk/armedconflict , p.66,<accessed 20.06.2005>
[6] Ibid.

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the conflict has had on its children and reinforces the importance of their role in their communities.[7]

The UN's High-Level Panel Report has also recognised demobilisation and reintegration as vital elements of peace building. Underlining the criticality of DDR it says -

> "Failure to successfully implement such [reintegration] programmes will result in . . . a relapse into conflict."[8]

It recommended that the Security Council should mandate the funding for this important element of peace building through the assessed budgets. It also recommended the establishment of a peacebuilding commission, which would have at its disposal a standing fund of at least $250 million.[9]

The next section explicates the terminologies and concepts involved in DDR, and tries to examine these processes in the context of child soldiers.

Disarmament, Demobilization and Reintegration (DDR)

Disarmament, demobilization and reintegration (DDR) of ex-combatants is a first step in the transition from war to peace. DDR is a comparatively recent instrument adopted by the development community in the context of post-conflict reconstruction. It emerged on the development landscape in response to the renewed international commitment to UN-sponsored peace keeping missions and

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[7] Ibid., p.67

[8] Para 228, *United Nations High Level Panel Report*, January 2005, available online at www.unausa.org/site/pp.asp?c=fvKRI8MPJpF&b=401565 <accessed 12.09.2005>

[9] Save the Children, *Forgotten Casualties of War: Girls in Armed Conflict*, 2005, available online at http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/2698_GAAF%20report.pdf,p.27 <accessed 10.09.2005>

reconstruction efforts in the early post-cold war period. Many of these early missions – from Namibia to Cambodia – were early test cases for DDR.[10]

In 1998 the UN Secretary General claimed authoritatively that the reintegration of ex-combatants and others into productive society was one of the priorities of 'post-conflict peace building'. Although lacking a doctrine or even minimum standards, DDR came to comprise an integral element of peace processes, usually introduced early on in the post-conflict period and geared towards building confidence between parties and neutralizing potential spoilers. Within a few years DDR rapidly came to occupy a central pillar of so-called 'military-civilian transition operations'- and to be implemented by the UN, the World Bank, OECD donor governments and a host of agencies and NGOs. Standardized templates for DDR were introduced and best practices articulated by UN agencies such as the Department for Peacekeeping Operations (DPKO) and think tanks.[11]

DDR supports the transition from war to peace by ensuring a safe environment, transferring ex-combatants back to civilian life, and enabling people to earn livelihoods through peaceful means instead of war. Indeed, ex-combatants constitute a group with substantial human potential which, when not channelled into positive economic reconstruction and peace building, can pose a new threat to a fragile post-conflict political and economic environment. It should, however, be emphasized that the intensity, impact of different factors and the socio-cultural and political context vary from country to country.[12]

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[10] Muggah, Robert, "No Magic Bullet: A Critical Perspective on Disarmament, Demobilization and Reintegration (DDR) and Weapons Reduction in Post-conflict Contexts", *The Round Table*, Vol.94, No.379, April 2005, p.243.

[11] Ibid.

[12] Sprecht, Irma, *Jobs for demobilised Rebels and Soldiers: Early Preparedness and Sustaining Capacities*, International Labour Organisation In Focus Programme on Crisis Response and Reconstruction, available online at http://www.ilo.org/public/english/employment/recon/crisis/download/rebels.pdf, p.1.<accessed 14.10.2005>

The UN DPKO defines **disarmament** as the collection, control and disposal of small arms and light weapons and the development of responsible arms management programmes in a post-conflict context. Similarly, **demobilization** is defined as a planned process by which the armed force of the government and or opposition or factional forces either downsize or completely disband. Having been demobilized and transported to their community of choice, the former combatants and their families must establish themselves in a civilian environment, and reinsertion assistance, which is intended to ameliorate the process, often includes post-discharge orientation, food assistance, health and education support and a cash allowance. [13] Another intervening process which involves 'stepping stone' activities, and acts as "a safety net to provide support for ex-combatants between demobilisation and full reintegration", is referred to as **reinsertion**.[14] Finally, **reintegration** is the process whereby former combatants and their families are integrated into the social, economic and political life of (civilian) communities. Reinsertion and reintegration are not distinct phases after demobilization. Rather, they form part of a seamless web of transition from military to civilian life, without a clear beginning or end.[15]

Demobilization entails the more short-term process of separating combatants from military service or armed groups whereas reintegration focuses on the more long-term "social and economic inclusion of former combatants into their communities of origin or new communities".[16] The requisite time for each phase varies, as regards duration of the DDR programme – the UNDP report on reintegration in Mozambique recommended that – "Reintegration programmes for demobilised soldiers must have a minimum duration of 24 months to allow the

[13] Mark Knight and Alpaslan Ozerdem, "Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transition from War to Peace", *Journal of Peace Research*, Vol. 41, No. 4, July 2004, pp.499-500.

[14] Ngoma, Naison, "Disarmament, demobilisation and reintegration: a conceptual discourse", www.iss.co.za/pubs/Books/civmilzambiaaug04/Ngoma2.pdf. p. 83, <accessed 14.10.2005>

[15] Colleta, Nat J., "Demilitarization, Demobilization and the Social and Economic Integration of Ex-Combatants: Lessons from the World Bank Africa Experience", *USAID Conference Paper*, Promoting Democracy, Human Rights, and Reintegration in Post-Conflict Societies, October 30-31, 1997, available online at http://pdf.dec.org/pdf_docs/PNACD087.pdf.p.4, <accessed 15.10.2005>

[16] Fusato, Massimo, "Disarmament Demobilization and Reintegration of Ex-Combatants", available on line at http//:www.beyondintractability.org/m/demobilization.jsp <accessed on 15.09.2005>

demobilised soldiers time to 'demilitarise' his or her behaviour and ambitions, and become an active member of civilian society." [17] Hence it is a considerably long-drawn process, and should be viewed as part of one continuum that needs to be sustained over a substantial period in terms of financial and infrastructural, institutional support.

Experience indicates that there is a symbiotic relationship between peace building and the Disarmament, Demobilization, Reinsertion and Reintegration (DDRR) process. Berdal refers to this relationship as 'interplay' and a 'subtle interaction'. Although a sustainable recovery after war cannot be achieved without a successful DDRR process, conversely, without a successful peace building process, the viability of a DDRR process would in general be questionable. Poorly conceived and executed DDRR programmes can themselves also become a factor in the creation of future conflicts.[18] The success of a DDR process is often measured by the number of weapons collected rather than the successful reintegration of former combatants. The reintegration phase for children is usually left to nongovernmental organisations and UNICEF, and is invariably under-funded. As a result of this focus on the military aspect of the DDR process, the critical reintegration element often gets lost. One reason is that once the excitement of a declaration of peace has subsided, and the hard graft of longer-term peace-making is underway, the promised international assistance dries up. Effective reintegration is difficult and needs to be tailored to each community's needs. This takes time and experience, and is expensive. It is easy to see why it is so often neglected. [19]

[17] Malan, Mark,"Disarming and Demobilising Child Soldiers: The Underlying Challenges", *African Security Review*, Vol.9, No.5, 2000, p.46.

[18] Berdal, M.R.," Disarmament and demobilization after civil wars", *Adelphi Paper, 303*,London, England, The International Institute for Strategic Studies, 1996, p.73; Mark Knight and Alpaslan Ozerdem, "Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transition from War to Peace", *Journal of Peace Research*,Vol. 41, no. 4, July 2004. p.501.

[19] Save the Children, *Forgotten Casualties of War: Girls in Armed Conflict, 2005*, available online at http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/2698_GAAF%20report.pdf,p.19 <accessed 10.09.2005>

So far, reintegration has only received minor funding and analysis compared to the better-understood military aspects of disarmament and demobilization. In many cases, up to ninety percent of the funding for DDR goes to disarmament and demobilization so that there is often no money left for reintegration. Irony lies in that the money is thrown out of the window if reintegration fails and former combatants are recruited again. The reason for the neglect of reintegration lies in the anticipated need for a long-term commitment, its dual nature in development and security, the lack of quantifiable results, and the regular omission of reintegration aspects in peacekeeping mandates. [20]

Disarmament Demobilization and Reintegration of Child Soldiers

Demobilization and reintegration of child soldiers is often portrayed as hopeless – especially where child soldiers have been forcibly recruited and made to participate in atrocities. Yet a World Bank study (2002) reveals that children and youth involved in armed conflict can re-engage positive social relations and productive civilian lives. It depends crucially on political will and available or allocated resources to include child soldiers in peace agreements and demobilization programmes and to support their reintegration into family and community.[21]

According to the latest Child Soldiers Global Report (2004) wars ending in Afghanistan, Angola, Sierra Leone and elsewhere resulted in the demobilization of more than 40,000 children. DDR for former child soldiers have been underway in about a dozen countries including Burundi, DRC, Sri Lanka and southern Sudan. Following peace agreements in Angola (2002), Sierra Leone (2002) and Afghanistan

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[20] Yvonne Kemper, "Youth in Approaches of War-to-Peace Transitions-International Organizations", Berghof Research Centre, www.berghof-center.org/publications/ reports/complete/BR10e.pdf, p.11, <accessed on 11.10.2005>

[21] "Child Soldiers: Prevention, Demobilization and Reintegration", World Bank Conflict Prevention and Reconstruction Unit, *Dissemination Notes*, No. 3, 2002,p.1, available online at http://lnweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/ChildSoldiersPreventionDemobiliz ationandReintegration/$FILE/ChildsoldiersNote3.pdf <accessed on 13.10.2005>

former child soldiers searched for their place in these post-conflict societies. In these states UN agencies work in partnership with governments and international NGOs. Some governments have created their own programmes. Community, church and grassroots organisations throughout the world have supported demobilized child soldiers and assisted them to return home. Efforts to rehabilitate children were made as fighting continued in Colombia and the DRC. The programs were aimed at reintegrating child soldiers into their communities while avoiding their re-recruitment or further fuelling of the conflict. [22]

Important innovation in this respect was the creation of Child Protection Advisors within UN peacekeeping missions in Angola, Cote d' Ivoire, the DRC and Sierra Leone to ensure that the rights, protection and wellbeing of children were an integral part of peace processes.[23] It is underlined by most analysts that demobilization of child soldiers must correspond with adult demobilization process and emphasise community re-building. Program planning should reflect analysis of the local circumstances of child recruitment and the experiences and roles of child soldiers in a country experience. E.g. were they forcibly recruited? Are they known to have committed atrocities?

In this context the question of establishing special centers arises in both the demobilization and reintegration phases. During demobilization there is the question of how to receive child soldiers and ensure their interim care pending family tracing. Especially when a situation is marked by ongoing tensions, child soldiers need to be protected from re-recruitment, retribution, abuse and stigmatization. In the re-

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[22] *Child Soldiers Global Report 2004*, p.22, available online at http://www.child-soldiers.org/document_get.php?id=966 <accessed on 12.05.2005>

[23] Harvey, Rachel , *Children and Armed Conflict : A Guide to International Humanitarian and Human Rights Law*, http//:www.essex.ac.uk/armedconflict , p.22,<accessed 20.06.2005>

integration phase centre-based care is advocated only when family re-unification proves unsuccessful. [24]

Much debate also abounds over the question of cantonment during demobilization. Cantonment provides a number of operational opportunities such as registration, gathering of information and profiling of former combatants, their health screening for infectious diseases such as HIV/AIDS etc., and may also have a political objective, particularly during war-to-peace transitions. It helps demonstrate a faction's willingness to demobilize forces while retaining the forces in concentrated areas, where they could be remobilized if the peace agreements are not implemented. [25]

Ironically, cantonment of combatants also reinforces the command structures that the process is intended to dissolve, and in the case of development areas, the former combatants are concentrated and isolated from the community when the objectives is, in fact, to dissipate and integrate them within the community. An alternative to cantonment would be the establishment of demobilization centres, to which former combatants simply report, before returning to their communities. Following their registration, they would report periodically to the discharge centre for documentation, screening or benefits. The primary advantage of such a system would be the achievement of a shorter demobilization period without the need for setting up camps for cantonment. Such operations are bound to be less expensive to run and logistically easier to implement. [26] While centers are often necessary in the demobilization phase lessons learned in re-integration re-emphasize the need to

[24] op.cit., Verhey, Beth, "Child Soldier: Prevention, Demobilization and Reintegration", May 2002, No.3,Conflict Prevention and Reconstruction Unit, Social Development Department, ww-wds.worldbank.org/servelet/WDScontentServer/WDSP/IB/2003/03/29/000094946_0303180401562 5/Rendered/PDF/multi0page.pdf, pp.10-11<accessed 15.07.2005>

[25] Mark Knight and Alpaslan Ozerdem, "Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transition from War to Peace", *Journal of Peace Research*, vol. 41, no. 4, July 2004, p.507.

[26] Ibid.

ensure as short a stay as possible. Child soldiers themselves express a preoccupation with being accepted by their family and community.[27]

Reintegration of Child Soldiers

While demobilization represents the point at which a child leaves military life, reintegration represents the process of establishing a civilian life. Reintegration programmes need to support the child in constructing a new positive course of development. Experience shows three things fundamental to successful reintegration.

    a.   Family reunification and an inclusive community environment,
    b.   Psychosocial support,
    c.   Opportunities for education and livelihood.

Debates abound as to the best way of reintegrating children into former communities. Some favour extended periods in rehabilitation centres with periods of exposure to Western-oriented individual counselling; and those who believe that the most critical part of the healing and recovery process takes place at home, where children should return as soon as possible. Family tracing programs need to be put into place as soon as possible following disarmament and demobilization in order to facilitate reintegration into society. Verhey adds that demobilization experience in various country studies reveal that family reunification or alternative family-based living arrangements, rather than centers, have proved to be the most effective reintegration strategy. According to a follow-up survey of former child soldiers in El Salvador, 84% reported that their family played the most important role in their transition to civilian life.[28]

This practice of reunification with the family may be problematized however, in cases where children have been abducted from their homes; many have no family

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[27] op.cit., Verhey, Beth, "Child Soldier: Prevention, Demobilization and Reintegration", May 2002, No.3,Conflict Prevention and Reconstruction Unit, Social Development Department, ww-wds.worldbank.org/servelet/WDScontentServer/WDSP/IB/2003/03/29/000094946_0303180401562 5/Rendered/PDF/multi0page.pdf, p.11<accessed 15.07.2005>
[28] Ibid, pp.15-17.

to return to or may have committed atrocities against their own communities. As a result they need time before they could adopt a community for themselves. Capacities must also be built within the communities to take responsibility for the recovery and rehabilitation of its youth. Government, NGOs and other assistance agencies can be of great help in seeding programs to rebuild community facilities, educational institutions, and invest in relevant training and outreach programs within the communities.[29]

Practical Challenges in DDR

The purpose of DDR programs is to ensure former child soldiers' financial independence and their acceptance in the community from where they came. In many cases, former child soldiers might have spent years participating in armed conflicts. Their combat skill does not have a value in the post-war economy and, without assistance they will most likely find it difficult to establish themselves and to engage in a productive livelihood.

Child soldiers are often deliberately de-socialized and turned into drug addicts in order to make them "better" soldiers. It is part of the inhumane training and indoctrination processes involved in turning a child into a soldier. These processes need to be reversed through traditional or Western psycho-social healing programmes.[30] It is common sense that every specific country will need to define its own DDR strategy. However, lessons learned from other countries can facilitate this complex and sensitive process. Services to ex-combatants should be provided by

[29] "Recruitment Prevention, Demobilization Procedures & Reintegration: Methods and Practices" available online at http://www.ginie.org/ginie-crises-links/ childsoldiers/recruitment.html. <accessed 12.09.2005>

[30] op.cit.,Wessells, Mike, "Child Soldiers", *Bulletin of the Atomic Scientists*, Vol. 53, No. 6, November/December 1997, p.36.

national organisations that will stay in existence after the DDR programme has completed.[31]

Child soldiers have often been excluded from demobilization programs because their status often hides them. If the term 'soldier' is only understood to mean combatant or if a peace agreement only refers to the demobilization of combatants, many children and youths, especially girls, serving in so-called support functions will be excluded.[32] Besides, members of the international community still do not consistently use the broad definition of children associated with armed groups as embodied in the Cape Town Principles. Interestingly most demobilization programmes take the date of a peace accord as a practical point from which to determine an underage soldier, i.e. below 18 years. Thus exclusion of child soldiers from demobilization programmes because of age, gender or function is rampant.[33]

In Sierra Leone's disarmament, demobilisation and reintegration (DDR) programme, the broader definition of 'children associated with armed groups' was initially used – but funding constraints subsequently restricted the programme to only those children who could demonstrate experience in using a weapon. The process stalled in December 2003 during to funding shortages recommenced in February 2004 and at this juncture did not emphasize on the weapon component. In fact one of the common misunderstandings in countries where a DDR programme for children exists is that a gun or some proof of military life needs to be submitted in order to access the benefits of DDR.[34]

[31] Sprecht, Irma, *Jobs for demobilised Rebels and Soldiers: Early Preparedness and Sustaining Capacities,* International Labour Organisation In Focus Programme on Crisis Response and Reconstruction, available online at http://www.ilo.org/public/english/employment/recon/crisis /download/rebels.pdf, p.4, <accessed 14.10.2005>

[32] Verhey, Beth, "Child Soldier: Prevention, Demobilization and Reintegration", May 2002, No.3,Conflict Prevention and Reconstruction Unit, Social Development Department, ww-wds.worldbank.org/servelet/WDScontentServer/WDSP/IB/2003/03/29/000094946_0303180401552 5/Rendered/PDF/multi0page.pdf, p.6 <accessed 15.07.2005>

[33] Save the Children, *Forgotten Casualties of War: Girls in Armed Conflict,* 2005, available online at http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/2698_GAAF%20report.pdf,p.16, <accessed 10.09.2005>

[34] Ibid.

Problem of Re-recruitment

Re-recruitment of some former child soldiers occurs in nearly all cases where demobilization of children is attempted during a continuing armed conflict. In Northern Uganda, where the Lord's Resistance Army has abducted an estimated 20,000 children for use as slaves and soldiers, programs operated by World Vision and Gulu Save Our Children Organization (GUSCO) provide rehabilitation support for many former child soldiers who managed to escape or were released. However, the World Vision center reports that since 2000, at least eighteen children who had passed through the center were re-abducted and escaped for a second time. GUSCO reported that ten children from their program were re-abducted between September and December 2002. For many former child soldiers, fear of re-abduction prevents them from returning to their homes, making social reintegration and the resumption of civilian life very difficult.[35]

Re-recruitment of previously demobilized children has also been reported in the Democratic Republic of Congo, Sierra Leone, and Sudan and in Sri Lanka. The risk of re-recruitment underlines the need for adequate security in areas where forced recruitment takes place, support mechanisms in the child's community to facilitate their reintegration, and advocacy networks to follow up any cases of re-recruitment.[36]

This issue of child protection underlines the need for separation from adults during DDR processes. In Angola, for instance mixing of National Union for Total Independence of Angola (UNITA) child soldiers with adults in the quartering areas for demobilization process facilitated the re-recruitment of child soldiers back into UNITA training camps and new child soldiers were recruited to meet quartering

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[35] Becker, Jo, Children as Weapons of War, *Human Rights Watch World Report*, 2004, available online at http://www.hrw.org/wr2k4/11.htm<accessed 15.03.2005>

[36] Ibid.

targets. Therefore, careful monitoring is required to ensure effective transition from military to civilian control.[37]

Another controversial aspect here pertains to the fact that child soldiers often become bargaining chips for their commanders when the international community pledges money to help demobilize child combatants. In Sudan, for instance, the Sudan People's Liberation Army (SPLA) "stockpiled" children in 2004 to obtain UNICEF demobilization funds.[38]

Most demobilization and rehabilitation programmes have also encountered serious coordination problems that undermined their timeliness and effectiveness. The demobilization and reintegration process involves a wide range of sequential activities: identifying and discharging ex-combatants; assembling them in cantonment areas for limited duration; transporting them to the communities of their origin or the sites marked for their resettlement; providing benefit packages, usually in instalments; providing training; and facilitating transition to civilian life. Obviously, many national, bilateral, and intergovernmental actors take responsibility for different activities, and they each have their own procedures, timetables, and mandates.[39]

Demobilization also requires a clear and credible central authority and implementing agency. If it is the government, it should be able to guide and secure the process with sufficient oversight, and its police force should be in the position to intervene if the security of the ex-combatants or others is threatened. In cases where the demobilization is the result of a peace agreement between two or more parties this role may be played by an independent outside entity. E.g. in El Salvador,

[37] Verhey, Beth, "Child Soldier: Prevention, Demobilization and Reintegration", May 2002, No.3,Conflict Prevention and Reconstruction Unit, Social Development Department, ww-wds.worldbank.org/servelet/WDScontentServer/WDSP/IB/2003/03/29/000094946_0303180401562 5/Rendered/PDF/multi0page.pdf, p.6<accessed 15.07.2005>

[38] *Child Soldiers Global Report 2004*, p.23, available online at http://www.child-soldiers.org/document_get.php?id=966 <accessed on 12.05.2005>

[39] Kumar, Krishna, "The Nature and Focus of International Assistance for Rebuilding War-Torn Societies", in Kumar ed., *Rebuilding Societies After Civil War: Critical Roles for International Assistance*, Boulder, London, Lynne Rienner, 1997,p.12.

Mozambique and Namibia; the UN was the neutral facilitator in sorting out details during the process and it stepped in and mediated when the peace process showed delays or was at risk.[40]

Benefit Packages - Targeted Vs Community-Based Support

Providing material or monetary assistance to the families of the ex-combatants is considered critical in this process; a move that also makes it easier for the communities to accept the 'long lost' members of society 'back' into the fold. Through 'entitlement packages', an ex-combatant and his or her family is provided the means to "bridge the difficult period between demobilisation and reintegration". In operationalizing this process, local banking systems can be utilized to enable ex-combatants in securing access to resources regardless of physical location.[41] The advantages of cash as reinsertion assistance compared to other kinds of material assistance, includes relative ease of distribution and greater flexibility. A study carried out by Peppiatt, Mitchell & Holzmann asserts that cash allowances, as a transitional safety net, provide a cost-effective and beneficiary-friendly method of delivering reinsertion assistance. But the problem is that ex-combatants, especially those who have spent many years in the army, are not always prudent with their cash payments. They are more likely to utilize in-kind assistance for the intended purposes. At the same time in-kind assistance does not provide the flexibility the beneficiaries need.[42] Possible components of resettlement or reintegration programmes are delineated in the Figure 3.1 below.

[40] "Voices and Choices of Disarmament: Lessons learnt from BICC's experience in other countries", Bonn International Center for Conversion, available on line at http://www.ideaspaz.org/eventos/download/croll.pdf.p.7 <accessed 13.10.2005>

[41] Ngoma, Naison, "Disarmament, demobilisation and reintegration: a conceptual discourse", www.iss.co.za/pubs/Books/civmilzambiaaug04/Ngoma2.pdf, p. 83, <accessed 14.10.2005>

[42] Mark Knight and Alpaslan Ozerdem, "Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transition from War to Peace", Journal of Peace Research, Vol. 41, No. 4, July 2004, pp.510-512

Figure 3.1

Possible components of Resettlement or Reintegration Programmes

- Cash payments

- Food stuffs

- Civilian clothing

- Household utensils

- Building materials

- Provision of tools

- Seeds or Agricultural implements

- Counselling, legal and or business advice,

- Job placement,

- General referral services,

- Land distribution,

- Housing support,

- Public works and other (temporary) Public sector job creation,

- Wage subsidies,

- Credit schemes,

- Managerial and technical training.

*Source: Kingma, Kees, "Post-war Demobilization and the Reintegration of Ex-Combatants into Civilian Life", *USAID Conference Paper*, Promoting Democracy, Human Rights, and Reintegration in Post-Conflict Societies, October 30-31, 1997[43]

Ironically, benefits such as food supplements and indemnity payments often fail to play the reintegration role that humanitarian programs hoped for in a number of cases. Verhey notes families and foster caregivers rejected child soldiers once their benefits package ran out. [44]

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[43] Available online at http://pdf.dec.org/pdf_docs/PNACD087.pdf,pp.7-8, <accessed 15.10.2005>

[44] op.cit., Verhey, Beth, "Child Soldier: Prevention, Demobilization and Reintegration", May 2002, No.3,Conflict Prevention and Reconstruction Unit, Social Development Department, ww-wds.worldbank.org/servelet/WDScontentServer/WDSP/IB/2003/03/29/000094946_0303180401562 5/Rendered/PDF/multiOpage.pdf, p.8 <accessed 15.07.2005>

Main debate in delivering DDR benefit packages pertains to whether it should be group-specific i.e. targeted or be embedded in what the Save the Children advocates as community based support. Targeted support is often perceived as unfair, given that the demobilized combatants being targeted were the ones who created all the havoc and made development and life impossible for others. It is also resource-intensive. Moreover, there are many other vulnerable groups- refugees, internally displaced persons, women, orphans, and unaccompanied children, who are the direct victims of war and also deserve support. Providing support directly to the community acts as a safety net for all children associated with armed groups, particularly girls. The community in this argument can act as deterrent for the re-recruitment of released child soldiers. It can act as a barrier between military commanders and the children being targeted. [45]

On the other side of the debate analysts stress that given their military training, unassimilated soldiers pose a serious threat to law and order, this in turn provides the rationale for targeting them directly. Colleta, Kostner and Wiederhofer consider the targeting of reintegration programmes as central to their successful implementation.In the context of child soldiers McCallin stresses that child soldiers have DDR needs which are unique and must be addressed separately, instead of marginalising child soldiers, DDR programmes need to raise awareness that their needs may be different, more complex, or more acute that any other children in difficult circumstances. [46]

At the same time a number of commentators on DDR highlight the problems encountered during cantonment, they argue that living conditions experienced by former combatants reinforce the very hierarchical structures which DDR destroys.

[45] Save the Children, *Forgotten Casualties of War: Girls in Armed Conflict*, 2005, available online at http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/2698_GAAF%20report.pdf,p.16, <accessed 10.09.2005>

[46] Mark Knight and Alpaslan Ozerdem, "Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transition from War to Peace", *Journal of Peace Research*, Vol. 41, No. 4, July 2004, pp.507- 508

The effect that cantoning thousands of former combatants has on security is perceived as having a primarily negative impact on peace processes. [47]

Resource Shortfalls

In the 2003 World Bank study *Breaking the Conflict Trap*.[48] one of the vital components recommended to ensure that countries do not slip back into conflict is providing socio-economic stability. However, because the DDR process is entirely dependent on donor funding, those who may benefit from it are dependent on the vagaries of international commitments. The Table 3.2 below provides a list of some of those DDR processes where the required amount of money has not been delivered. If the whole amount pledged had been delivered, in a timely manner, all combatants (adults, boys and girls) would have a better chance of demobilising and reintegrating effectively. [49]

Table 3.2
Shortages in Donor Funding for DDR

Country undertaking DDR	Amount required for DDR (US$)	Amount delivered for DDR (US$)	% of shortfall
Liberia	88,000,000	30,000,000	63%
DRC	200,000,000	23,500,000	,88%
Afghanistan	167,000,000	83,378,372	51%

* Source: *Forgotten Casualties of War: Girls in Armed Conflict*, London, Save the Children, 2005, p.22.

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[47] Ibid.

[48] Paul Collier, et al., *Breaking the Conflict Trap: Civil War and Development Policy* Washington, DC: World Bank, 2003, available online at http://www.polity.org.za/pdf/BreakingConflict.pdf <accessed 10.11.2005>

[49] Save the Children, *Forgotten Casualties of War: Girls in Armed Conflict*, 2005, available online at http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/2698_GAAF%20report.pdf,p.28, <accessed 10.09.2005>.

DDR of Girl Child Soldiers – Gendering the Praxis

In the framework of the peace building–DDR relationship, there are also a number of issues related to social and cultural norms and psychological impact that should be borne in mind. Armed conflict affects cultural norms and reciprocal relationships in a society in diverse ways. For instance women as both fighters and war-affected civilians acquire new roles during the war. However, they are usually expected to return to their traditional roles once the war is over. This disjuncture between their roles has important consequences particularly for the reintegration of girl soldiers.[50] Despite the imperative of including girls be they combatants, unarmed 'camp followers' or 'wives' of commanders explicitly stated in the Capetown Principles (1997) yet demobilization, disarmament and reintegration programs have tended to overlook girls. Even when child soldiers were acknowledged and girls included in DDR processes, aid packages would contain only male clothing, or did not provide for feminine hygiene. As discussed earlier DDR programs emphasizing the disarmament aspect often required the surrender of weapon; this exempted girls from DDR benefits since they mainly engaged in support roles, were used for forced labour or sex, or simply did not possess a weapon at the time.[51]

Mazurana and McKay further point out that since girls as support are crucial for continued maintenance of armed groups they are likely to be prevented from being exposed to DDR programs. They found that girls and young women will be among the last to be released by the fighting forces, if indeed they are released at all. When demobilization is under way, girl soldiers can also be misrepresented as dependents or wives of their captors – 'husbands' and efforts are not made to determine whether in fact they also fought. Anticipating rejection from their home communities because of

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[50] Mark Knight and Alpaslan Ozerdem, "Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transition from War to Peace", *Journal of Peace Research*, Vol. 41, No. 4, July 2004, pp.502.

[51] Save the Children, *Forgotten Casualties of War: Girls in Armed Conflict*, 2005, available online at http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/2698_GAAF%20report.pdf,pp.16-17, <accessed 10.09.2005>

the stigma attached to being part of an armed group, they are caught between their future and their past. Whether they 'volunteered' as girl soldiers or were abducted, there are problems integrating back into a society that they might have walked away from to begin with or that failed to protect them from forced recruitment.[52]

Psychosocial Support

The physical and psychological legacy of child soldiering must be addressed, if child soldiers are to be successfully integrated into their communities. Dealing with psychosocial consequences of children's involvement in conflict mostly and necessarily happens at the national and community levels. However there are a set of applicable international guidelines. Article 77 of Additional Protocol I requires the parties to the conflict to provide children 'with the care and aid they require, whether because of their age or any other reason.' This can be interpreted to include the trauma resulting from involvement in combat or accompanying abuse, and therefore implying an obligation to provide appropriate counselling or other rehabilitation services. This view is also supported by Article 39 of the Convention of the Rights of the Child, 1989.[53]

Role of International Community in DDR programmes

The demobilization-reintegration process is both highly politically charged and administratively complex. Governments frequently request economic and technical assistance to devise a framework for demobilization-reintegration efforts, and to develop and implement specific programs for demobilized soldiers. They may also require external political support to overcome obstacles to the timely completion

[52] Fox, Mary-Jane, "Girl Soldiers: Human Security and Gendered Insecurity", *Security Dialogue*, Vol.35, 2004, pp.473-474.
[53] "Recruitment Prevention, Demobilization Procedures & Reintegration: Methods and Practices" available online at http:// www.ginie.org/ginie-crises-links/ childsoldiers/recruitment.html. <accessed 12.09.2005>

of the demobilization process. In addition, for a variety of reasons, programs are frequently implemented by nongovernmental organizations, both domestic and international, and by public international organizations.[54] International donors have taken a leading role in supporting demobilization and rehabilitation programs in Angola, Cambodia, El Salvador, Ethiopia, Haiti, Mozambique, Namibia and Uganda. Their support has been critical, yet the DDR of child soldiers though increasingly addressed as part of peace process is nevertheless given less priority.[55] This laxity of approach particularly, in terms of funding shortages needs to be addressed by the international community in future.

Tackling the practice and legacy of child soldiering is an important element in achieving a durable peace in which the human rights of all are respected. In today's conflicts where the phenomenon of child soldiers is an inescapable other comprehensive demobilisation programme for child soldiers which pays special attention to the needs of girls and to measures which may prevent further violence against women, is essential.

Increasingly there is recognition of the fact that demobilisation of child soldiers should be sought at all times and not only at the end of hostilities. Special measures to prevent re-recruitment need to be employed, children who escape, are released or captured from any armed forces should not be treated as enemy combatants. Also that monitoring and follow up of demobilised child soldiers is essential to ensure successful integration. The eligibility criteria for child soldiers to participate in programs should include all children associated with armed forces, and

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[54] Ball, Nicole, "Demobilizing and Reintegrating Soldiers: Lessons from Africa", in Kumar ed., *Rebuilding Societies After Civil War: Critical Roles for International Assistance*, Boulder, London, Lynne Rienner, 1997, p.90.

[55] Kumar, Krishna, "The Nature and Focus of International Assistance for Rebuilding War-Torn Societies", in Kumar ed., *Rebuilding Societies After Civil War: Critical Roles for International Assistance*, Boulder, London, Lynne Rienner, 1997,pp.11-12

reintegration processes should take an integrated community approach to avoid further stigmatization of child soldiers.[56]

The criminal accountability of child soldiers for war crimes is increasingly coming under the radar. This is an issue which needs to be addressed by the international community as part of DDR and peacebuilding efforts. The legacy of children having spent years within the armed forces, primarily learning only the art of violence, unless addressed properly, will have lasting repercussions on the country and its citizens. Governments and agencies involved in demobilisation need to make clear the general policy towards tackling crimes committed by child soldiers, partly to dissipate suspicion which communities may have towards child soldiers.

As the above discussion reveals past experience in the case of DDR of child soldiers though limited, is nevertheless valuable and instructive particularly in rectifying and remodelling practices in case of ongoing DDR processes as in Sri Lanka. Since the DDR of child soldiers in Sri Lanka has been envisaged as an inextricable part of peace moves, the challenges involved in that case are unique and will be dealt with in detail in the next chapter. It also provides an opportunity for examining how effective international norms and UNSC efforts have been in enforcing compliance in case of armed groups using child soldiers.

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[56] "Burundi Child Soldiers: The Challenge of Demobilization", available on line at
http://web.amnesty.org/library/Index/ENGAFR160112004?open&of=ENG-BDI<accessed
14.09.2005>

Chapter Four

LTTE Child Soldier Problem

Sri Lanka presents an ideal test case for examining efficacy of the evolving international response to the problem of child soldiers. The government of Sri Lanka is a signatory to the major legal standards governing the issue of child soldiers, namely the Convention on the Rights of the Child, its Optional Protocol, and the International Labour Organisation (ILO) Convention 182. In its declaration made on ratification of the Optional Protocol in September 2000, the government stated that there is no compulsory, forced, or coerced recruitment into the national armed forces; recruitment is solely on a voluntary basis, and the minimum age for recruitment into the armed forces is 18 years. The problem of child soldiers is therefore exclusive to the LTTE – a rebel, separatist armed group.[1]

Given the increasing[2] cooption of children into the ranks of terrorist and non-state armed groups in every region of the globe particularly South Asia[3], the LTTE case presents rationale for deeper investigation. Amidst international donor involvement in the peace process and broader political dynamics the issue of child soldiers has come to be a prominent theme in Sri Lanka. It has received attention from the international community and merited involvement of the United Nations agencies on a proactive basis.

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[1]   Child Soldiers Global Report, 2004, http://www.child-soldiers.org/document_get.php?id=966, p. 207, <accessed 12.10.2005>

[2]   Over 250,000 children continue to be exploited as child soldiers and tens of thousands of girls are being subjected to rape and other forms of sexual violence, see, *Report of the Special Representative for Children and Armed Conflict to the General Assembly*, A/60/335,7 September 2005, available online at http//:www.un.org/special-rep/children-armed-conflict/Download/A-60-335e.pdf, p.2<accessed12.10.2005>

[3]   *On the recruitment of child soldiers by Maoists in Nepal see,* Adhikari, Bipin, "Recruitment of Child Soldiers", http://www.kantipuronline.com/kolnews.php?&nid=58042<accessed on 17.10.2005>

On cooption of youth in Jammu and Kashmir see, Swami, Praveen, "Catch Them Young", *Frontline*, Vol.18, Issue 24, December 7, 2001, pp.68-69.

More significantly the LTTE case is an outlier of sorts. It ranks as a cutting edge organisation, and a trendsetter and technological pioneer in many respects. In Sri Lanka, the first rocket-propelled grenade launcher was recovered from a LTTE camp. Similarly, night vision glasses were used for the first time in the Sri Lankan battlefield by the LTTE.[4] They have also been pioneers in the use of IEDs in South Asia. Much before the Sri Lankan military, the LTTE purchased Global Positioning Satellite systems to accurately target its projectiles. The LTTE has reportedly used a land-based satellite system to communicate with its overseas cadres. It has also used the World Wide Web and the internet to establish a sophisticated state-of-the-art propaganda as well as communication system with its members and supporters (see **Appendix III**). LTTE suicide bombers have been trained both in France and Britain to fly light aircraft. In many ways, the technology generated by the LTTE has been a model for many other groups. There has been technology transfer or technology emulation. Today, suicide bomb technology is used by the Hamas, Kurdish PKK and the Punjabi Sikh insurgents among others. The LTTE body suit is more advanced than the body suits used by any other group. Today, it has evolved into an organization with military, political, and international wings. The military wing has several units: artillery, anti-tank, anti-aircraft, medical corps, and a video and photography unit and a transport and logistic division. The Sea Tigers, Air Tigers, Black Tigers, and the highly secretive intelligence unit form the backbone of the military wing. The Black Tigers are widely recognized to be the most lethal suicide unit anywhere in the world.[5]

It is also perhaps the world's first rebel group with cadres drawn from a younger age range. In 1998, Sri Lanka's Directorate of Military Intelligence

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[4] op.cit., "Sri Lanka" in *Encyclopaedia of World Terrorism*, 1996-2002, New York, M.E Sharpe Inc., 2003.p. 493.

[5] Ibid.; op.cit.,Gunaratna, Rohan "Internationalisation of the Tamil Conflict" in Gamage, Siri and Watson, I.B., (ed.) *Conflict and Community in Contemporary Sri Lanka Pearl of the East or the Island of Tears? Studies in Contemporary South Asia, No.3*, New Delhi,London, Sage publications, 1999, p. 131. See also Suryanarayan, V. "Sea Tigers and Indian Security", *Journal of Indian Ocean Studies*, Vol.12, No.3, December, 2004.pp 404-411. On the LTTE's special fundraising mechanism see,The   LTTE   and   the   Tamil   Diaspora, http://www.rand.org/publications/MR/MR1405/MR1405.ch3.pdf, <accessed 18.10.2005>

estimated that 60 per cent of LTTE fighters were below 18 years. Even if the figure is exaggerated, an assessment of the LTTE fighters that have been killed in combat reveal that 40 per cent of its fighting force are both males and females between nine and eighteen years of age. Over the years, the combat efficiency, technological innovation, and leadership qualities of the LTTE have been integrated into the young fighting units.

History and Reasons for Child Recruitment by LTTE

"Ethnic fissures" provide what seems like an obvious surface explanation for the violent conflict that has persisted in Sri Lanka since 1983.[6] A long history of conflict has animated relations between the two main ethnic groups the Sinhalese, comprising 75% of a nationwide population of 19 million and the Sri Lankan Tamils at 12.5 % comprise a minority in Colombo, as well as up-country Tamils at 5.6% and Muslims at 7.4%.[7] In examination of the past, however, one sees that the deep-rooted conflict between these two groups are tinged with religious and language differences, as well as imbalances in economic advantages. Since the outbreak of hostilities between the government and armed Tamil separatists in the mid -1980s, several hundred thousand Tamil civilians have fled the island; as of yearend 2000, approximately 65,000 were housed in 131 refugee camps in south India, another 40,000 lived outside the Indian camps, and more than 200,000 Tamils have sought refuge in the West.[8]

In terms of demographic statistics the CIA World Fact Book reports that the demographic composition of the Sri Lankan population can be broken down as follows to provide a clear picture of the average age structure. According to this

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[6] On ethnic riots in Sri Lanka see Muni, S.D., "Sri Lanka: The August Outrage", *Strategic Analysis*, Vol.8, No.6, September, 1984, pp.500-510. For an analysis on the wider socio-political implications of ethnic strife see, Stokke, Kristian and Ryntveit, Kirsti A., "The Struggle for Tamil Eelam in Sri Lanka", *Growth and Change*, Vol. 31, Spring 2000, pp. 285-286.

[7] Marshall Larry, "Sri Lanka: From Ceasefire to Conflict Transformation", *Global Change, Peace and Security*, Vol.16, No.1, February 2004, p. 63.

[8] http://www.aneki.com/facts/sri_lanka.html <accessed on 11.10.2005>

source 24.8% (male 2,526,143; female 2,414,876) figure in the age group of 0-14 years, 68.2% in the 15-64 years group (male 6,589,438; female 6,976,487) and the elderly population of 65 years and above constitute 7% (male 655,636; female 742,585)[9] of the total. Hence in terms of population composition, Sri Lanka does have a significant number of young people.

Where Tamils held precedence in terms of employment in the colonial era, the Sinhalese gained power following independence in 1948 resulting in policies that excluded the Tamil-speaking population. A major exclusionary act in 1956 made Sinhalese the official language, sharply reducing the number of Tamils in public sector employment. The time was ripe in the 1970s for formation of the Liberation Tigers of Tamil Eelam (LTTE) which emanated from depressed economic conditions and high unemployment among youthful militant Tamil groups. Despite periodic outbreaks of violence, some economic liberalization of policy in the late 1970s made Sri Lanka seem like a model developing country. Nevertheless, ethno-political tensions built up and resulted in violent conflict from 1983-87, mitigated by a brokered peace.[10] An Indian Peacekeeping Force (IPKF) stayed in Sri Lanka from 1987-90 and was drawn increasingly into the conflict. [11] Despite continuing negotiations, the LTTE adopted more violent tactics. Talks held in 1995, failed although most Tamil and Muslim groups have since been in dialogue with the government parties. The LTTE, however, continued guerrilla attacks including hostilities against other Tamil groups.[12]

The origin of child cadres in the LTTE can thus be traced to the ethnic riots in July 1983. Sparked by the LTTE these riots resulted in mass exodus of civilians to

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[9] This is a July 2004 estimate, *CIA World Fact Book,* "Sri Lanka", http://oceans.deas.harvard.edu/leslie/CIA /factbook/ geos/ce.html <accessed 13.10.2005>

[10] Kearney, Robert N.,"Ethnic Conflict and the Tamil Separatist Movement in Sri Lanka," *Asian Survey,* Vol.25, No. 9, September 1985, pp.898-917.

[11] On the Indian intervention in Sri Lanka see, Muni, S.D., *The Pangs of Proximity,* New Delhi, Sage, 1999.

[12] See, Effendi, Maria S., "Sri Lanka Peace Process – With and Without Mediation (1994 – to date)", *Regional Studies,* Winter 2002-2003, pp.89-122.

India. Prabhakaran, the LTTE Supremo selected Basheer Kaka from Trincomalee to establish a training base in Pondicherry, India for under-16 recruits. These cadres were given non-military training, mostly primary education and physical exercise. By early 1984, the nucleus of the Baby Brigade or *Bakuts* was thus formed. However, it was only after it declared war against the 100,000 strong IPKF in October 1987 that the LTTE began to seriously recruit children to its ranks. After the IPKF's withdrawal in March 1990, the LTTE continued to recruit children and women in unprecedented numbers.[13]

Essentially an insurgent guerrilla grouping the recruitment and training regimen followed by the LTTE is reflective of the rigor and inhumane treatment to which children are subjected in the name of fighting for "Eelam". At the centre of the child soldier debate is the mode of recruitment, whether forced or voluntary. The following discussion summarizes some of the factors which account for use of child soldiers by the LTTE and also seeks to answer the reasons why children have joined the LTTE ranks voluntarily.

The LTTE has recruited children into its ranks primarily to keep the supply line of the requisite manpower secure thus enabling the struggle for Eelam to continue. Secondly, as other militant outfits the LTTE recruit young children because they consume less, are obedient, fearless, and easily indoctrinated. Attributed with greater stamina they prove to be more agile and are better at surviving in the bush, tend to complain less, and follow directions without much resistance. Many commanders show particular preference for children due to their willingness to carry out suicide missions and human wave attacks. Children, who have experienced inhumane behaviour at the hands of government forces, and those vulnerable to the constant use of aerial bombing and shelling of civilian areas in the northeast, leading to loss of lives of their near and dear ones, often seek protection or revenge through

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[13] Gunaratna, Rohan "LTTE Child Combatants",www.lakhandi.itgo.com/child_soldiers.htm, <accessed 10.05.2005>

joining the LTTE. Some children may also join the military ranks for the challenge and excitement normally associated with military life and the power and prestige that comes with it. [14] Besides, when society breaks down under the weight of a prolonged conflict, children, who are driven from their homes, separated from family members, and with nowhere to go, often perceive joining an armed group, as their best chance of survival. In a war ravaged region where hunger and poverty are rampant, the children and their parents may often view soldiering as a path to material gains and a better life.

When considering the issue of whether compulsion or choice has informed the use of child soldiers by the LTTE, it seems that while the use of child soldiers by the LTTE may have begun out of various compulsions, namely as a response to the labour-intensive military strategy of the Government of Sri Lanka (GoSL)[15], due to the dwindling adult population in areas under its control; and also partly due to losses suffered in military encounters, displacement and refugee outflows. But over the years the LTTE organisation has evolved a systematic mode of recruitment and training hence illustrating the fact that persistence in use of child soldiers is informed by a conscious choice or preference.

LTTE Recruitment Strategies

The child recruitment system of the Tigers is sophisticated, using prominent places of congregation, schools, health campaigns, immunization sites, and festivals, religious or social gatherings for propaganda or enticement. The cult of martyrdom is emphasized among the children in general and each family is encouraged to contribute one child. Attention is drawn prominently to verses from the ancient Tamil literary collection, *Puranaanooru* (400 poems of war and wisdom) that romanticises

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[14] op.cit., Surendra Y.K., "Child Soldiers of the LTTE", *Indian Defence Review*, Vol. 18, No.3 July – September, 2003, p.32.

[15] Sarvananthan, Muttukrishnan, "Economic Imperatives for Peace in Sri Lanka, *Faultlines*, Vol. 15, 2003. pp.51-52.

mothers pride in anointing their sons and sending them to win glory or honourable death in war.[16] The other means employed to attract child volunteers include, display of cut outs and poster pictures of dead cadres, distributing cassettes of patriotic songs, organising photo exhibitions on atrocities committed by the Sri Lanka Army, incorporating the LTTE's version of history in school curricula with compulsory tests on them. Abduction is resorted to if the families fail to contribute their quota. To save their children many families flee to safer places far away under the control of the government.[17]

Training and Techniques

Gunaratna reports that a typical unit of children is trained for four months in the jungle. Their day begins early, usually woken at 0500 hrs they assemble, fall in line with their leader raising the LTTE flag. Following this comes two hours of physical training after which the recruits engage in weapons training, battle and field craft and parade drills. They read LTTE literature and perform physical training as well, with lectures on communication, explosive and intelligence techniques continuing well into the evening. There is no communication between the camp and the children's homes during the training period. There have been occasions when parents have been turned away from camps denying them the chance to visit their children. During training, sleep and food are regulated to build endurance. Recruits receive crew-cuts to ensure that deserters may be easily identified.[18] Tamil girls have their usually long hair cropped which later sets them apart and problematizes their reintegration into community life.[19] The LTTE code forbids liquor and sex and

[16] Manoharan, N., "Baby Brigades of the LTTE", www.ipcs.org/South_Asia_articles2.jsp?action =showView& kValue=1193&country=1016&status=article<accessed 12.04.2005>

[17] op.cit., Surendra Y.K., "Child Soldiers of the LTTE", *Indian Defence Review*, Vol. 18, No.3 July – September, 2003, pp.32-33; op.cit.,Subramanian, Nirupama, *Sri Lanka:Voices From a War Zone*, London, Viking, Penguin Group, 2005, p.177

[18] Gunaratna, Rohan "LTTE Child Combatants",www.lakhandi.itgo.com/child_soldiers.htm, <accessed 10.05.2005>

[19] On the role of women in the LTTE see, Alison, Miranda, "Cogs in the Wheel? Women in the Liberation Tigers of Tamil Eelam", *Civil Wars*, Vol.6, No.4, Winter 2003, pp.37-54.

offenders are punished with death. Homosexuality, which also occurs, is a punishable offence. [20]

Initially the children are used as guards, cooks and helpers and then as messengers and spies. Gradually they are inducted into the fighting forces firstly in battle field support functions and later in active combat. The children are given education in special schools aimed at indoctrinating them. The physical and psychological war training of children as a formidable lethal weapon is an innovation of the LTTE. The high point of LTTE achievement in this direction was the formation of the elite *Sirasu puli*, or *Leopard Brigade*. It is one of the LTTE's most fierce fighting forces. The members of the brigade were children drawn from LTTE-managed orphanages. [21] Within the LTTE ranks, this brigade is considered to be its most fierce fighting force.

International Legal Obligations of the LTTE

On the issue of child soldier recruitment and use the LTTE is bound under certain broad international legal standards. International humanitarian and human rights law as enshrined in the Additional Protocols to the Geneva Convention prohibit the recruitment of children as soldiers and in other combat-related roles. Protocol II to the Geneva Conventions of 1949, in particular is applicable to civil wars or non-international conflicts and prohibits states and non-state armed groups from recruiting children. Another applicable standard is the Rome Statute of the ICC, although the Sri Lankan government is not a party to the ICC Statute, LTTE members who are

[20] Op.cit., Gunaratna, Rohan "LTTE Child Combatants",www.lakhandi.itgo.com/child_soldiers.htm, <accessed 10.05.2005>; Surendra Y.K., "Child Soldiers of the LTTE", *Indian Defence Review*, Vol. 18, No. 3, July- September, 2003, pp. 32-33.

[21] One ready-made source for child soldiers is said to be the Chencholai (Red-Blossomed Gardens), a chain of orphanages set up by the LTTE. See Subramaniam, Nirupama, "The LTTE's Baby Brigade", *Frontline*, Vol.18, Issue 24, November 24-December 07, 2001, available online at http://www.hinduonnet.com/fline/fl1824/18240700.htm<accessed 18.06.2005>; op.cit., Manoharan, N.,"Baby Brigades of the LTTE", available online at www.ipcs.org/South_Asia_articles2.jsp?action=showView&_kValue=1193&country =1016&status=article <accessed 12.04.2005>

responsible for recruiting children under the age of 15 may still be criminally responsible for acts amounting to war crimes under international law. [22] In May 2004, the Appeals Chamber of the Special Court for Sierra Leone ruled that the prohibition on recruiting children below fifteen had crystallised as customary international law prior to 1996, citing the widespread recognition and acceptance of the norm in international instruments such as the CRC and the Additional Protocols to the Geneva Conventions. The Special Court for Sierra Leone also found that the individuals responsible for recruiting children under the age of fifteen bear criminal responsibility for their acts. [23]

Besides the LTTE has made numerous public commitments to end their recruitment and use of child soldiers. In May of 1998, during a visit to Sri Lanka by the Special Representative of the U.N. Secretary-General for Children and Armed Conflict, Olara Otunnu, the LTTE pledged not to use children below age 18 in combat and not to recruit children below the age of seventeen. [24] The LTTE reiterated this pledge to the then UNICEF deputy executive director, Andre Roberfroid, during his visit to northern Sri Lanka in February 2001. [25] In January 2003, UNICEF executive director Carol Bellamy visited Sri Lanka, securing yet another agreement from the LTTE to end child recruitment and use. [26]

[22] op.cit., "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka", *Human Rights Watch Report*, Vol. 16, No. 13C, 2004, http://www. hrw.org/reports/2004/srilanka1104/ - p.73, <accessed 19.07.2005>

[23] ibid., p. 74.

[24] Office of the Special Representative for Children and Armed Conflict, *Commitments*, http://www.un.org/special-rep/children-armed-conflict/English/Commitments.html <accessed 10.08.2005>

[25] UNICEF, "Sri Lankan Children in Crisis," press release, July 20, 2001, available on line at www.unicef.org/newsline/01pr61.htm < accessed on 15.09.2005>

[26] UNICEF, *Action Plan for Children Affected by War Progress Report 2003*, January 2004. www.unicef.org/emerg/files/Progress_Report_2003.pdf <accessed on 19.05.2005>

Efforts by National and International Agencies

Steps to prevent recruitment of child soldiers have been undertaken since the 1990s by various external and internal agencies. The former include the UNICEF, Amnesty International, Human Rights Watch and the Australian Government. The latter include the Sri Lankan Government, the University Teachers for Human Rights (UTHR), Jaffna and religious leaders. [27]

The UNICEF has been playing a vital role in preventing child recruitment by the LTTE, especially since 1998. It is involved in applying diplomatic pressure as well as the holding of one-on-one talks with the LTTE leaders. As a result of a series of such talks, the LTTE finally agreed to allow the UN to systematically monitor compliance with the measures recommended by the UNICEF. These measures included giving wide publicity to the minimum age of recruitment, not recruiting in or near schools and to take appropriate measures when a case of underage recruitment is reported, including the release of children under the ages of 17 years. The UNICEF is also involved in organising district level workshops and child rights training for the members of the LTTE. It even set up centres for rehabilitating children affected by war, which is being co-managed by international and national agencies. In 2003 the UNICEF was reportedly, in possession of 730 cases of child recruitment, which the LTTE largely denied. However, the UNICEF has neither been able to persuade the LTTE against child recruitment nor has it been particularly successful in securing the release of child soldiers recruited earlier. [28]

The London-based Human Rights Watch (HRW) and Amnesty International have also been appealing and trying to pressurise the LTTE to halt the ongoing recruitment of children as war combatants and release all child soldiers, women and

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[27] Surendra Y.K., "Child Soldiers of the LTTE", *Indian Defence Review*, Vol. 18, No. 3, July-September, 2003, p.33.

[28] op.cit., Ibid., pp.33-34.

farmers abducted from the streets and their homes. Australia is among the few countries, which have been actively campaigning for the release and return of child soldiers. The Australian Government has announced a financial grant of A$ 400,000 specifically for the rehabilitation of released child soldiers in Sri Lanka. They have requested the LTTE to release all child soldiers and to cooperate fully with all the ongoing efforts to assist former child soldiers in overcoming their traumatic experiences and re-joining their families and communities. However, Australia too has not been particularly successful in persuading the rebels to stop recruitment of child soldiers.

Even the religious and secular leaders and organisations like the Ramakrishna Mission, the Methodist Church and non-governmental organisations, especially the Batticaloa Peace Committee have, from time to time, been negotiating with the LTTE leaders to persuade them against compulsory child recruitment. Unfortunately, here too talks failed to fructify due to the LTTE's rigid stand and complete denial of allegations of forced recruitment. In fact, the LTTE has all through been denying forced recruitment and instead claims that the parents were giving their children to the LTTE voluntarily.[29]

The University Teachers for Human Rights (UTHR), Jaffna, too has been campaigning hard against recruitment of child soldiers in Sri Lanka. It was the only human rights organization in Sri Lanka that consistently endeavoured to force the issue of child conscription by the Tigers out into the open. They monitored and documented violations of human rights of Tamil people in the north-east, whether by the armed forces or by the Tigers. In a 2000 report the UTHR described teams of recruiters going to schools and holding 'current affairs' classes. The current affairs topic was the LTTE victory at Elephant Pass in which they projected the beach

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[29] Ibid., p. 34; Nirupama Subramaniam "The LTTE's Baby Brigade", *Frontline*, Vol.18, Issue 24, Nov. 24-Dec07, 2001, available online at http://www.hinduonnet.com/fline/fl1824/18240700.htm <accessed 18.06.2005>

landing of 1400 LTTE cadres north of Elephant Pass as one of the world's most remarkable military feats. [30]

The Sri Lankan government has been trying to prevent child recruitment by the LTTE forces. From time to time, the government has been raising its concern over child conscription by the LTTE at various peace talks, as well as national and international fora, the government has been persuading the international community to not only take this issue seriously but also pressurise the rebels to stop recruitment.[31] While the previous Peoples Alliance (PA) government had addressed the issue of child soldiers, its main focus was on essentially exposing the LTTE on child soldiering rather than ameliorating the problems of the affected children. The later United National Front (UNF) government did constitute a National Child Protection Authority (NCPA) in 1999 chaired by Prof. Harendra de Silva however it has not proved very effective. Critics point out that it caters to too broad a mandate, and hence urge the inception of a more specialized body to specifically address the issue of child soldiers. [32]

Both the NCPA and the National Human Rights Commission (NHRC) are independent agencies established by the government. These agencies in different ways have the mandate to investigate and report on the problems of child recruitment but insufficient funding and inadequate government support for their activities act as constraints on their effectiveness.[33]

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[30] op.cit.,Subramanian, Nirupama, *Sri Lanka:Voices From a War Zone*, London, Viking, Penguin Group, 2005, pp.173-174.

[31] Sambandam, V.S., "Stop recruiting child soldiers, Chandrika appeals to LTTE", *The Hindu*, 4, February , 2003; Cherian John, "A President's Concern", *Frontline*, Vol.20,Issue 09, 2003, available online at http.//www.flonnet.com/fl2009/stories/20030509001305200.htm <accessed 12.09.2005>

[32] Manoharan,N.,"Child Soldiers: Baby Brigades of the LTTE", http://www.ipcs.org /South_Asia_articles2.,jsp?action=showView&kValue=1193&country=1016&status=article&mod =a <accessed 12.04.2005>

[33] For a comprehensive overview on the working of the NCPA, see, *Annual Report*, 2002-2003, http://www.childprotection.gov.lk/pdfs/200203AnnualRep.pdf <accessed on 14.10.2005>

In recent years, as part of the peace moves and the subsequent ceasefire agreement the issue of child soldiers has received worldwide attention. In fact, the issue of child soldiers and their DDR became a significant theme of the peace process. As a result the LTTE was compelled by the international community to fulfil its commitments towards releasing child soldiers and formulating policies for rehabilitating former child soldiers. The following section analyses how the dynamics of peace conditionality[34] operated in the Sri Lankan peace process, it tries to locate the issue of child soldiers within the broader debate on peace building and donor participation.

Peace Building and Donor Dilemma

In December 2001, the LTTE and the government announced a cease-fire; this was followed by a ceasefire agreement brokered under the aegis of a Norwegian government facilitation team in February 2002. Six rounds of peace talks were held between February 2002 and April 2003; however the process reached a stalemate in 2003.[35] Following the April 2004 general elections, several attempts were made to restart the peace talks suspended in 2003, but with little success.[36] This impasse has been tested of late with the LTTE threatening to resume war[37], while the new President Mahinda Rajapakse mulls over how to sustain the peace. As part of his election manifesto Rajapakse has promised a revision of the cease-fire agreement (CFA) to make it less susceptible to violation[38], before examining the present

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[34] Peace conditionality is an emergent concept within the discourse on peace building. See here Boyce, James K.,"Aid Conditionality as a Tool for Peacebuilding: Opportunities and Constraints," *Development and Change*, Vol. 33, No. 5, November, pp. 1025-1048.

[35] See Bullion, Alan, "A Rocky Path to Peace", *Indian Journal Of Asian Affairs*, Vol.16, 1-2, June-December, 2003, pp.137-144.

[36] For a version of the peace process from the rebel's perspective see, Balasingham, Anton, *War and Peace: Armed Struggle and Peace Efforts of the Liberation Tigers*, London, Fairmax Publishing Ltd., 2004.

[37] Sambandan,V.S.,"LTTE seeks reasonable political framework by next year", *The Hindu*, 28 November, 2005; http://timesofindia.indiatimes.com/articleshow/msid-1315308,curpg-1.cms <accessed on 11.10.2005>

[38] Sambandan, V.S.,"President Rajapakse's Quest for Peace", Editorial, *The Hindu*, 28 November, 2005.

situation, however one needs to recapitulate how the child soldier issue came to be a central theme of the peace process in the first place.

Before delving into the dynamics of peace, it will be instructive to examine the provisions of the CFA most pertinent to the issue of child soldiers. These can be listed as follows-

- Both parties are to refrain from hostile acts against the civilian population, including torture, intimidation, abduction, extortion, and harassment; (Article 1.2a)

- All unarmed LTTE members are permitted freedom of movement into areas under government control, including for political work; (Article 1.13)

- A Norwegian led Sri Lanka Monitoring Mission (SLMM)[39] is to monitor compliance with the cease-fire agreement by both sides.[40] (Article 3)

Analysts argue that the CFA in retrospect appears to be premised on the assumption that continued violence had resulted in a "hurting" military stalemate; this in turn compelled the State and the LTTE to go for a ceasefire and commence negotiations.

The two years of "negotiations" witnessed a process which can best be described as "appeasement" in relation to the LTTE. The strategy of the United National Front (UNF) Government stressed on keeping the LTTE at the table at "all cost", whilst banking on the "international security net" to come to its help if things went awry. Human rights concerns were relegated to the backburner in negotiations; hence the issue of child abductions and continued recruitment has been dealt with

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[39] Other members of the SLMM are Denmark, Sweden, Finland and Iceland, for a detailed discussion on the ceasefire agreement see, "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka", *Human Rights Watch Report*, Vol. 16, No. 13C, 2004, http://www.hrw.org/reports/2004/srilanka1104/,p.73, <accessed 19.07.2005>

[40] For full text of the CFA go to http://www.usip.org/library/pa/sri_lanka/pa_sri_lanka_02222002.html <accessed 13.09.2005>

quintessentially as a soft issue. Incidentally the period since the CFA also saw a strong commitment on part of the international community for the peace process in Sri Lanka, especially with respect to monitoring efforts pertaining to the security principles laid out in the CFA.[41]

Another aspect to donor involvement pertained to the much vaunted strategy of peace conditionality which has been clearly invoked in Sri Lanka. The idea that aid can be used as a lever for ensuring progress and compliance with negotiated peace processes is well exhibited here. But the important question which has larger implications for strategies of peace building is how effective has this approach been?

At the Sri Lanka Donor's Conference held in Tokyo in June 2003, the international community jointly pledged a total of U.S. $ 4.5 billion in post-war reconstruction and development aid to Sri Lanka. The conference was co-chaired by Japan, Norway, the United States, and the European Union.[42] The Declaration went on to list ten objectives and milestones which it would use to measure the progress. The end of under-age recruitment by the LTTE was set out as a milestone by which the progress of a political settlement would be measured.[43] In spite of this explicit linkage, the donors were, until recently, largely silent on the recruitment of child soldiers. They have grown more vocal in the face of the LTTE's blatant impunity. The co-chairs of the Donor Conference, the EU and the US, released a statement on 1 June, 2004, in which they again reiterated the call for under-age recruitment as an

[41] Loganathan, Kethesh, "On Re-Thinking the Peace Process: Balancing Continuity with Change", *Discussion Note*, Presented at the Closed-Door Discussion on "Peace Process: What Next?" on 21st May, 2004, available online at http://www.cpalanka.org/research_papers/ Re-Thinking_The_Peace Process.doc < accessed on 13.10.2005>

[42] Tokyo Conference on Reconstruction and Development of Sri Lanka, June 9-10, 2003, Japan Ministry of Foreign Affairs. See http://www.mofa.go.jp/region/asia-paci/srilanka/conf0306/ <accessed 10.06.2005> A total of fifty-one countries and twenty-two international organizations attended the Conference.

[43] Declaration of the Tokyo Conference; Government of Sri Lanka, "Tokyo Donor Conference Ends," June,11,2003,
http://www.priu.gov.lk/news_update/Current_Affairs/ca200306/20030611tokyo_donor_ conference.htm <accessed on 13.07.2005>

abiding problem. The US also released a statement on 10 October, 2004, in which it called on the LTTE to stop recruiting child soldiers.[44]

In fact a draft titled 'Basic Principles for Peace and Development' was formulated by the donors in April, 2003 in Colombo. Among its key components was the full implementation of the CFA. This implicitly also indicated a ban on the recruitment and conscription of children, abductions, extortions in the name of taxation and assassination of political opponents by the LTTE and so on. Though not on the agenda at the Washington conclave, the document was to figure at the Seventh round of talks that the LTTE eventually boycotted.[45]

In so far as the explicit linkage between the child soldier issue and the peace process is concerned, it was the fifth round of peace talks between the LTTE and the Sri Lankan government held in Berlin on the 7-8th February, 2003 which brought a ray of hope for demolition of the 'baby brigade' and the end of child recruitments into the LTTE. Constant concerns since the ceasefire regarding continuing recruitment of children into the "baby brigade" within the LTTE prompted a more pro-active approach. Moreover immense international pressure, especially from UNICEF and the SLMM, together with President Kumaratunge's widely publicized letters to the army and the police to investigate child abductions by the LTTE, saw the issue of child soldiers emerging as one of the central themes of this round of peace talks. According to Norwegian officials facilitating the talks, LTTE senior officials guaranteed that there would be a "complete cessation of recruitment of, and recruitment campaigns aimed at persons under eighteen". [46] This pledge strengthened previous LTTE

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[44] "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka", *Human Rights Watch Report*, Vol. 16, No. 13C, 2004, http://www. hrw.org/reports/2004/srilanka1104/,p.72, <accessed 19.07.2005>

[45] Jeyaraj, D.B.S.,"In dread of democracy", *Frontline*, Volume 20 - Issue 12, June 07 - 20, 2003, available on line at http://flonnet.com/fl2012/stories/20030620006100900.htm<accessed on 15.09.2005>

[46] Asia Human Rights Commission, "Sri Lanka: The Legacy of Child Soldiers in the LTTE," *Asia Child RightsWeekly Newsletter*, vol. 02, no. 07, February 12, 2003, http://acr.hrschool.org/mainfile.php/0114/ <accessed 18.09.2005>

commitments by establishing eighteen not only as the LTTE's minimum age for combat, but also for recruitment.[47]

In March 2003, the LTTE and UNICEF issued a joint press release pledging to develop an action plan on children affected by war. In April 2003, 75 participants from the LTTE, the government of Sri Lanka, UNICEF, and other international agencies met and agreed on a ten-point Action Plan for Children Affected by War (Action Plan), an initiative costing over 14 million U.S. dollars. Under the plan, which was officially signed in June 2003 by both the LTTE and the government, LTTE officials pledged again to end child recruitment, and to release child soldiers who were in LTTE custody. The Action Plan is to be implemented by UNICEF, Tamil Rehabilitation Organisation (TRO), Save the Children, the United Nations Development Programme (UNDP) and the International Labour Organisation.[48]

The Action Plan is based on the Guiding Principles of the best interests of the child, and on the notion of children being with their families. It provides important avenues for a coordinated approach by both U.N. agencies and NGOs to address some of the underlying issues that facilitate child recruitment or inhibit the reintegration of former child soldiers, including access to education, vocational training, and child rights awareness raising. A main part of the Action Plan involved the establishment of a mechanism for the release and reintegration of LTTE child soldiers through temporary transit centres in Kilinochchi and Batticaloa in the north-east, and Trincomalee in the eastern province. These three transit centres were envisaged as reception points for children released by the LTTE. They would be co-managed by

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[47] "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka", *Human Rights Watch Report*, Vol. 16, No. 13C, 2004, http://www. hrw.org/reports/2004/srilanka1104/.p.48, <accessed 19.07.2005>

[48] "Call to increased action for Sri Lanka's war affected children", *News Note*, Colombo, UNICEF, www.unicef.org/media/media_19036.html <accessed on 13.09.2005>

United Nations Children's Emergency Fund (UNICEF) and the TRO, which is effectively the humanitarian arm of the LTTE.[49]

The Action Plan also included other provisions such as child rights training for the LTTE, government armed forces, and communities; a monitoring mechanism administered by UNICEF for children in the North and East; and programs providing micro credit, vocational training, education, health and nutritional services, and psychosocial care. According to UNICEF the children are to be assessed at the transit centres for background information and also to gauge the impact of psychological damage after being in a military environment while with the rebels. Then they are to be reunited with their families after a rehabilitation process for both youngsters and relatives monitored by Save the Children social workers.[50]

In its Progress Report on the Action Plan released in January 2004, UNICEF, Colombo reported that in 2003 'catch up' education programmes reached 23,500 children, a total of 244 school buildings were refurbished and the recruitment of teachers to address the deficit has begun. The ILO had established vocational training capacity and the UNDP had systems in place for micro-credit schemes. The Ministry of Social Welfare in Sri Lanka was also noted to have expanded its capacity on probation and child care. Importantly Save the Children was providing social work support and follow up reporting on former child soldiers, which forms an essential part in ensuring their reintegration and rehabilitation with estranged families and communities. The TRO has been engaged with specific categories of vulnerable children such as street children.[51] But the plan has drawn fire from the state-owned National Child Protection Authority (NCPA) and unnamed non-government groups, which have raised doubts about the credibility of these centres that they called virtually run by the Tamil Tiger guerrillas. Particularly problematic is the involvement

[49] See *Action Plan for Children Affected By War - Progress Report 2003*, UNICEF, available online at www.unicef.org/emerg/files/Progress_Report_2003.pdf, pp. 1-10 <accessed on 13.08.2005>

[50] Ibid.

[51] "Call to increased action for Sri Lanka's war affected children", *News Note*, Colombo, UNICEF, http://www.unicef.org/media/media_19036.html <accessed on 13.09.2005>

of the TRO which is a social services organisation based in Kilinochchi, one widely believed to be run by the rebels. It has repeatedly denied allegations that it has links with the LTTE. However there is sufficient evidence to the contrary.[52]

Monitoring of the implementation of the Action Plan was envisaged to be undertaken by a Steering Committee comprised of the TRO and the Department of Probation and Child Care Services, and facilitated by UNICEF. The Steering Committee is required to provide formal updates on the progress of the Action Plan on a quarterly basis to the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN).

It seems the Action Plan was to be discussed at the Seventh Round of Talks to be held at Thailand, from which the LTTE withdrew in the aftermath of its boycott of the Tokyo Donor Conference. Hence further progress in this respect has been stalled by the stalemate which the peace process has reached.[53]

LTTE's Failure to Meet its Commitments

The LTTE on its part has repeatedly failed to meet its commitments to end its recruitment and use of children. Recruitment of children has continued during the cease-fire, and actually increased in government controlled areas. In March 2004, the eastern commander of the LTTE, V. Muralitharan, popularly known as Col. Karuna, broke away from the LTTE. He denounced Prabhakaran and the northern (or Vanni) dominated LTTE leadership, stating that the LTTE discriminated against the eastern Tamils and sacrificed the interests of the East in favour of the North. The defection of Karuna was a serious blow to the LTTE, which has always kept extremely tight

[52] "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka", *Human Rights Watch Report*, Vol. 16, No. 13C, 2004, http://www.hrw.org/reports/2004/srilanka1104/,pp.30-32, <accessed19.07.2005>; http://www.island.lk/2000/10/26/news02.html <accessed 15.10.2005>

[53] "Government and LTTE agree on action plan for children", UNICEF Press Release, www.unicef.org/media/media_7159.html <accessed on 14.09.2005>

control over its commanders.[54] In April, shortly after national parliamentary elections, the Vanni LTTE attacked the approximately 6,000 soldiers under Col. Karuna deployed in the East. The fighting was fierce but short; combat deaths suggested that many child combatants were involved. Sensing defeat, Karuna disbanded his forces and went into hiding. Among those disbanded from his forces were thousands of children who had either "volunteered" to join the LTTE or who had been forcibly recruited. This split within the LTTE ranks had repercussions on the child soldier issue. The release of all these eastern cadres, including many children, resulted in massive and unique protection needs that caught local and international agencies unprepared.[55]

At the same time, the number of releases of children – both to the transit centers and directly to families – has fallen far short of the numbers anticipated under the Action Plan. Between January 2002 and November 1, 2004, UNICEF documented a total of 4600 cases of under-age recruitment. During the same period, the LTTE released only 1208 children from its forces. Even after the Action Plan went into effect, from June 2003 through September 2004, the number of new cases of recruitment or re-recruitment was more than double the number of children released. As of November 1, 2004, of the cases of child recruitment documented by UNICEF, 1395 cases were still outstanding. Many of these individuals are presumably still with the LTTE.[56]

As part of UN efforts to develop systematic documentation of abuses against children in conflict situations, databases on abduction in Uganda and on recruitment in Sri Lanka, has been developed by UNICEF.[57] The database in Sri Lanka can be

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[54] "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka", *Human Rights Watch Report*, Vol. 16, No. 13C, 2004, http://www. hrw.org/reports/2004/srilanka1104/,pp.30-32, <accessed 19.07.2005>

[55] Ibid.

[56] Ibid., pp.50-51.

[57] Children and Armed Conflict, *Report of the Secretary-General*, A/59/695–S/2005/72, 2005 www.un.org/special-rep/children-armed-conflict/Download/S-2005-72-A-59-695e.pdf,p.15, <accessed 11.08.2005>

viewed as a first in providing viable monitoring and reporting mechanisms in countries where DDR of child soldiers is under way. As the table below illustrates the LTTE's promises on releasing child soldiers from its ranks have not been corroborated in practice. After the LTTE's initial release of forty-nine children in October 2003, (Table 4.1) the number of children released to the transit center dropped significantly. In its first year of operation, the center received a total of only 172 children. Transit center staff told Human Rights Watch that although the center has the capacity for one hundred children, it had never held more than forty-nine, and for the six weeks between June 14 and July 29, 2004, the center was completely empty.[58]

Table 4.1

Reported Recruitment and Release of Children by the LTTE in 2003

2003	Number of reports of children recruited by LTTE	Number of reports of children released directly to their homes by LTTE	Number of children released to transit centre by LTTE
January	120	15	
February	36	21	
March	30	6	
April	32	11	
May	39	4	
June	66	15	
July	51	12	
August	87	5	
September	115	9	
October	102	21	49 (transit centre opens)
November	17	22	-
December	14	6	6
Total	709	147	55

*Source: *Action Plan for Children Affected By War - Progress Report 2003*, Colombo, UNICEF, p.4. [59]

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[58] "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka", *Human Rights Watch Report*, Vol. 16, No. 13C, 2004, http://www. hrw.org/reports/2004/srilanka1104/.p.50, <accessed 19.07.2005>

[59] available online at www.unicef.org/emerg/files/Progress_Report_2003.pdf ,p.4<accessed on 13.08.2005>

Importantly the profile of children the LTTE has released to the transit centers also suggests that they are not fully integrated members of the LTTE, or may even be recruited solely for the purpose of being released to the transit center. According to UNICEF, nearly 70 percent of the children released to the transit center have been with the LTTE for less than four months. Some were recruited only weeks or even days before their release. Both UNICEF and Save the Children believe that at least some of the children released were those that the LTTE no longer wanted, perhaps because of difficulties during training, or medical or disciplinary problems.[60] This Report seems to be authentic although slightly dated, however its main drawback lies in presenting only one perspective namely that of the UNICEF. There is no other basis for confirming the figures, besides no official estimates on the child soldier issue have been released by the Sri Lankan government. The Table 4.2 below provides an insight into the problem of under-age recruitment as recorded by UNICEF early in 2005.

Table 4.2

Under-age Recruitment as of 31st January 2005

Total under age recruitment cases known to UNICEF	4811
Sub-Total: Boys	2772
Sub-Total: Girls	2030
Total Released Cases	1239
Sub-Total: Released Transit	173
Sub-Total: Released Home	1055
Total Reunified Cases (From Transit Center)	171
Ran Away Cases	580
Returned Cases	1751
Deceased Cases	8
Total Outstanding Cases(including re-recruitment)	1452
Sub-Total: Boys	913
Sub-Total: Girls	530

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[60] "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka", *Human Rights Watch Report*, Vol.16, No.13C, 2004, http://www. hrw.org/reports/2004/srilanka1104/,pp.50-51,<accessed 19.07.2005>

	Total
Cases Recruited in January 2005	29
Case Re- Recruited in January 2005	4
Case Released Home January 2005	2
Cases Released to Transit January 2005	0
Cases Reunified from Transit Center to the Community in January 2005	0
Cases Ran Away in January 2005	12

*Source http://www.essex.ac.uk/armedcon/story_id/000223.pdf, p.1<accessed 11.06.2005>

Future of the Child Soldier Issue

In the post-tsunami period there were widespread reports on the LTTE recruiting tsunami orphans[61], this was compounded by the indictment through the Secretary-General's fifth report on Children and Armed Conflict. It comes at a time when the rebel grouping has been inching towards international acceptance and recognition and has important implications for the LTTE child soldier problem. The LTTE may have to face international sanctions, if Kofi Annan's recommendations are strictly adhered to by the international community. The Secretary General has recommended the Security Council take targeted and concrete measures against parties named by him, including the LTTE where insufficient progress on resolving the child soldier issue has been made. The measures suggested by him include the imposition of travel restrictions on leaders and their exclusion from any government

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[61] "Calamity and Conflict", Op-Ed, *The Hindu*, 25 January 2005; On the impact of Tsunami on LTTE, see Smith, Chris, "Tamil Tigers face tough choices in wake of Tsunami", *Janes Intelligence Review*, Vol.17, No.3, March 2005, pp.36-39. See also, Ghosal, Baladas, "Political and Security Situation in Post-Tsunami Sri Lanka, *Asian Defence Journal*, Vol. 1&2, 2005, pp.4-8.

structures and amnesty provisions the imposition of arms embargo, a ban on military assistance and restriction on the flow of financial resources to the parties concerned.[62]

Significantly the EU has recently imposed a travel ban on leaders of the LTTE. The EU decision came in the wake of its condemnation of the recent killing of Sri Lanka's Foreign Minister Lakshman Kadirgamar, its statement however also harped on its concern over the continuing recruitment and retention of children by the LTTE, a practice described as "abhorrent". This ban can be interpreted as a follow up on the Secretary General's recommendations.[63]

In conclusion it seems that the growing international consensus on the inappropriateness of child soldier recruitment and use has come in recent years to figure prominently as part of peace-building agendas involving efforts at reconstructing and rehabilitating war-torn societies. In Sri Lanka too efforts have been made as part of the peace process to address the blatant violation of child rights that this phenomenon underpins. This has made the issue of child soldiers contingent on the success of the peace process. What needs to be explored however is whether decoupling of the two strands is possible and if undertaken whether it could prove more productive in resolving the issue of child rights violation and abuse in the Sri Lankan context.

Given the systematic mode of recruitment, training and use clearly the LTTE view child soldiers as providing unique advantages. However the constant allegations and complaints of child soldier re-recruitment and fresh recruitment and also the nature of released cadres i.e. mostly less integrated members is disconcerting. This trend seems to suggest that cooption of children into LTTE ranks in blatant violation of international, national law, and publicized commitments could be part of a broader

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[62] Sambandan, V.S., "Setback for the Tigers", *Frontline*, Vol.22, Issue 05, February 26-March 11, 2005, available online at http://www.flonnet.com/fl2205/stories/20050311000205700.htm <accessed 15.03.2005>

[63] http://www.spur.asn.au/EU_Declaration_on_LTTE_26_Sept_2005.htm <accessed on 20.10.2005>

strategy? The question which arises is whether the LTTE is preparing for war and also how committed it is to peace. This strategy of constantly augmenting its ranks with fresh recruits has been complemented with the growing political ambitions of the LTTE. Besides it is widely felt that the Sri Lankan government has not done enough to protect Tamil children. This in built double standard is in a way reflective of a fractured polity and estranged social fabric.

In the LTTE case, we find demobilization of child soldiers was envisaged as part of the peace process, and concrete measures were undertaken largely on account of international pressure. It entailed involvement of international agencies, INGOs, and national humanitarian organisations. However the process as envisaged was heavily dependent on LTTE's release of child cadres. Although the period since the ceasefire agreement was one of no war, one finds that the peace is not secure and the possibility of renewed conflict remains. Clearly in such a situation the international norms are not stringent enough to enforce a compulsive release and rehabilitation of child cadres from the ranks of a non-state rebel group like the LTTE. Hence one finds that the international response in the LTTE case has been successful to an extent but has not been able to enforce its will to coerce the LTTE to act entirely in compliance with internationally evolved normative framework for child soldiers.

As far as the Sri Lankan peace process is concerned Sambandan analyses that international pressure for re-starting negotiations in the aftermath of the LTTE's formal decision to pull out of the peace talks has been inhibiting the process and could prolong the impasse. The country's unitary Constitution does not provide for the kind of interim administration that the LTTE's has consistently demanded and considers it's realisation as a core issue.[64] With the election of Mahinda Rajapakse as President the forces in favour of peace have suffered a major setback. The federal solution as envisaged by Chandrika Kumaratunga has been consistently denounced by opposing

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[64] Sambandan, V.S., "Peace Process on the brink", *Frontline*, Vol.20, Issue 12, June 07-20, 2003, available online at www.flonnet.com/fl2012/stories/20030620006600400.htm<accessed on 12.03.2005>

political forces. Today the Sri Lankan polity stands at the crossroads. The future of the peace process is uncertain and ambiguous at best. Against this backdrop the issue of child soldiers has come to be neglected and the international response in terms of naming and shaming will have to prove much more stringent to make a dent in the deliberate strategy of child soldier recruitment and use by the LTTE.

Chapter Five

Conclusion

As an inseparable adjunct to the changing nature of warfare in a rapidly globalizing world, the law and ethics of war have come to be punctuated by calculations and practices that pose significant challenges to traditional notions of combat and combatants. While such an inevitable deconstruction has come to reconfigure established perceptions of the warrior's honour in the discourse on military studies, these developments at the same time have sprung new and palpable challenges to the realms of civilian rights and security.

In the myriad internal and civil wars which dot the conflict map today, commanders see children as cheap, compliant, and effective fighters. This has engendered the evolution and praxis of a distinct military doctrine wherein the systematic cooption and exploitation of youth provides the basis for sustaining guerrilla and revolutionary movements. Besides, this also stands in stark contrast to the established ideas about war and children's participation in warfare. While the international community and organisational agencies have invoked a rights-based approach to counter this blatant violation of human security the mechanisms evolved to address this challenge has its limitations.

Those who use children as part of their military strategy are informed by a systematic choice. They may be unlikely to stop recruiting child soldiers or demobilize their young fighters unless they perceive that the benefits of doing so outweigh the military advantage the children provide, or that the costs of continuing to use child soldiers are unacceptably high. This study reveals that the international response to the problem of child soldiers has primarily adopted a legalistic approach, widening the ambit of law by framing newer legal codes and treaties.

Apart from the legal norms, efforts and campaigns by international human rights groups have essentially underlined the need for an international consensus on de-legitimising and stigmatising the issue of under-age recruitments. Despite the much touted international legal framework that exists to protect children, and uphold human rights, supplemented by the international law to combat terrorism, children slip through the gaps.

As the international response stands today, in theory, the benefits of ending child soldier use can include an enhanced reputation and legitimacy within the international community, and practical support for rehabilitation of former child soldiers, including educational and vocational opportunities. Possible negative consequences of continued child soldier use can include "shaming" in international fora and the media, restrictions on military and other assistance, exclusion from governance structures or amnesty agreements, and prosecution by the International Criminal Court or other justice mechanisms. In practice, however, the use of child soldiers has all too often failed to elicit action by the international community, apart from general statements of condemnation. Conversely, when armed forces or groups do improve their practices, benefits have also frequently failed to materialize. Governments and armed groups at best receive public attention for commitments to end use of child soldiers. Concrete support for demobilization and rehabilitation efforts however, often does not follow and resource shortfalls tend to make follow through on promises impossible.[1]

The Security Council's "name and shame" strategy too has yet to yield concrete results. From late 2002 to mid-2003, the list of violators which forms part of the Secretary General's Report on Children and Armed Conflict has actually expanded with the addition of both governmental and opposition forces in Côte d'Ivoire and additional parties to the conflicts in Burundi, DRC, and Liberia. Despite

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[1] op.cit., Becker, Jo, "Children as Weapons of War", *Human Rights Watch World Report, 2004*, available online at http://www.hrw.org/wr2k4/11.htm <accessed on 15.03.2005>

this several of the parties included in the Secretary-General's list or report significantly escalated their use of child soldiers during 2003. These include both government and opposition forces in Liberia, the Union des Patriotes Congolais (UPC) and other armed groups in the DRC, and the Lord's Resistance Army (LRA) in Northern Uganda.[2] (See **Appendix I and II**)

If the international community is serious about ending the use of child soldiers, it needs to build on the successes of the past five years, but with a sober eye for the obstacles that have stymied further progress. Renewed progress will depend on clearly and publicly identifying the responsible parties; providing financial and other assistance for demobilization and rehabilitation; and, most importantly, ensuring that violators pay a price should they continue to recruit and deploy child soldiers.[3]

The international community's efforts on the protection of children in armed conflict can be best described as a mixed discourse, which juxtaposes rhetoric in favour of the protection of children in armed conflict with the (counter) discourse on the lack of concrete commitment from world leaders. A superficial reading may thus generate the strange impression that the international community commits itself to protect children in armed conflicts while simultaneously castigating itself for its lack of commitment. Such a perception is partially due to the ubiquitous nature of the 'international community' itself. Indeed, one of the fundamental characteristics of this community is that it is generally an anonymous entity (without a face) when it makes promises and pledges commitment; however, when the time comes to fulfil its promises and implement its decisions, the international community suddenly becomes endowed with an institutional face. Hence the curious feeling that the international community is both pledging to give a better future to every child and reproaching itself for falling short of this great promise.[4]

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[2] Ibid.

[3] Ibid.

[4] Anatole Avissi, "Protecting children in armed conflict: from commitment to compliance", *Disarmament Forum*, No.3, 2002, p.3.

What then explains this inherent double speak? In one reading this ambiguity stems essentially from the nature of international law and manner of conduct of international diplomacy. In multilateral diplomacy, promises are made and decisions are generally taken by leaders episodically meeting for a few days (and usually eager to conclude the deliberations as soon as possible and return home). But the implementation of these decisions is left to the international community's legitimate institutional representatives (the United Nations system for instance), which are unable to achieve anything unless the authors of these promises and decisions give the implementing institution the appropriate means and resources.[5]

The recent history of efforts aimed at protecting children in armed conflict shows that conciliatory discourses and good intentions are not enough. Actions must speak as loud as words. However words, when used, must be compatible with circumstances. As shown by the experience in Sri Lanka, those killing and brutalizing children on the battlefields are not innocents themselves. A clear and strong message must be sent to actual and potential child victimizers that the world will no longer remain immobilized when faced with gross violation of children's rights in times of armed violence.[6] Strong and meaningful indications have to be sent – and followed up with action when necessary – that there be no justification of the deliberate brutalization or killing of a child on the battlefield. The victimization of children in armed conflict must cease to be considered as something 'merely regrettable'. It is absolutely imperative that it is recognised as intolerable and those who practice this form of child abuse must be held accountable.[7]

Ending the use of child soldiers demands strategic and sustained efforts by national, regional and international actors, utilizing and strengthening the tools and

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[5] Ibid., pp.3-4.

[6] op.cit., Geist David, "Innocence Lost: The Story of Child Soldiers", available online at http//:www.princeton.edu/~dgeist/Child%20Soldieressay.pdf, p.7 <accessed 10.04.2005>

[7] op.cit., Singer, P.W., "Talk Is Cheap: Getting Serious about Preventing Child Soldiers", *Cornell International Law Journal*, Winter 2004, available online at http://www.brookings.edu/views/papers/singer/20041201.htm<accessed 11.09.2005>

norms that have developed over the past few years. Pressure to adhere to the standards set by these conventions need be applied to both state and non-state actors through careful monitoring by UN agencies, non–governmental organisations and international media. On its part the UNSC has in recent years sought to act upon its commitment and continued condemnation of the illegal recruitment and use of children in armed conflict, the Secretary General's latest report envisages a formal, structured monitoring, compliance and enforcement regime, which seek to enforce what the Special Representative for Children and Armed Conflict Olara Otunnu has claimed, should be an era of application. This year marks the nascent beginnings of a more adequate, full proof structure for monitoring compliance to formal commitments and legal standards by rebel groups in particular. These factions have succeeded in augmenting their ranks by a systematic exercise of the child soldier doctrine. Today with fidayeen and suicide squads of terror outfits increasingly co-opting youth for political purposes raises the spectre of a major international security problem. These transnational terror networks are not confined in their modus operandi to any particular geographical sphere and hence require careful monitoring and more stringent norms to ensure adequate counter responses to this burgeoning threat.

The soft issue of child soldiers has today become a hardcore national security problem for many states which has wider ramifications for regional security in South Asia. Several cases of increasing use of child soldiers are evident in the region for instance the Maoist insurgency of Nepal, India's north east, besides Myanmar has an established history of child soldier use by government forces. Today South Asia is exhibiting danger signals and provides interesting ground for testing international norms and best practices. It will be instructive to examine against this backdrop whether there can be one best, widely accepted approach to dealing with and countering the problem. The Sri Lanka case also testifies to the fact that in South Asia children like in Africa may become increasingly vulnerable to recruitment, unless effective prohibitions and more stringent application of norms are in place. It is

imperative to secure the lives of millions of children who are displaced, poor and embittered in conflict zones in the region.

The continuing pressure by the U.N. to induce the LTTE to fulfil its commitment is more the exception than the rule. It marks the beginnings of a more adequate and full proof response to the real yet often obscure threat posed by the cooption of youth and children into armed groups, militias and paramilitaries. The LTTE case has demonstrated that the practice of addressing demobilization and reintegration needs of child soldiers as part of peace building agendas can in fact complicate the execution of DDR. Making the release of child cadres contingent on the whims of rebel groups and using the tool of aid as a lever for compliance to norms and commitments can prove problematic and futile. Child soldiers have to be compulsorily demobilized from the ranks of rebel and government forces by enforcing legal prohibitions more stringently. The international response must be more effective at the preventive stage while committing greater resources to the post conflict reintegration needs.

To succeed prevention efforts need essentially to work towards structural changes that address poverty and oppression, which remain fundamental sources of armed conflict and of much child soldiering. Connections must also be built between children's rights, arms transfers, and militarization, issues that the peace community and the world at large have tended to address in a fragmentary manner. Only a holistic approach will succeed in ending child soldiering and in building healthy social systems that protect children and orient them toward peace.[8]

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[8] op.cit., Wessels, Mike, "Child Soldiers", *Bulletin of Atomic Scientists*, Vol. 53, No. 6 November/December 1997, p.39.

Appendix I

Annex I to the Report of the Secretary General on Children and Armed Conflict, S/2005/72, 9 February, 2005

List of parties that recruit or use children in situations of armed conflict on the agenda of the Security Council, bearing in mind other violations and abuses committed against children

Parties in Burundi

1. Conseil national pour la défense de la démocratie (CNDD) of Leonard Nyangoma

2. Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) of Pierre Nkurunziza

3. Parti de libération du peuple hutu-Forces nationales de libération (PALIPEHUTU-FNL)-Agathon Rwasa
This party has also been responsible for the killing and maiming of children and attacks on schools and hospitals in the reporting period.

Parties in Côte d'Ivoire

1. Forces armées des forces nouvelles (FAFN)

    (a) Mouvement pour la paix et la justice (MPJ)
    (b) Mouvement populaire ivoirien pour le Grand Ouest (MPIGO)
    (c) Mouvement patriotique de Côte d'Ivoire (MPCI)

2. LIMA *force supplétive*

Parties in the Democratic Republic of the Congo

1. Forces armées de la République démocratique du Congo (FARDC)

2. Laurent Nkunda and Jules Mutebutsi, dissident elements of FARDC
This party has also been responsible for rape and other grave sexual violence against children and attacks on schools and hospitals in the reporting period.

3. Force démocratique de libération du Rwanda (FDLR)
This party has also been responsible for killing, maiming and committing rape and other grave sexual violence against children in the reporting period.

4. Forces armées populaires congolaises (FAPC)

This party has also been responsible for the killing and maiming of children in the reporting period.

5. Front nationaliste et integrationaliste (FNI)
   (This party has also been responsible for the killing and maiming of children in the reporting period).

6. Mai-Mai in the Kivus, Maniema and Katanga
   (This party has also been responsible for the killing and maiming of children in the reporting period).

7. Mudundu-40

8. Parti pour l'unité et la sauvegarde du Congo (PUSIC)

9. Union des patriotes congolais (UPC)-Thomas Lubanga and Floribert Kisembo factions

Parties in Somalia

1. Lower Shabelle Administration[1]
2. Juba Valley Alliance[a]
3. Rahanwein Resistance Army (RRA/SNSC) of Mohamed Ibrahim Habsade[a]
4. United Somali Congress/Somali Salvation Alliance (USC/SSA)-faction of Muse Sudi Yalahow)[a]
5. Middle Shabelle Administration[b]
6. Puntland Administration[2]
7. Rahanwein Resistance Army (RRA/SRRC) of Mohamed Nir "Sharti gadud"[b]
8. Somali Patriotic Movement/Somali Reconciliation and Restoration Council (SPM/SRRC)[b]
9. United Somali Congress (USC) of Mohamed Kanyare Afrah[c]
10. United Somali Congress/Somali Salvation Alliance (USC/SSA) of Omar Mohamed[c]

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a. *Alliance member factions of the Somali National Salvation Council (SNSC).*
b. Alliance member factions of the Somali Reconciliation and Restoration Council (SRRC).
c. Alliance member factions of the Group 8.

Parties in the Sudan

1. Janjaweed
(This party has also been responsible for killing, maiming, abducting and committing rape and other grave sexual violence against children in the reporting period).

2. Justice and Equality Movement (JEM)

3. South Sudan Unity Movement (SSUM)

4. Sudan Liberation Movement/Army (SLM/A)

5. Sudan People's Liberation Movement/Army (SPLM/A)

*Source: Children and Armed Conflict, *Report of the Secretary-General*, A/59/695–S/2005/72, 2005, p. 36-37.[3]

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[3] http://daccessdds.un.org/doc/UNDOC/GEN/N05/215/07/PDF/N0521507.pdf?OpenElement, <accessed 05.06.2005>

Appendix II

Annex II to the Report of the Secretary General on Children and Armed Conflict, S/2005/72, 9 February, 2005

List of parties that recruit or use children either in situations of armed conflict not on the agenda of the Security Council or in other situations of concern, bearing in mind other violations and abuses committed against children

Parties in Colombia

1. Autodefensas Unidas de Colombia (AUC)
(a) Autodefensas Unidas del Sur del Casanare (AUSC)
(b) Autodefensas Campesinas de Córdoba y Urabá (ACCU)
(c) Autodefensas de Magdalena Medio (ACMM)
(d) Autodefensas del Meta (AM)
(e) Autodefensas Campesinas del Sur del Cesar (ACSC)
(f) Autodefensas del Puerto Boyaca (APB)
(g) Autodefensas de Cundinamarca (AC)
(h) Autodefensas Unidas de Colombia — Bloque Centauros
(i) Autodefensas Unidas de Colombia — Bloque Norte
(j) Autodefensas Unidas de Colombia — Bloque Mineros
(k) Autodefensas Unidas de Colombia — Bloque Pacífico

2. Ejército de Liberación Nacional (ELN)

3. Fuerzas Armadas Revolucionarias de Colombia (FARC)

Parties in Myanmar

1. Karen National Liberation Army (KNLA)[a]
2. Karenni Army (KA)[b]
3. Tatmadaw Kyi (Government army)

Parties in Nepal

Communist Party of Nepal-Maoist (CPN-Maoist)
(This party has also been responsible for killing, maiming and abducting children in the reporting period).

Parties in the Philippines

1. Moro Islamic Liberation Front (MILF)
2. New People's Army (NPA)

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[a] KNLA is the military wing of the Karen National Union (KNU), named in the 2003 report.
[b] KA is the correct name for the "Karenni National Liberation Army (KNLA)", named in the 2003 report.

Parties in Sri Lanka

1. Liberation Tigers of Tamil Eelam (LTTE)
(This party has also been responsible for the abduction of children in the reporting period).

Parties in Uganda

1. Local Defence Units (LDUs)
2. Lord's Resistance Army (LRA)
(This party has also been responsible for killing, maiming, abducting and committing rape and other grave sexual violence against children in the reporting period).
3. Uganda People's Defence Force (UPDF)

*Source: Children and Armed Conflict, *Report of the Secretary-General*, A/59/695–S/2005/72, 2005, p.38.39[4].

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[4]   http://daccessdds.un.org/doc/UNDOC/GEN/N05/215/07/PDF/N0521507.pdf?OpenElement, <accessed 05.06.2005>

Appendix III

Below is a partial listing of Pro-LTTE websites

www.tamilnation.com
www.tamilnet.com
www.tamilnewsweb.com
www.telo.org
www.eelam.com
www.sangam.com
www.why-war.com
www.tamilneelamnews.com

Appendix IV

Map revealing the global reach of the child soldier problem
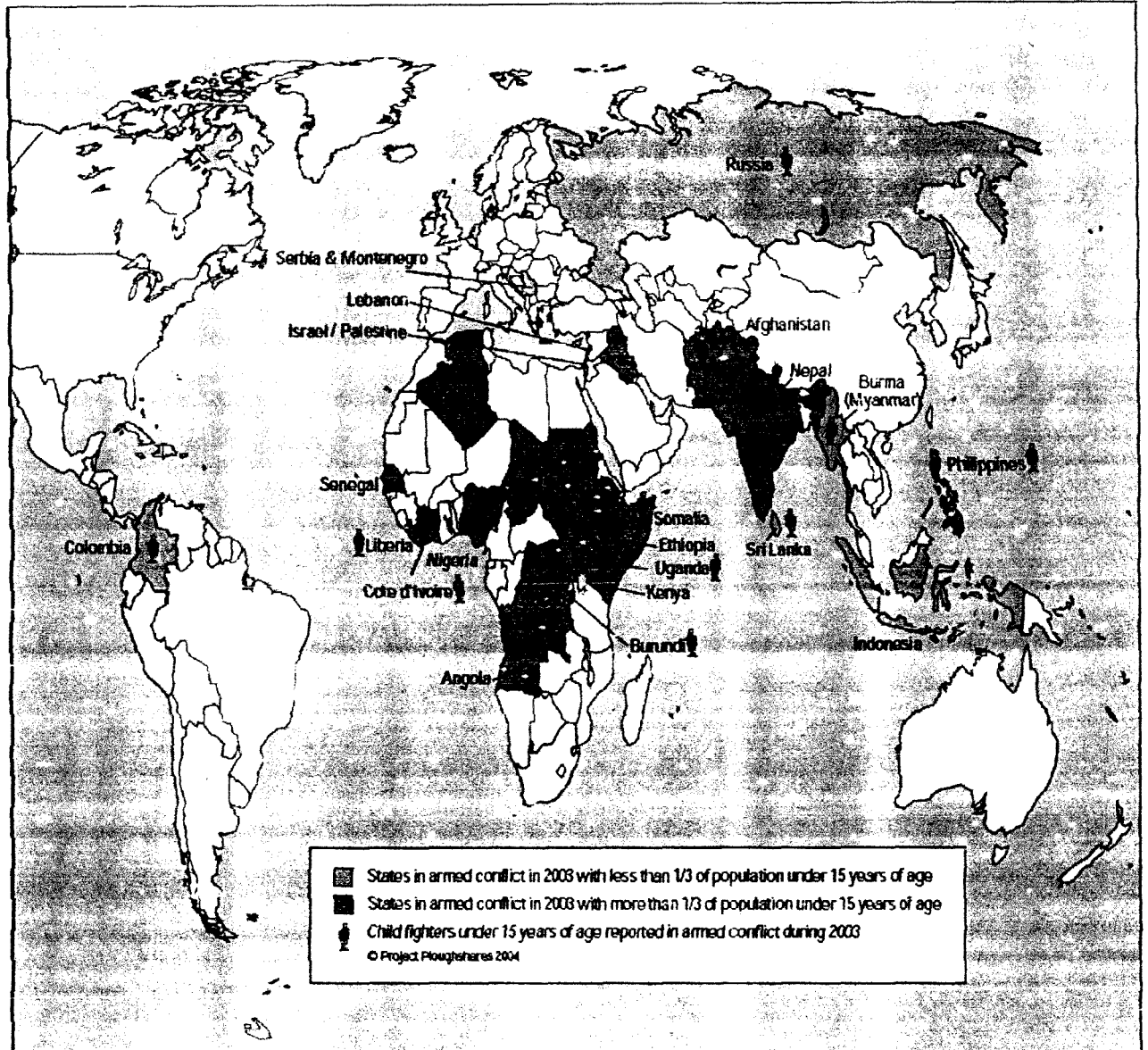
Major sources: *Human Development Report 2003; Child Soldier Use 2003 (Coalition to Stop the Use of Child Soldiers)*

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African Charter on the Rights and Welfare of the Child. http://www.unhcr.ch/refworld/legal/instruments/children/afr_e.htm <accessed 15.04.2005>

Amman Declaration on the Use of Children as Soldiers, 10 April 2001. http://www.hrw.org/campaigns/crp/amman_declaration.htm <accessed11.04.2005>

Child Soldiers Global Report 2004. http://www.child-soldiers.org/resources/global-reports <accessed 12.10.2005>

CFA Text http://www.usip.org/library/pa/sri_lanka/pa_sri_lanka_02222002.html <accessed 13.09.2005>

Convention on the Rights of the Child, 1989. http//:www.unhchr.ch/html/menu3/3/le2crc.htm<accessed 10.03.2005>

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