Negotiating the Release of Child Soldiers in War: Engaging Non-state Armed Groups during Periods of Conflict

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ABSTRACT

The persistent use of child soldiers in war continues to be a serious problem for many countries locked in conflicts around the world, yet surprisingly little attention has been given to those actors who are recruiting children in the greatest numbers: namely, non-state armed groups (NSAs). In recent years, several NSAs have entered into formal commitments with UNICEF to end their child recruitment practices; what is more interesting, they have done so during periods of active conflict. Why have these armed groups signed such agreements? Are there observable patterns among these NSAs that could better help us predict the likelihood of engaging with other groups in the future? This Masters thesis endeavours to look more closely at the nature of these specific actors employing children in war, and the dynamics surrounding negotiated agreements, in order to answer the question: *why do non-state armed groups agree to end their child recruitment practices during periods of ongoing conflict?*

RÉSUMÉ

L'usage persistant des enfants-soldats en situation de guerre reste un problème sérieux pour un grand nombre de pays à travers le monde aux prises avec des conflits. Néanmoins, très peu d'attention a été accordée aux acteurs qui recrutent le plus grand nombre d'enfants, soit les groupes armés non-étatiques (NSA). Au cours des dernières années, plusieurs NSA ont pris des engagements formels avec UNICEF pour mettre fin à leur recrutement d'enfants et ceci, fait intéressant, pendant des périodes de conflit actif. Pourquoi ces groupes armés ont-ils signé un tel accord ? Existent-ils des modèles observables parmi ces NSA qui pourraient nous aider à prédire les possibilités d'engagements avec d'autres groupes dans l'avenir ? Ce présent mémoire entreprend d'étudier la nature de ces acteurs recrutant des enfants en situation de guerre ainsi que la dynamique des accords négociés afin de répondre à la question suivante : *pourquoi les groupes armés non-étatiques consentent à mettre fin au recrutement des enfants pendant les périodes de conflit continu ?*

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« In considering the future of children, we must be daring. We must look beyond what seems immediately possible and find new ways and new solutions to shield children from the consequences of war »

-- Graça Machel
The Impact of Armed Conflict on Children

« Nous, les Kadogos, on a libéré le peuple de ces pillards. On a donné nos vies. Tout... Et moi? Moi je n'ai que quatorze ans et personne ne se souviendra de moi... »

-- Lucien Badjoko
J'étais enfant soldat

CONTENTS

Acronyms

BRA - Bougainville Revolutionary Army
CAFF – Children Associated with Fighting Forces
CPN-M - Communist Party of Nepal- Maoist
CRC – Convention on the Rights of the Child
DDR – Disarmament, Demobilization and Reintegration
DRC – Democratic Republic of Congo
EPLF – Eritrean People's Liberation Front
FARC – Fuerzas Armadas de Revolucionarias de Colombia
FNCI – Forces Nouvelles de Côte d'Ivoire
GoSL – Government of Sri Lanka
HRW – Human Rights Watch
ICRC – International Committee of the Red Cross
IHL – international humanitarian law
IHRL – international human rights law
KLA – Kosovo Liberation Army
KNA – Karenni National Army
KNLA – Karen National Liberation Army
LRA – Lord's Resistance Army
LTTE – Liberation Tigers of Tamil Eelam
NPA - New People's Army
NPFL – National Patriotic Front of Liberia
NRA – National Resistance Army
NSA – Non-state Armed Group
RCD- Rassemblement Congolais pour la Démocratie
RCD-G – Rassemblement Congolais pour la Démocratie, Goma
RENAMO - Resistência Nacional Moçambicana
RUF – Revolutionary United Front
SC – Save the Children
SLA/MM – Sudan Liberation Army/Minni Minnawi
SPLM/A – Sudan People's Liberation Movement/Army
UFDR – L'union des Forces Démocratiques pour le Rassemblement
UNICEF – United Nations Children's Fund

INTRODUCTION

Over the past decade, considerable attention has been given to the child soldier phenomenon. Media reports, international campaigns, best-selling memoirs, and even Hollywood movies have all sought to uncover a strange and seemingly growing trend that draws the very young into wars perpetuated by adults. At the same time, significant progress has been made in strengthening international norms that condemn such practices;[1] these standards have been used as benchmarks to advocate for the end of child recruitment among armed groups around the world.

Despite all of these efforts however, there still exists what Special Representative for Children and Armed Conflict- Radhika Coomeraswamy- calls, a "troubling dichotomy between the advances in norms at the international level and the prevalence of serious violations of children's rights on the ground".[2] The Coalition to Stop the Use of Child Soldiers adds, grimly: "where armed conflict does exist, child soldiers will almost certainly be involved".[3] In general, assessments about child soldier use remain pessimistic, even while studies that carefully examine the dynamics of recruitment on the ground are scarcely in evidence. Moreover, although a rise in child recruitment has proven to be a persistent problem, little attention has been given to a growing number of armed groups that have agreed to demobilize their under-age combatants in war. This thesis endeavours to take a more systematic look at non-state armed

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[1] There have been countless laws, standards, resolutions, protocols, conferences and commitments with regards to child soldiering in the last decade. The most important developments are the Convention on the Rights of the Child (CRC) that was passed in 1989 and designates that persons under the age of 15 should not be recruited into militaries; and the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (2000) that has raised the age minimum to 18. For a more detailed look at these two human rights laws, as well as other legal developments, consult David J. Francis, "Paper Protection Mechanisms: Child Soldiers and the International Protection of Children in Africa's Conflict Zones," *Journal of Modern African Studies* 45, no.2 (2007): 207-31; Mary-Jane Fox , "Child Soldiers and International Law: Patchwork Gains and Conceptual Debates," *Human Rights Review* 7, no.1 (October-December 2005): 27-48; and Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Key Documents," Children and Armed Conflict, http://www.un.org/children/conflict/english/key documents.html (accessed August 28, 2008).

[2] UN General Assembly, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict*, A/62/228, 13 August 2007, 24.

[3] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008* (London, UK: Coalition, 2008), 5.

groups that have negotiated the release of child soldiers during periods of conflict, in order to draw positive lessons that can be applied to future efforts in curbing their use.

There are two elements that make this investigation particularly unique and challenging from other studies. First, whereas the area of disarmament, demobilization, and reintegration (DDR) is increasingly being studied as an important element of conflict resolution, there is scant research on the complexities of undertaking these initiatives *in the midst of violent conflict.* Child soldiers- unlike their adult counterparts- are unique in that they are accorded special status in war as persons who must be protected and demobilized from armed groups at *all* stages of a conflict.[4] Their release is viewed as a humanitarian concern that is separate from the political nature of the conflict itself. However, just as humanitarian workers have demonstrated real dilemmas in the provision of relief aid during periods of ongoing violence, so too are there considerable challenges for advocates trying to negotiate the release of children in war; particularly if these youth represent a strategic asset for military groups. As one document from Save the Children observes, "soldiers do not demobilise manpower- even if they are children- out the kindness of their hearts. They will only release under-age combatants if they feel it is in their military or political interests to do so".[5] While this statement does not necessarily reflect the attitudes of all military groups recruiting child soldiers, it does elicit several interesting queries: most notably, why would armed groups demobilize their young soldiers during periods of active conflict?

A second area that has lacked systematic analysis is the role of *non-state armed groups* (NSAs) in the recruitment of children. Non-state armed groups

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[4] The "Paris Principles" for example- a set of guidelines that complement legal mechanisms on child protection- state that there is a "humanitarian imperative to seek the unconditional release of children from armed forces or armed groups at all times, even in the midst of conflict and for the duration of the conflict". "The Paris Principles: The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups," (Document developed at the 'Free Children from War' Conference, Paris, France, 5-6 February 2007), 5.

[5] Isobel McConnan and Sarah Uppard, *Children, Not Soldiers: Guidelines for Working with Child Soldiers and Children Associated with Fighting Forces* (London, UK: Save the Children, 2001), 79.

are different from states. For one, states are generally accorded legitimacy and representation from the international community as sovereign entities, whereas the same status is not naturally assigned to NSAs.[6] Lacking global recognition as legitimate bodies, these groups are able to function beyond the scope of international human rights laws. They are not signatories to international covenants such as the Convention on the Rights of the Child (CRC) or its Optional Protocols, therefore making them far less amenable to the pressures exacted through traditional diplomatic means. Without official status or rights as legal-political entities, it becomes both difficult to gain and to enforce compliance among armed groups. This apparent anomaly is particularly intriguing, seeing as numerous NSAs have signed accords to voluntarily demobilize their child soldiers in recent years: what led to these outcomes? Specific attention to these processes is desperately needed, given that international efforts remain largely preoccupied with state party violations, and despite the fact that NSAs account for over 60% of child recruitment.[7]

The resources devoted to understanding the child soldier phenomenon have generally been directed to three areas: the systemic-level (looking at international tools for child soldier prevention), the structural level (tracking background characteristics that create conditions conducive to this practice), and the individual level (documenting the processes and agency of children in becoming combatants). Missing in these studies is the rigorous analysis of armed groups themselves that are ultimately responsible for recruiting children in war. Based on this lacuna in the research, this Masters Thesis endeavours to examine the dynamics of non-state armed groups that recruit under-age combatants, in order to answer the question: *why do non-state armed groups agree to release child soldiers from their military ranks in ongoing conflict?* Put

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[6] William I. Zartman, *Elusive Peace: Negotiating an End to Civil Wars* (Washington: Brookings Institution, 1995), 8.

[7] Lucia Withers, "Child Soldiers: How to Engage in Dialogue with Non State Armed Groups," in *Swiss Human Rights Book Vol. 2: Realizing the Rights of the Child*, Carol Bellamy and Jean Zermatten, eds. (Zurich: Rüffer & Rub, 2007), 228. Withers notes that the number of national armies conscripting under-age children has declined, while the reverse is true for non-state armed groups; 24 of the 38 groups currently using child soldiers are non-state actors.

differently, under what circumstances are armed groups more likely to ratify agreements halting the conscription of under-age children? And is there a way to systematically predict the likelihood of ratification by armed groups in advance, through the mapping of various group dynamics and conflict characteristics?

The following study is separated into five chapters. After a brief discussion on methodology, the first chapter sets out the theoretical foundation of the paper, hypothesizing that two main causes (or independent variables) help determine a non-state armed group's decision to negotiate the release of child soldiers during war: its sensitivity to human rights, and its military-strategic need for the use of under-age conscripts. Armed groups that demonstrate a high level of human rights concern, and a low level of military need for children in their ranks will be most likely to negotiate, while a complete disregard for human rights and considerable benefits from the use of child soldiers will make groups least amenable to talks on this issue. Recognizing however that most armed groups do not fall squarely into one of these two categories, a number of intervening variables must also be acknowledged. Significant external pressure, or the presence of a peace process act as intervening variables that can augment a group's sensitivity to human rights, and decrease its military necessity for under-age recruitment.

The second, third and fourth chapters will be devoted to examining three armed groups that have signed agreements with the United Nations Children's Fund (UNICEF) to end their child recruitment practices during ongoing war: the Rassemblement Congolais pour la Démocratie- Goma (RCD-G) in the Democratic Republic of the Congo (DRC), the Sudan People's Liberation Movement/Army (SPLM/A) in Sudan, and the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka. The fifth chapter will summarize the notable findings across these three case studies, followed by some concluding remarks on the way forward.

By looking closely at the dynamics and rationales of NSAs in recruiting and releasing children in war, this research offers a new vantage point for

examining the problem of under-age recruitment: not from a systemic level, nor from the individual perspectives of child soldiers, but from the point of view of armed groups themselves, who are ultimately responsible for perpetuating this continued practice.

Methodology and Approach

The study of child soldiers has only gained momentum in the last decade, and there are countless topics in this new field that require further systematic analysis. In order to do justice to the complexities of this phenomenon, I would like to make clear what it is that I am and am not trying to accomplish in this study. First and foremost, this thesis is preoccupied with the factors that motivate non-state armed groups- as conscious, rational agents- to recruit and release children in war. Because this is the departure point, scarce attention will be given to structural factors that create conditions conducive to child soldier use in conflict zones. Furthermore, little focus will be accorded to the complex and varied reasons why children themselves decide to participate in wars. A lack of attention to these issues however, does not denote a denial of their importance; both structure and agency are critical considerations for understanding the child soldier phenomenon. But missing within this discussion is the separate structure and agency of armed groups that dictate internal policies on child recruitment; it is this latter element that is of greatest concern for this study.

There are two main approaches that are used in negotiating with NSAs to stop child recruitment during war: 'soft' measures, which include advocacy, negotiations, mediation and liaison interactions, and 'hard' measures that involve targeted sanctions (economic or military) and criminal prosecution. Because the use of children in war has been labelled as a humanitarian issue however, the former soft strategy of quiet diplomacy has generally been favoured over more punitive measures. This thesis focuses on NSAs that have signed agreements with UNICEF to halt their recruitment of children, and to release all under-age soldiers within their ranks. As such, the implicit focus will

be placed on the merits of advocacy as a tool for negotiating with armed groups, rather than the 'harder' measures of sanctions or prosecution.[8]

UNICEF and other child rights organizations like Save the Children (SC), Human Rights Watch (HRW) and the Coalition to Stop the Use of Child Soldiers advocate for the adherence of international laws, which stipulate that a "child" is a person under the age of 18. The establishment of the "straight-18" policy has sparked lively debate concerning the appropriateness of this universalized definition of a child.[9] Can a young person who takes on many of the same responsibilities as presumed 'adults' (ie. being the primary caretaker of a household) still be considered a 'child'? Is the distinction between child and adult a predominantly Western concept that fails to translate in other cultures?

While both of these concerns are certainly valid, it is my personal contention that general beliefs about childhood- particularly as it relates to their involvement in war- remain more consistent across cultures than often claimed. For instance, a survey commissioned by the International Committee of the Red Cross (ICRC) found that, of the 12,860 people interviewed in 12 conflict-ridden countries, only 7% stated that a person under the age of 18 was mature enough to serve in the military, while a paltry 1% replied that 15 or under was an acceptable age.[10] Similarly, Lucia Withers' experiences documenting child soldier use in different contexts finds that, while articulated in different ways, "in most cases traditional values around the protection of children in conflict will be virtually identical to those contained in international humanitarian and human rights law and standards".[11]

In my view, the greater issue besetting many developing nations in the present day, is what Alcinda Honwana calls the "re-valuation of child labour".[12]

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[8] One can find a more detailed analysis of the merits and challenges of soft intervention in Larry Minear and Hazel Smith eds., *Humanitarian Diplomacy: Practitioners and Their Craft* (New York: United Nations University Press, 2007), chap. 1-2.

[9] To situate this debate, see Fox, "Child Soldiers and International Law," 27-48; and Michael Wessells, "How We Can Prevent Child Soldiering," *Peace Review* 12, no.3 (2000): 407-413.

[10] Greenberg Research, *The People On War Report: ICRC Worldwide Consultation on the Rules of War* (Geneva: ICRC, 1999), 10.

[11] Withers, "Child Soldiers," 235.

[12] Alcinda Honwana, *Child Soldiers in Africa* (Philadelphia: University of Pennsylvania Press, 2006): 160.

Faced with increasing levels of unemployment, poverty and disease, youth, who now form the largest segment of the world's population, have had to fulfill greater responsibilities in all aspects of labour to help families cope; the military is no exception. If children are raised in safe and secure environments, rather than being thrust unprotected into the harsh realities of day-to-day survival, the numbers of youth serving on the battlefront would probably lessen considerably. And if this is true, then the challenge exists in improving the structural conditions that force communities to begrudgingly accept children in combat roles, rather than in compromising international standards based on inflated justifications of cultural difference.

In addition to assuming that a child is any person under the age of 18, there is also the need to define what is meant by "child *soldier*". Over the years, practitioners have found that children fulfill a myriad of roles in war that are not only limited to combat; as a result, some prefer to use the label "children associated with fighting forces". For this study, the use of the term "child soldier" will remain, however a broad definition will be adopted to account for the many roles that can be assumed by children in war. Thus, borrowing from a report by the United Nations (UN), a child soldier is defined as: "any person under 18 years of age who forms part of an armed force in any capacity, and those accompanying such groups, other than purely as family members, as well as girls recruited for sexual purposes and forced marriage".[13]

This study focuses on the use of child soldiers within intrastate or civil wars, and not any other types of violent conflict. The often used definition of civil war by Fearon and Laitin will be adopted. The conditions involve: 1) fighting between agents of (or claimants to) a state and organized, non-state groups who seek either to take control of a government, take power in a region, or use violence to change government policies; 2) the death of at least 1000 over its course, with a yearly average of at least 100; and 3) a minimum of 100

[13] UN Security Council, *Report of the Secretary-General on the Role of United Nations Peacekeeping in Disarmament, Demobilization and Reintegration*, S/2000/101, 11 February 2000.

deaths on both sides.[14] Additionally, for the purposes of this research, any point between when a civil war begins up until the point where a peace agreement is signed will be considered as active or ongoing conflict.

Finally, the term "non-state armed group" (NSA) will be defined as groups that use violence to attain their objectives, and that are not within the formal military structures of states, state-alliances or intergovernmental organizations.[15] The terms "armed group", "insurgent", and "militia" are all used synonymously with NSA.

The non-state armed groups that have negotiated formal agreements with UNICEF to end child recruitment during the stated parameters of active conflict are: the LTTE, RCD-G, SPLM/A, Fuerzas Armadas Revolucionarias de Colombia (FARC) and a number of opposition groups in Myanmar.[16] Due to the space limitations of this thesis, as well as the desire to give adequate detail and attention to the case studies, only three of the five were selected for analysis: the RCD-G, SPLM/A and LTTE. A paucity of information, and a lower familiarity with the conflict actors precluded the examination of groups in Myanmar and Colombia, respectively.

The study of armed groups is a highly challenging task, as information is generally scarce, and we must rely on the accounts of former combatants, insiders or the few brave researchers who are able to get "on the inside" to report accurately on these groups' practices. The obstacles are even greater without the benefits of field work, where one can develop a better feel for the context in which these NSAs operate. Having said that, this research has attempted to create a well-rounded analysis, through a thoughtful and

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[14] James Fearon and David D. Laitin, "Ethnicity, Insurgency, and Civil War," *American Political Science Review* 97, no.1 (2003): 76. Note that armed groups that rely purely on terrorist strategies do not fit this description and thus will not be included in this analysis on child soldier use.

[15] This definition draws from McHugh and Bessler, *Humanitarian Negotiations*, 6.

[16] The Karenni Army (KNA) and the Karen National Liberation Army (KNLA) in Myanmar signed deeds of commitment to end child recruitment in March and April 2007, respectively, while engagement with two other groups continues. The Sudan Liberation Army/Minni Minnawi (SLA/MM), L'union des Forces Démocratiques pour le Rassemblement (UFDR), and Les Forces Nouvelles de Côte d'Ivoire (FNCI) have signed formal agreements in Sudan, Central African Republic and Côte d'Ivoire respectively, but they occurred after formal peace agreements were instituted.

comprehensive examination of theory and practice. Numerous research techniques have been employed, including the extensive use of secondary sources from the fields of political science, sociology, psychology, and anthropology. Books, newspaper articles, reports, reviews, academic papers, surveys, journalistic memoirs, autobiographies, and even semi-fictional accounts have all been incorporated in this work, in order to create what I hope is a fair and measured portrayal of the armed groups being examined, given the limits in resources and information. Additionally, numerous interviews- through phone or email- have been conducted with various specialists who are currently working (or have previously worked) on the ground in a number of conflicts where child soldiers are being used, including Nepal, Uganda, the DRC, Sri Lanka, and Sudan.

Because there is little systematic analysis of armed groups that recruit children in war, this thesis endeavours to provide a solid foundation for future studies that will allow us to better understand the motives of these primary agents, not only for the purposes of eliminating under-age recruitment practices, but for helping to bring a swifter resolution to conflicts themselves.

CHAPTER I: A FRAMEWORK FOR ASSESSING ENGAGEMENT

In trying to understand why non-state armed groups negotiate agreements to release children in war, there are two key components that must be considered: willingness and ability. A group must be *willing* to discuss the release of child soldiers, whether it is out of genuine concern for children's well-being, or for more opportunistic reasons that include increasing legitimacy. At the same time, assuming that victory is privileged as a high priority in war, armed groups must also feel that they are *able* to demobilize children without placing this goal in jeopardy. In short, both elements are critical to an NSA's calculations: groups that demonstrate a strong willingness and perceived[17] ability to curb under-age recruitment during war should be more likely to enter into agreements, while the absence of these conditions is expected to breed the opposite result. Recognizing however, that there are many factors that can affect these calculations throughout the course of a conflict, two additional conditions that can alter a group's willingness and ability to negotiate must also be considered: outside pressures, and the particular timing (or phase) of a war.

The following section outlines two variables which tap into these concepts of willingness and ability: they are labelled "human rights sensitivity" and "military-strategic necessity", respectively. Two additional intervening variables, labelled "external pressure" and "peace process" will also be examined.

Human Rights Sensitivity: A Willingness to Negotiate

War has long been shaped by rules of engagement that were built upon precepts of morality and law. Even before the terms "jus ad bellum" and "jus in bello" entered the common lexicon of international law, military practitioners

[17] I use the term "perceived" ability, because this is quite removed from the logistical capabilities of demobilizing children, which relates to the strength of a group's command and control. This latter component deals with the implementation of agreements, which goes beyond the scope of this study.

and philosophers dating back to St. Augustine were identifying limitations to the excesses of war.[18] When formal legislation started to develop in the mid-19th century, groups that were deemed harmless in battle (eg. prisoners of war, injured combatants, etc.) were accorded special protections during conflict. The Geneva Conventions of 1949, as well as the Additional Protocols of 1977, extended these protections to non-combatants, including children in particular.[19] Further to these international humanitarian laws (IHL), a number of human rights laws (IHRL)- most notably, the Convention on the Rights of the Child (CRC) and the Optional Protocol to the CRC on the Involvement of Children in War- helped to solidify children's rights in all contexts.[20]

The ethical principles underlying these various laws form the basis for advocacy efforts among organizations working to end child recruitment during war. Guided by the core principles of humanitarian engagement, which include a commitment to uphold ideas of 'humanity',[21] advocacy functions on the assumption that combatants can be morally swayed to respect certain limits on the most destructive aspects of war. As an example, UNICEF's mission statement declares that it "strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children".[22]

But can an appeal to moral standards work to persuade armed groups to stop recruiting children? There is reason to believe that combatants could be susceptible to such an approach, if framed in the right context. For example, a report for the Carr Center for Human Rights Policy at Harvard University,

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[18] James T. Johnson, "Maintaining the protection of non-combatants," *Journal of Peace Research* 37, no.4 (2000): 447. For a detailed account of the roots and evolution of the "limited warfare" concept, see Hugo Slim, *Killing Civilians: Method, Madness, and Morality in War* (New York: Columbia University Press, 2008), and Simon Chesterman ed., *Civilians in War* (Boulder: Lynne Rienner Publishers, 2001).

[19] Fox, "Child Soldiers and International Law".

[20] Note that international humanitarian law relates to individual conduct during periods of war, while international human rights law applies at all times; non-state armed groups are only bound by the former.

[21] The principle of "humanity" states that human suffering must be addressed wherever it is found, particularly as it relates to vulnerable populations (eg. women, children, the elderly), and that human rights must be respected and protected at all times. The other two principles are neutrality and impartiality. McHugh and Bessler, *Humanitarian Negotiations*, 25.

[22] UNICEF, "Who We Are," United Nations Children's Fund, http://www.unicef.org/about/who/ index_mission.html (accessed August 28, 2008).

found that tying the demobilization of children with notions of military honour, or portraying soldiers as "protectors of the people" has met with some success among certain NSA commanders.[23] Religious groups have also recorded some notable victories in persuading groups to release children in war: the work of the Catholic Church in El Salvador is a notable example.[24] Even armed groups seemingly devoid of any moral wares- the Revolutionary United Front (RUF) and Lord's Resistance Army (LRA)- have released small numbers of under-age recruits following dialogue with various local and religious groups.[25] This evidence suggests that one cannot altogether dismiss the possibility of moral suasion as a tool for negotiating with armed groups to end the use of children in war.

If a deep concern for human rights is not enough to induce compliance to the international laws of recruitment, an additional factor that must be seriously considered is a group's desire to adhere to global norms for purposes of political legitimacy. In other words, an armed group may find that improving its human rights record is worth the effort in light of the possible benefits, which include enhanced credibility and support; elements that are crucial to an NSA's survival. William Zartman observes that civil wars are defined by power asymmetries between the state and its opposition. Because governments are generally endowed with legitimacy, sovereignty, allies, armies and access to resources (all of which NSAs must fight to achieve), it is the state that has a marked advantage over its adversary.[26] Given these circumstances, gaining access to the aforementioned support mechanisms is of paramount importance to the NSA, if it is to seriously challenge the state. As Zartman notes: "Recognition is both the top and bottom line"[27] for insurgents seeking to redress

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[23] Phil Lancaster, Jacqueline O'Neill, and Sarah Spencer, *Children in Conflict: Eradicating the Child Soldier Doctrine*, supervised by R.A. Dallaire (Cambridge: Carr Center for Human Rights Policy, 2006), 99.
[24] See Beth Verhey, *The Demobilization and Reintegration of Child Soldiers: El Salvador Case Study* (Washington: World Bank, 2001).
[25] Withers, "Child Soldiers," 12. See also, Kathy Cook, *Stolen Angels: The Kidnapped Girls of Uganda* (Toronto: Penguin Canada, 2007), 176-177.
[26] Zartman, *Elusive Peace,* 8.
[27] Ibid, 13.

these conflict asymmetries. Martha Finnemore adds that the Western-style bureaucratic state has become the "sole" legitimate form of political organization in the world; as a result, "if you are not a state, you are nobody in world politics, and national liberation groups understand this".[28]

Even if Finnemore overstates the power and importance of the state, it is clear that strong incentives and rationales exist for armed groups to seek greater recognition and legitimacy by adhering to international norms. In his report on the behaviours of NSAs who have engaged with humanitarian groups, Max Glaser lends confirmation to Zartman and Finnemore's arguments, observing that in the application of IHL, "other tactical and pragmatic interests or sheer opportunism"[29] mark the choices made by these organizations. The decision to end the use of child soldiers during periods of conflict could thus be assumed as one area where recognition and legitimacy is sought.

In sum, there are two components that help constitute the first independent variable of this study, labelled as "human rights sensitivity". Ethical principles make up the core of IHL and IHRL, and form a solid basis upon which humanitarian groups can persuade non-state armed groups to re-think their policies on child recruitment. Where an appeal to common values of human decency fail, a second component is an armed group's willingness to negotiate based on the benefits that can accrue from adhering to international laws. These two factors, which often dovetail, provide a strong hypothesis for why NSAs will negotiate the release of child soldiers in war. Hypothesis 1 therefore states:

H1: Non-state armed groups that exhibit high levels of human rights sensitivity will be more likely to negotiate the release of child soldiers during periods of ongoing war.

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[28] Martha Finnemore, "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism," *International Organization* 50, no.2 (Spring 1996): 332.

[29] Max P. Glaser, *Humanitarian Engagement with Non-state Armed Actors: The Parameters of Negotiated Access* (London, UK: Overseas Development Institute, 2005), 16.

Now that the first hypothesis has been defined, the next challenge lies in identifying proxies that would allow us to reliably measure this variable. In the following section, I will identify three factors that reveal important clues about an armed group's level of human rights sensitivity: the objectives sought, the type of child recruitment used, and the treatment of children within an NSA's ranks. Note that these indicators do not encompass all the possible markers of human rights sensitivity, however, they do present logical and observable explanations that- when taken together- provide a comprehensive understanding of the motives of a given armed group.

Objectives of an Armed Group

Non-state armed groups presumably take up violence against incumbent regimes to challenge the existing systems of governance on behalf of the people they represent. If this is indeed the goal to be achieved, Mampilly writes that these movements "must be willing and able to prove that they can better provide that which they claim to be fighting for in the first place, i.e. better governance".[30] Through the creation of "proto-state characteristics" which emulate the bureaucratic functions of the state, these groups seek to exhibit their desires to govern, and their competencies as governments-in-waiting.[31] Following on this logic, armed groups that demonstrate a seriousness in developing functional structures of governance should more likely to show concern for human rights simply because they have a vested interest in maintaining support from their constituents if they are to one day govern; respecting their rights is therefore critical for ensuring their long-term

[30] Zachariah Cherian Mampilly, "Tsunami Disaster and Tamil Eelam: Engaging Rebels in Reconstruction Efforts," Tamilnation.org, 12 January 2005, http://www.tamilnation.org/diaspora/ tsunami/mampilly.htm (accessed August 28, 2008).

[31] Marie-Joëlle Zahar, "Protégés, Clients, Cannon Fodder: Civilians in the Calculus of Militias," *International Peacekeeping* 7, no.4 (2000): 118. Importanly, Zahar points out that NSAs often create proto-state structures that are hollow in function, but that serve to project an image of competency. A careful distinction is thus placed between groups that create useful, functioning bureaucratic systems, and those that simply create facades to gain legitimacy with little effort in return; hence the emphasis on "functional" structures of governance.

collaboration.[32] This idea has been substantiated by the findings from a conference held on curbing human rights violations among NSAs, which reported that groups with well-developed political wings were far more amenable to humanitarian engagement because they generally had stronger ties to local populations, sought legitimacy, and possessed integrated structures necessary for the enforcement of international laws.[33] Further empirical evidence shows that organizations like the Eritrean People's Liberation Front (EPLF) and the National Resistance Army (NRA)- two armed groups that successfully assumed political control over their respective territories- maintained well-developed political wings that ensured good relations with civilians, and commanded highly-disciplined troops with relatively clean human rights records.[34]

Not all armed groups, however, share the same long-term objectives of political governance. Since the end of the Cold War, many academics have noted the rise of rebel movements with little ideology, sustained mainly by the short-term economic interests of its members.[35] According to Keen, violence directed against civilians, and the general chaos that comes with it can be a rational strategy for securing short-term gains of power and profit for all those

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[32] Migdal spoke of the idea of "social exchange"- a mutual dependence between militants and civilians for a successful revolution- in Joseph Migdal, *Peasants, Politics and Revolution: Pressures Toward Political and Social Change in the Third World* (Princeton: Princeton University Press, 1975), 236. Kalyvas provides further insights on this idea, explaining the importance of civilian cooperation in terms of gathering information on the opposition; the use of "selective violence" against civilians is thus an important way of ensuring such collaboration. See Stathis Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006).

[33] "Curbing Human Rights Violations by Non-State Armed Groups: Conference Summary and Report," (conference by the Centre for International Relations, Vancouver, BC, 13-15 Nov. 2003), 3. See also, Isobel McConnan and Sarah Uppard, *Children, Not Soldiers: Guidelines for Working with Child Soldiers and Children Associated with Fighting Forces* (London, UK, Save the Children, 2001), 9.

[34] See chapters by Pool and Ngoga on these two insurgent groups in Christopher Clapham, ed., *African Guerrillas* (Oxford: James Currey, 1998).

[35] For discussions on economically-driven wars, see Paul Collier and Anke Hoeffler, *Greed and Grievance in Civil War*, Policy Research Working Paper 2355 (Washington: World Bank, 2000); Mats Berdal and David M. Malone eds., *Greed and Grievance: Economic Agendas in Civil Wars* (Boulder: Lynne Rienner, 2000); and David Keen, *The Economic Functions of Violence in Civil Wars* (London, UK: International Institute for Strategic Studies, 1998).

serving within an armed faction:[36] top-level commanders can gain de-facto control over large parts of territory by terrorizing populations into submission, while lower-level cadres, who are generally poorly paid (if at all), can meet their survival needs by pillaging.[37] In short, where civilian abuse becomes the end in which immediate rewards are procured, and war is the means by which this goal is pursued, there may be little incentive in ending a conflict (mainly because these profitable practices would not be able to continue under conditions of peace).[38] Numerous examples of this kind of warfare, where insurgency borders on banditry, can be evidenced in the DRC, Somalia, and Liberia.[39] In Sierra Leone, where the leader of the RUF notoriously named one of the missions "Operation Pay Yourself" to encourage soldiers to loot at will, there was clearly no long-term plans for political governance, and a virtually non-existent concern for human rights.[40]

To conclude, non-state armed groups that demonstrate long-term, political objectives through the creation of functional structures of governance are more likely to be sensitive to human rights than ideologically-weak groups who prey on civilians as a central tactic for survival. The former are presumed to have a vested interest in the well-being of civilians, and thus may be more amenable to negotiating the end of child recruitment during periods of war.

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[36] Keen, *Economic Functions of Violence*, 11-12; Singer, *Children At War*, 51. For a look at how short-term interests can be established as the primary *modus operandi* in the recruitment phase, leading to widespread indiscipline and violence against civilians, read about "opportunistic rebellions" in Jeremy Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (Cambridge: Cambridge University Press, 2007).

[37] For an excellent depiction of these dynamics, read Ahmadou Kourouma, *Allah is not Obliged*, translated by Frank Wynne (New York: Anchor Books, 2007).

[38] Keen, *Economic Functions of Violence*, 12. For a closer look at the rationales for prolonging wars both by NSAs and states, see also Mark Duffield, "Post-modern Conflict: Warlords, Post-adjustment States and Private Protection," *Civil Wars* 1, no.1 (Spring 1998): 65-102; and William Reno, *Warlord Politics and African States* (Boulder: Lynne Rienner, 1998).

[39] See chapters by Reed, Compagnon and Ellis in Clapham, *African Guerrillas*.

[40] Novelist Ahmadou Kourouma describes the attitude of leaders of armed groups with economically-driven interests with great accuracy. The young character Birahima explains Foday Sankoh's continual obstinacy in joining the government after having taken control of the most resource-rich areas of the country, as: "he doesn't give a shit what happens next on account of he controls the useful part of Sierra Leone". Kourouma, *Allah is not Obliged*, 163.

Type of Child Recruitment[41]

Child recruitment is typically defined as either forced or voluntary. In general, forced recruitment is any form of enlistment that goes against a child's will; press-ganging, abduction and enforced quota systems are among the methods most commonly used.[42] Voluntary recruitment, on the other hand, involves children who join of their own volition for reasons that range from frustration, revenge, desires for power and respect, adventure, group camaraderie, family influence, substitution for education, and economic opportunities.[43]

Over the years however, a major debate has emerged around the question of whether child recruitment deemed as "voluntary" can really be labelled as such. P.W. Singer notes that while a surprising two out of every three children used in war are "volunteers", they are mostly enlisting to escape abject poverty, desperation and even death.[44] Brett and Specht add that in many cases, children are misled by false promises, or are not fully aware of what they are signing up for.[45] Can an orphaned boy in Sudan, left to roam helplessly through the desert, fending off heat, starvation, wild animals and armed attacks be considered a 'volunteer' if he is taken under the wing of an armed group?[46] Can a young girl in Sri Lanka who re-joins the opposition forces be seen as acting of her own

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[41] It is difficult to speak of recruitment and treatment of children in relative terms, because the use of children in war, no matter how shielded the experience, constitutes a clear breach of humanitarian law. However, in order to better understand this topic, it is equally important to acknowledge that values and norms often get sidelined at times of war, and as such, we cannot expect armed groups to follow the rules of limited warfare to the letter. Instead, we have to look for more subtle differences between NSAs in the ways they treat children in conflict, in order to determine the likelihood that they would then be released.

[42] Michael Wessells, *Child Soldiers: From Violence to Protection* (Cambridge: Harvard University Press, 2006), 37-42; McConnan and Uppard, *Children, Not Soldiers*, 34-36.

[43] These are all reasons variously cited by child soldiers who were interviewed about their experiences fighting in Sierra Leone. See Krijn Peters and Paul Richards, "'Why We Fight': Voices of Youth Combatants in Sierra Leone," *Africa* 68, no.2 (1998): 187. See also Rachel Brett and Irma Specht, *Young Soldiers: Why They Choose To Fight* (Boulder: Lynne Rienner Publishers, 2004), chap. 1-2.

[44] Singer, *Children at War*, 61.

[45] Brett and Specht, *Young Soldiers,* 112.

[46] For a compelling first-hand account of the hardships faced by thousands of young boys separated from their families during the Sudanese civil war (many of which joined armed groups), read the memoirs of Benson Deng, Alephonsion Deng, and Benjamin Ajak, *They Poured Fire on Us From the Sky: The True Story of Three Lost Boys in Sudan*, edited by Judy A. Bernstein (New York: PublicAffairs Publishing, 2005).

volition, if she does it to protect her younger siblings from being taken in her stead?[47] What about the boy in Sierra Leone who is lured into a militia on false promises of material wealth and increased social stature?[48]

While the lines between forced and voluntary recruitment have proven more fluid and complex than previously imagined, I argue that there is a discernable difference in the extremes of forced recruitment that reveal important clues about an NSA's concern for children's rights. Consider for example the recruitment practices that were instituted by the Resistência Nacional Moçambicana (RENAMO) in Mozambique, and copied by armed groups in Angola, Sierra Leone, and Uganda, among others. In these cases, children were often brutally abducted and forced to either kill or witness the killing of close relatives in a method that worked to systematically dehumanize, incriminate, and destroy the possibility for children to return to their former lives of innocence and security.[49] One former boy soldier recounted his tale of abduction, where he was forced to witness the killing of two of his siblings. He recalled that they "tied up my two younger brothers and invited us to watch. Then they beat them with sticks until two of them died. They told us it would give us strength to fight".[50]

On the other end of the spectrum, the NRA in Uganda did not institute a policy of forced or violent recruitment, instead accepting mostly orphans that had turned to the group for protection.[51] Similarly, groups like the New People's Army (NPA) in the Philippines and various guerrilla factions in Colombia have been known to allow under-age members to return home of their own volition

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[47] Human Rights Watch, *Living in fear: Child Soldiers and the Tamil Tigers in Sri Lanka* (New York: Human Rights Watch, 2004), 42.

[48] Richard Maclure and Myriam Denov, "Turnings and Epiphanies: Militarization, Life Histories, and the Making and Unmaking of Two Child Soldiers in Sierra Leone," *Journal of Youth Studies* 10, no.2 (May 2007): 252.

[49] Honwana, *Child Soldiers in Africa*, 54-63; Slim, *Killing Civilians*, 88-89; Singer, *Children At War*, 74.

[50] Human Rights Watch, *Uganda: Child Abductions Skyrocket in North* (New York: HRW, 2003), quoted in Wessells, *Child Soldiers*, 39.

[51] Pascal Ngoga, "Uganda: The National Resistance Army," in *African Guerrillas*, ed. Christopher Clapham (Oxford: James Currey, 1998), 98.

following training and induction, demonstrating a clear (if limited) degree of respect for children's rights.[52]

In short, where gross violence and terror are deliberately employed by commanders of armed groups to recruit children, human rights sensitivity can reasonably be assumed to be low, making negotiations to end these practices less likely during war.

Treatment of Children

Children who are violently recruited into armed groups generally endure traumatic experiences and poor treatment throughout, particularly in the beginning phases of induction and training. Maclure and Denov found that former boy soldiers in Sierra Leone consistently cited an ever-present "aura of menace, repeatedly manifested through verbal abuse and acts of wanton cruelty".[53] Similar accounts of brutality during training were echoed by Honwana in Angola and Mozambique, who reported that the determinants of whether child recruits lived or died from one day to the next were based on "random factors they could neither predict nor control".[54]

For groups that employ this particular strategy of initiation, the randomness of violence applied by commanders is not only a means of creating unswerving compliance through fear and punishment, but it is also a way of desensitizing young soldiers to then be able to carry out similar acts of reckless terror on behalf of the group.[55] One boy in East Timor recalled his experience as: "the first time they took me from my house we had to rape a woman and

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[52] Brett and Specht, *Young Soldiers*, 110; Human Rights Watch, *You'll Learn Not to Cry: Child Combatants in Colombia* (New York: Human Rights Watch, 2003), 48.

[53] Richard Maclure and Myriam Denov, "'I Didn't Want to Die So I Joined Them': Structuration and the Process of Becoming Boy Soldiers in Sierra Leone," *Terrorism and Political Violence* 18, (2006): 126.

[54] Honwana, *Child Soldiers*, 71.

[55] Maclure and Denov, "Didn't Want to Die," 125; Slim, *Killing Civilians*, 222-223. Note that this type of behaviour is often closely tied with a group's objectives, discussed earlier.

then kill anything we could find, like animals and people. They ordered us to rape. We did this together."[56]

These experiences can be contrasted to armed groups that use punishment in a limited and purposive manner. A child soldier in Papua New Guinea for example, recalled being beaten only once for having gotten drunk and firing his gun in his home village- two strictures that were strictly forbidden according to the Bougainville Revolutionary Army (BRA). Although physical punishment constitutes a clear breach of children's rights, the beating in this case was carried out for a specific and serious breach to the military code; it was not random in nature. In fact, the boy himself understood the punishment, claiming: "I accept it. I know it was my own mistake".[57] Therefore, it is the gratuitous and excessive use of violence against child inductees that determines particularly poor treatment of children in war.

A second indicator of poor treatment can be identified in the ways that superiors treat children on a regular basis. In particular, NSAs that allow the drugging and abuse of young soldiers (sexually and physically) can reasonably be assumed to have a lower respect for human rights than those who refrain from such excesses. In Sierra Leone, RUF commanders were known to create incisions in the temples and pectorals of children in which various amphetamines would be inserted, prior to being sent out to perform recklessly on the frontlines.[58] With regards to the treatment of girls, one former soldier in Myanmar recounted the regular process of repeated rape against women who were abducted in the group's camp, as: "[the women] will be raped one by one by all the soldiers until she loses consciousness".[59] Conversely, girls interviewed in the FARC rebel group noted that the practices of rape and overt

[56] UNICEF, *Adult Wars, Child Soldiers: Voices of Children Involved in Armed Conflict in the East Asia and Pacific Region* (New York: UNICEF, 2003), 43.
[57] Ibid, 42.
[58] Wessells, *Child Soldiers*, 76-77.
[59] UNICEF, *Adult Wars, Child Soldiers*, 43.

sexual harassment were not tolerated, and that women enjoyed relatively equal status to men within the organization.[60]

In sum, armed groups that employ random and excessive violence, and who regularly drug and abuse child soldiers exhibit a pronounced disregard for human rights, and thus can be reasonably assumed as less likely to negotiate an end to child recruitment practices during war.

To conclude, there are three indicators that help in establishing a non-state actor's level of human rights sensitivity: its political objectives, the kind of recruitment it employs, and its treatment of child soldiers. If an NSA creates functional structures of governance, and makes attempts to treat children in a judicious manner, it should be more amenable to negotiating the demobilization of its youth during periods of conflict.

Military-Strategic Necessity: An Ability to Negotiate

Despite the good intentions and persistent efforts of NGOs that believe in the power of legal and moral suasion in getting armed groups to release children in war, the evidence on the ground suggests that in an overwhelming number of cases, non-state armed groups privilege military considerations over moral actions in today's conflicts. Indeed, with nearly 70% of conflicts now involving the use of children,[61] we may be gravely under-estimating both the instrumentality of child soldiers in war, as well as the rational, calculated nature of armed groups themselves. Commenting on these oversights, Jo Becker- one of the top advocates for children's rights at Human Rights Watch- concedes that: "few armed groups that are engaged in armed conflict will relinquish their use of child soldiers unless they perceive that the positive benefits of doing so (or conversely, the negative consequences of failing to do so) outweigh the

[60] HRW, *You'll Learn Not to Cry*, 56. Although sexual violence is not formally accepted as a practice within FARC, this report does find that girls often faced pressures to engage in relationships with male superiors.

[61] Save the Children, *Protecting Children in Emergencies: Escalating Threats to Children Must Be Addressed* (London, UK: Save the Children, 2005), 8.

military advantage the children provide".[62] If NSAs really do make their decisions based on careful cost-benefit analyses (as suggested by Becker) then it is important to address not only the moral implications of child recruitment among insurgent groups, but the practical justifications for their use on the battlefield. What then, makes young soldiers so attractive for armed groups?

Firstly, children often supply a well-needed source of manpower for armed groups in periods of war; youth, who now make up the largest portion of the world's population, are increasingly being used to plug the gap left by smaller adult demographics.[63] Second, children are frequently targeted because they are relatively easy to control, both physically and mentally. Wessells states that "in children, commanders see unformed raw material to be moulded as they wish".[64] Additionally, owing to their underdeveloped levels of maturity, youth possess certain naïve attributes which are favourable to commanders. McConnan and Uppard of Save the Children assert that children are more likely to provide unpaid labour and carry out dangerous tasks on the battlefield that their adult counterparts are reluctant to do.[65] Finally, some groups use children as a means of inflicting a psychological blow to the adversary. Armed groups in Cambodia, Vietnam and Northern Ireland for example, all used children to wage war, knowing full well that the professional armed forces of the state would be reluctant to open fire on these young combatants.[66]

In general, youth are described as pliable, expendable, exploitable and low-cost subjects in large supply.[67] One author's observations provide an apt summary:

> Children can be a real threat in combat, one that is unavoidable on the modern battlefield. They think less about consequences; they act more rashly than adults, are less risk averse, and because they are children, can cause confusion and hesitation in the enemy. They are

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[62] Jo Becker, "Child Soldiers and Armed Groups," (Notes for a presentation to the Conference on 'Curbing Human Rights Abuses by Armed Groups', Centre for International Relations, Vancouver, BC, 14-15 November 2003), 6.
[63] Singer, *Children At War*, 39; McConnan and Uppard, *Children, Not Soldiers*, 41.
[64] Wessells, *Child Soldiers,* 37.
[65] McConnan and Uppard, *Children, Not Soldiers*, 41.
[66] Ibid. For a further discussion on the training that armed forces must receive to deal with young children as opposition, see Singer, *Children At War*, chap. 9.
[67] Wessells, *Child Soldiers*, 33-37; Cook, *Stolen Angels*, 56.

> also cheap to train and easy to replace; thus, commanders can use them recklessly, as distractions, as forward attack units, as attacking waves to overrun the enemy positions or send them in to combat zones to do the most dangerous work.[68]

It is interesting to note that, implicit in all of these explanations, is a focus on the callous manipulation of children at the hands of adults. Singer for example states: "Child soldiers are deliberately recruited by groups for the very reason that their lives are considered to be of less value than fully trained adult soldiers".[69]

Statements like these, while true in many cases, risk obscuring the nuances of child soldier use among various armed groups in two ways: one, by overstating ethical considerations in the decisions to recruit and employ young combatants; and two, by assuming that youth (as passive subjects) are all "exploited" in the same manner.

To illustrate, one of the classic analogies cited by academics studying the child soldier phenomenon is the use of young kids as "cannon fodder". Due to their underdeveloped sense of risk and mortality, children are often placed on the military frontlines, instructed to recklessly charge against the attackers with the hopes of overwhelming the opposition with sheer numbers. A soldier in Myanmar explained his experience facing this type of strategy: "There were a lot of boys rushing into the field, screaming like banshees. It seemed like they were immortal, or impervious or something, because we shot at them, but they just kept coming".[70] This account, which depicts children as wild, untrained soldiers, randomly blasting away on their automatic weapons, is accurate in some civil wars, but not all. In fact, in countries like Colombia and Sri Lanka, children are not only disciplined and well-trained, but they are used specifically because they perform to similar standards as adults.[71] One retired Green Beret officer described under-age Colombian, Thai and Filipino soldiers he had worked alongside on contracts as "damn near as good as conscript-drafted

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[68] Charles London, *One Day the Soldiers Came* (New York: Harper Perennial, 2007), 170.
[69] Singer, "Children At War," 106.
[70] Ibid, 85.
[71] HRW, *You'll Learn Not to Cry*, 61. See chapter four of this study for an in-depth look at the effectiveness of child soldiers fighting within the LTTE in Sri Lanka.

Americans or Europeans in the use of NATO tactics".[72] Within these armed groups, it is the presence of skill on the battlefield, and not ethical considerations, which form the calculus for using child soldiers.

In other cases, youth are consciously shielded from dangerous frontline combat, by being employed in more menial and supportive roles; in the NRA for example, children under the age of 16 were deliberately kept away from frontline combat as a means of protection.[73]

In yet other situations, youth are trained as reserves but not immediately deployed to fight. In Nepal, children were widely reported to be taken by the military wing of the Communist Party of Nepal- Maoist (CPN-M) for training and indoctrination, but often returned to their families without engaging in direct hostilities, presumably being kept "on-call" if the need arose to use them in the future.[74]

To summarize, there is great variation in the ways in which non-state armed groups use children in war. As such, it is important to remain vigilant against taking the most highly publicized accounts of child soldiering (ie. the RUF in Sierra Leone) as accurate reflections of *all* NSAs employing under-aged combatants in conflict. Moreover, it is critical to determine the specific ways in which youth are being employed in *each* context, in order to identify more precisely what it is that makes them so "effective". It is in the very details of children's use that we may find vital clues to their potential release.

In conclusion, armed groups gain many different benefits from the use of child soldiers in war. Considering that child recruitment continues in full force despite the concerted efforts to strengthen international norms and advocacy, we must concede that the military-strategic advantages that NSAs obtain from the use of child soldiers greatly affect group decisions on whether to enter into agreements for their release. This assumption, which forms the second

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[72] Singer, *Children At War*, 87.
[73] Ngoga, "Uganda: The NRA," 98.
[74] While children have been forcibly taken by the Maoists for military training and education, the evidence of them being used in combat is "still patchy". International Crisis Group, *Nepal's Maoists: Their Aims, Structure and Strategy* (Brussels: International Crisis Group, 2005), 10.

independent variable of this study, labelled as "military-strategic necessity," helps to inform Hypothesis 2:

H2: *Non-state armed groups that exhibit a high level of military-strategic necessity for the use of child soldiers will be less likely to negotiate their release during periods of ongoing war*

Three indicators will be used to measure the military benefits of child soldier use: the percentage of children serving in the armed forces, their effectiveness as combatants,[75] and the use of child soldiers by other factions.

Percentage of Children Serving in Armed Groups

Assuming that NSAs rank the achievement of military goals as a high priority, it follows that groups will be unlikely to make decisions that would seriously harm the strength of their military capabilities. NSAs that use high proportions of children in their armed forces are likely to suffer a significant military blow from their release, and as a result, should be less likely to enter into commitments that would leave them in such a disadvantageous position, in relation to their adversaries. The LRA in Uganda offers an extreme case in point: with an estimated 80% of its armed forces made up of abducted children, this insurgent group would virtually cease to function if its minors were demobilized. One report notes that: "without abducted children, the LRA would lose an important source of recruitment and could not remain in action long. If this logic is accepted, it can be concluded that the best visible survival option for the LRA is to continue abducting children".[76] In short, groups that rely heavily on the use of children within their ranks are less likely to seriously negotiate an end to the practice of under-age recruitment, so long as conflict continues unabated.

[75] Note that the term "combatant" is being used loosely, and includes all the roles that children associated with fighting forces occupy- direct combat or not.
[76] Lancaster, O'Neill, and Spencer, *Children in Conflict*, 30.

Effectiveness of Combatants

A second factor that must be considered in evaluating military-strategic necessity, and which has already been touched upon, is the effectiveness of child soldiers in the roles they assume. Considering the complex and varied nature of child soldier use among NSAs, there is no easy or objective way to rate the effectiveness of children in war; however, for the purposes of this study, the objectives of an armed group will be used as a guide in determining whether these youth help or hinder the attainment of such goals.

To illustrate, the LRA is well-known for its deliberate use of indiscriminate violence to terrorize civilians into submission (see '*Objectives of Armed Groups*'). Kathy Cook- author of 'Stolen Angels'- offers fascinating insight on the effectiveness of this strategy for the group. Acts of extreme violence are typically rewarded by promotions within LRA ranks, which over the years, has created incentives for members to act with heightened degrees of cruelty against civilians. The result is a population so utterly paralyzed with fear that three child soldiers wielding machine guns has proven to be enough to displace 60,000 villagers for a year.[77] Again, effectiveness can be judged relative to the objectives of an armed group; in this case, children are very proficient in maintaining a climate of sheer terror in order to induce compliance from the people.

Whereas child soldiers serving in armed groups that target civilians as a primary objective do not require high levels of competence or training, those serving under groups that privilege military victory over a formidable, well-trained opponent, more likely do. Children who are thus very young and undisciplined are presumably less of an asset (and more of a burden) to groups that use more targeted assaults against their enemies to win.

Indeed, the demographics of youth serving within armed groups disclose a good deal about an NSA's objectives. In "A Long Way Gone" former child soldier, Ishmael Beah, recounts details of two companions- Sheku, 7 years old and Josiah, 11- who entered their first battlefield experience "dragg[ing] the tip

[77] Kathy Cook, email correspondence, July 15, 2008.

of their guns, as they still weren't strong enough to carry them and the guns were taller than they were".[78] It is no surprise, given how weak these children were, that one of them was killed early in that first military campaign; children of such young ages simply cannot make effective, discerning soldiers. Thus, armed groups that employ large numbers of these young in direct combat roles are likely to be using them as cannon fodder. Groups that employ serious military strategies to out-manoeuvre its adversary typically recruit older children.

A final element to consider is the level of training that children receive. Some groups take pains to instil discipline and competence within their young combatants, spending months training them to excel in their given duties; the FARC is one such example, where months of tactical, physical and ideological training form child soldiers with high-level capabilities and the versatility to carry out any number of sophisticated military operations.[79] Others do little more than provide the very basics of operating a gun before sending youth into the field. As one Philippine boy reports: "There was no formal training. If we were needed in combat, we were just told to shoot".[80]

In short, a combination of demographics and training help to expose the ways in which NSAs use children as combatants, and their relevant effectiveness in relation to the goals of a group.

Other Armed Groups

A third variable to consider provides a greater measure of the environment in which an NSA is fighting, as well as its opposition's tactics on the battlefield. In war, conflict parties must react effectively to their enemies' strategies in order to survive and succeed. Often, this means that military groups will mirror their opponents' tactics and conduct on the battlefield. One clear and ubiquitous example of this is evidenced when conflicts devolve into tit-for-tat

[78] Ishmael Beah, *A Long Way Gone: Memoirs of a Boy Soldier* (Vancouver: Douglas & McIntyre Limited, 2007), 116.
[79] HRW, *You'll Learn Not to Cry*, 61-63.
[80] UNICEF, *Adult Wars, Child Soldiers*, 38.

violations of human rights (of ever-increasing severity), not only as a means of retribution, but as a justified measure for keeping up with the adversary.[81] The same can be said of child soldier use. Simply put, when armed groups (state or non-state) recruit children within their ranks, it can create the need- both real and perceived- for other groups to do the same. Presumably, where many conflict parties are recruiting large numbers of children, the need to use child soldiers would rise. As an example, the RUF is said to have been responsible for setting the tone of child recruitment in Sierra Leone (after the example was set by its ally in Liberia- the National Patriotic Front of Liberia- led by Charles Taylor); as one analyst put it, this militia was more of an environment than a movement, paving the way for subsequent groups to commit gross human rights abuses, including the recruitment of children to wage war.[82]

The child recruitment patterns of other groups within a conflict are crucial to recognize for two reasons relating to the likelihood of successful engagement on child demobilization: one, where child soldiers are being effectively used by numerous conflict parties, a clear military disadvantage would be created for any NSA that entered into a commitment to release its own youth while fighting continued. Second, if other parties- namely the state- are known to breach international standards of recruitment, the reasonable question could be asked of any NSA being approached to demobilize its child soldiers: "why should I comply to the law, when those around me do not?" Empirical evidence in getting NSAs to engage on the issue of landmine use in fact reveals that these groups are far more likely to comply to bans when states, too, have signed similar commitments.[83]

Thus, non-state armed groups that function in environments where many other conflict actors also gain high military-strategic benefits from the use of

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[81] Hugo Slim states that "atrocity can be contagious": once one party violates the rules of limited warfare, it is all too easy for other parties to follow suit, with violence becoming more widespread and pernicious over time. Slim, *Killing Civilians*, 243.

[82] David Keen, "Greedy Elites, Dwindling Resources, Alienated Youths: The Anatomy of Protracted Violence in Sierra Leone," *International Politics and Society* 2 (2003): 86.

[83] Anki Sjöberg, *Armed Non-state Actors and Landmines: Volume III, Towards A Holistic Approach to Armed Non-state Actors?* (Geneva: Geneva Call and PSIO, 2007), 20.

child soldiers, are less likely to enter into commitments to end child recruitment during periods of ongoing war.

In conclusion, non-state armed groups that show a high level of military-strategic necessity for the use of child soldiers will be less likely to engage in commitments to end their recruitment in war. The percentage of children used, their effectiveness in their given roles, and the number of other armed groups employing youth, collectively point to a non-state armed group's likelihood of signing a commitment to end under-age recruitment during war.

Comparing Variables

In looking at these two variables- human rights sensitivity and military-strategic necessity- it is clear that both are important considerations that will help determine whether NSAs will negotiate the release of children in war. If groups function with a blatant disregard for human rights, advocacy efforts will probably prove futile, regardless of how they employ children in war.[84] At the same time, armed groups that gain significant benefits from the use of child soldiers will not readily demobilize their youth if it jeopardizes their chances of achieving their goals, regardless of human rights concerns.[85] In short, the balance between these two variables is crucial. Presumably, groups that have a high regard for human rights and a low use for child soldiers will be most likely to engage, while the reverse will breed the opposite result.

Most armed groups however, do not fall clearly into one of these two categories; rather, it must be expected that armed NSAs will exhibit a complex mix of the two variables at different stages of the conflict. Because of this reality, we must look not only at the given traits of an armed group, but at the events surrounding negotiations that act as intervening variables in the outcome of a negotiated agreement.

[84] Becker, "Child Soldiers and Armed Groups," 3.
[85] McConnan and Uppard, *Children, Not Soldiers*, 79.

Conditions Surrounding Negotiations

Conflicts are not static events that remain steady and predictable over time; on the contrary, they are constantly changing based on a host of factors that determine the ebb and flow of hostilities. Armed groups, much like conflicts, are continually evolving, their goals and strategies shifting to keep up with ever-changing circumstances. Based on these considerations, it can be reasonably assumed that an NSA's calculations of the costs and benefits of negotiating important agreements is likely to change over the course of a conflict. Indeed, studies that have looked at best practices for engaging with NSAs to end land-mine use, have found that these groups can "radically change their position"[86] during or leading up to negotiations. With regards to engaging on child recruitment, The Coalition to Stop the Use of Child Soldiers adds that that the "widely diverse characters, aims and methods, and varied environments in which [NSAs] operate militate against generic solutions".[87]

Zahar notes that there are three factors that can alter the behaviours of an NSA: the nature of the group, the actions of the international community, and the passage of time.[88] Having already established indicators that help determine the likelihood of child demobilization based on a group's character traits, this section considers the exogenous influences of "external pressure" and the presence of a "peace process" as intervening variables that can significantly alter the dynamics of war, and compel non-state armed groups to re-assign value to the two main variables: human rights sensitivity and military-strategic necessity. These processes in turn affect an NSA's likelihood of negotiating an end to child recruitment.

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[86] Sjöberg, *Armed Non-state Actors and Landmines*, 19; see also Sue Williams and Rob Ricigliano, "Understanding Armed groups," *Conciliation Resources*, 2005, http://www.c-r.org/our-work/accord/engaging-groups/understanding-armed-groups.php (accessed August 28, 2008).

[87] The Coalition, *Global Report 2008*, 7.

[88] Zahar, *Protégés, Clients, Cannon Fodder*, 108.

External Pressure

External pressure can be a decisive factor in changing the outcomes of conflicts. For example, in a study on the success of peace implementation in sixteen civil wars, Stedman reports a noticeable correlation between great power interest in conflicts and the likelihood of a successful outcome.[89] Similarly, Hara finds that in Burundi, the efforts of over 70 special envoys, coupled with the strong presence of regional and international support was critical in guiding a shaky peace process in the mid-1990s, and preventing this country from devolving into the same genocidal violence that befell its neighbour, Rwanda.[90]

In countless situations, international attention not only adds weight to peace processes, but can also serve to alter behaviours among states and armed groups alike. In particular, groups that value greater external legitimacy and recognition may seek to improve their human rights image in the face of public scrutiny. During the war in Kosovo for instance, the Kosovo Liberation Army (KLA) was deliberate in its attempts to portray itself as 'liberators' and 'freedom fighters' in the face of high levels of international attention.[91] Conversely, in Northern Uganda where the conflict has been infamously dubbed "the biggest forgotten, neglected humanitarian emergency in the world"[92] it is unsurprising that the LRA has been able to act with impunity, quite literally building an "army of children", well outside the international radar screen.

International attention is not the only means of applying external pressure. The efforts of countless NGOs have been critical for undertaking "on the ground" measures to raise human rights awareness, and encourage armed groups to respect these rights in war. With regards to child recruitment,

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[89] See Stephen John Stedman, "International Implementation of Peace Agreements in Civil Wars: Findings from a Study of Sixteen Cases," in *Turbulent Peace: The Challenges of Managing International Conflict*, eds. Chester A. Crocker, Fen Osler Hampson and Pamela Aall (Washington: US Institute of Peace Press, 2006), 737-752.

[90] Fabienne Hara, "Burundi: A Case of Parallel Diplomacy", in *Herding Cats: Multiparty Mediation in a Complex World,* eds. Chester A. Crocker, Fen Osler Hampson, Pamela Aall, (Washington: US Institute of Peace Press, 1999), 157.

[91] McHugh and Bessler, *Humanitarian Negotiations*, 40.

[92] "War in northern Uganda world's worst forgotten crisis: UN," *Agence France-Presse*, 11 November 2003. Since special envoy Jan Egeland made this visit, there has been a notable rise in attention given to this conflict, with ICC prosecutions going out against the top leaders of the LRA.

organizations like Save the Children and UNICEF- along with many local partners- have often spent years engaging with armed groups, and building the requisite trust to secure NSA agreements for the demobilization of children during war.[93] Child rights workshops have also been held with members of various armed groups, and met with some success in altering under-age recruitment practices.[94] Anne Edgerton, who attended some of these workshops in the DRC during her time with Refugees International, observed that individual NSA commanders tended to show great pride in acting as military representatives of their respective groups, and took serious the message of respecting international laws.[95]

In sum, the combination of high-level public pressure and low-level advocacy work can act as positive forces in getting armed groups to improve their human rights record.

Peace Process

The presence of peace talks probably offers the most convincing case for why non-state armed groups would negotiate the end of child recruitment within their ranks. With the potential of violent conflict nearing its end, the military-strategic necessity of using child soldiers will presumably fall, as parties start to discuss the demobilization of their respective armed forces. At the same time, armed groups that have ambitions for political power will likely become far more sensitive to their human rights image, especially where international scrutiny is apparent. Reports in fact confirm that NSAs are much more willing to engage on human rights negotiations during cease-fires, wider negotiations, or as a signal to advance into peace talks.[96]

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[93] In fact, the building of trust with NSAs is frequently cited as a crucial element, not only for engaging on child rights, but for opening up possibilities for broader discussions on humanitarian issues and even peace talks. See David Petrasek, "Vive la Différence? Humanitarian and Political Approaches to Engaging Armed Groups," *Conciliation Resources*, 2005, http://www.c-r.org/our-work/accord/engaging-groups/vive-la-difference.php (accessed August 28, 2008).

[94] Withers, "Child Soldiers", 235; Becker, "Child Soldiers and Armed Groups," 3.

[95] Anne Edgerton, phone interview, June 23, 2008.

[96] Sjöberg, *Armed Non-state Actors and Landmines*, 19

Peace negotiations in intrastate conflicts however, can be uncertain and volatile processes. Because trust between warring parties is at a particular low, there exists a real security dilemma[97] that can preclude the disarmament of forces (under-age or not). Both sides are required to comply equally for disarmament processes to work; if not, one group will feel vulnerable to attack from the other, and at the same time, hesitation in disarmament could further fuel fears of bad faith.[98] Thus, if either of the two groups does not place full trust and compliance in the peace process stipulations, the expected drop in military-strategic necessity for child soldiers- particularly if they make up a significant proportion of the fighting forces- may not occur. Rather, groups may remain armed, in the eventuality that peace talks fail. Moreover, where violations to cease-fire agreements are allowed to continue unabated, the perceived need for a strong military presence on high alert will likely persist.

In short, peace processes undoubtedly act to raise an armed group's level of human rights sensitivity, however, a corresponding decline in military-strategic necessity is dependent on the quality of the peace process itself, in terms of compliance to security measures and cease-fire conditions.

To summarize, external pressure and the presence of peace processes act as two separate, but often co-existing, intervening variables that could make armed groups re-calibrate the values they assign to both human rights sensitivity and military-strategic necessity. Therefore, this third variable, labelled as "conditions surrounding negotiations" involves two parts that account for both external pressure and the presence of peace talks. Hypothesis 3 (a) states:

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[97] The "security dilemma" concept was first adapted to intrastate wars by Barry Posen. The basic tenets have since been used by academics like Fearon, Snyder and Walter to explain different aspects of civil war. See Barry Posen, "The Security Dilemma and Ethnic Conflict," *Survival* 35, no. 1 (1993): 27-47.

[98] Roy Licklider, "Obstacles to Peace Settlements," in *Turbulent Peace: The Challenges of Managing International Conflict*, eds. Chester A. Crocker, Fen Osler Hampson and Pamela Aall (Washington: US Institute of Peace Press, 2006), 703.

H3a: External pressure can act as an intervening variable that increases human rights sensitivity, and encourages non-state armed groups to negotiate an end to child recruitment during periods of war

and Hypothesis 3 (b) states:

H3b: The presence of peace talks can act as an intervening variable that increases human rights sensitivity and decreases military-strategic necessity, encouraging non-state armed groups to negotiate an end to child recruitment during periods of war

Now that a solid foundation has been created to examine the various factors affecting the decision-making processes of non-state armed group in recruiting and releasing children, the next three sections will serve to test the above hypotheses, and to closely examine how these fared in reality. There are three case studies that will be analyzed in the following chapters: the Rassemblement Congolais pour la Démocratie, Goma in the DRC (chapter 2), the Sudan People's Liberation Movement/Army in Sudan (chapter 3), and the Liberation Tamil Tigers of Eelam in Sri Lanka (chapter 4). Each of these NSAs entered into formal commitments with UNICEF to release children within their ranks, and to end all further under-age recruitment, prior to the achievement of peaceful settlements.

Through the detailed and systematic application of hypotheses across the three cases, it will be possible to uncover important trends that can help in better predicting the challenges and possibilities for future negotiations with armed groups.

CHAPTER II:
RASSEMBLEMENT CONGOLAIS POUR LA DÉMOCRATIE, Goma

Democratic Republic of the Congo

Background[99]

The political history of the DRC tells two stories: one of gross neglect, and one of inimitable survival. This brief summary of the events surrounding the Second Congo War (1998-2003) is meant to highlight the recurring patterns of coercion and state misuse, which help to contextualize the motivations and actions of the RCD-Goma. It is equally important to recognize however, that the persistent use of the state as a source of personal enrichment has forced this society to develop its own pragmatic and creative modes of everyday survival; a term well known by the Congolese as "debrouillerse"[100] (fending for oneself). This individualistic strategy- which has been deeply engrained over the years- helps to explain the seemingly chaotic actions, both by members of armed groups as well as individual citizens alike: the common denominator for all actors being survival of the fittest, against a harsh backdrop of violence and insecurity.

Shortly after the first Congo war (1996-1997) which brought the fall of long-time dictator, Mobutu Sese Seko, the new self-proclaimed head of state, Laurent Kabila rapidly undertook repressive measures that were reminiscent of his predecessor.[101] Rather than basing government on principles of democracy, accountability and inclusiveness, Kabila assumed an authoritarian, "winner take

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[99] This brief summary does not attempt to do justice to the incredible complexities that led to the two Congo wars; such an endeavour is simply beyond the scope of this thesis. For detailed information on these two modern conflicts, consult John F. Clark, ed., *The African Stakes of the Congo War* (New York: Palgrave Macmillan, 2002); Jeanne M. Haskin, *The Tragic State of the Congo: From Decolonization to Dictatorship* (New York: Algora Publishing, 2005); or Osita G. Afoaku, *Explaining the Failure of Democracy in the Democratic Republic of Congo: Autocracy and Dissent in an Ambivalent World* (New York: E. Mellen Press, 2005).

[100] This term is commonly used to describe the creative and expansive informal economies that have formed in the DRC, and that make up a large percentage of civilian wages. For a fascinating discussion on the development of this phenomenon, see Stephen Jackson, "Making a Killing: Criminality & Coping in the Kivu War Economy," *Review of African Political Economy* 29, no.93/94 (September-December 2002): 516-536.

[101] René Lemarchand, "The Democratic Republic of the Congo: From Failure to Potential Reconstruction," in *State Failure and State Weakness in a Time of Terror*, ed. Robert I. Rotberg (Washington, DC: Brookings Institution Press, 2003), 44.

all" position, much like Mobutu.[102] All the important functions of the state, economy and military were being used for personal gain, rather than as institutions serving the people.

Despite the poor governance exhibited by the new government in 1997, the second Congo war (1998-2003) is more closely attributed to Kabila's inabilities to manage ethnic relations in the country following the first conflict. Rwanda played a major role in Mobutu's overthrow, and the subsequent appointments of Banyarwandans and Banyamulenge[103] to important posts within the government stirred great resentment from the public, who perceived the state as being controlled by outsiders.[104] Kabila's attempts to back-track on his initial policies of favouritism subsequently angered the Rwandans, who were frustrated themselves by the leader's refusal to expel the Rwandan genocidaires taking refuge in eastern DRC. Faced with rapidly declining legitimacy[105] Kabila decided on July 27, 2008 to expel all foreign troops from the DRC. Little did he know that the Rwandans had already been considering alternatives to Kabila's rule, and were ready to respond with military force.

On August 2, 1998, an alliance headed by the Rwandan Patriotic Army (RPA) and backed by soldiers from Uganda, Burundi and various Congolese groups- rallying under the title of the Rassemblement Congolais pour la Démocratie (RCD)- descended on Kinshasa, in a campaign that first looked like it would mimic the quick and decisive east-to-west surge demonstrated in the first war.[106] Unexpectedly however, Angola and Zimbabwe (in addition to smaller contributions from Namibia, Libya, Chad and Sudan) intervened on Kabila's behalf, preventing the RCD from securing a swift victory. After only a

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[102] Osita Afoaku, "Congo's Rebels: Their Origins, Motivations, and Strategies," in *The African Stakes of the Congo War*, ed. John F. Clark (New York: Palgrave Macmillan, 2002): 111.

[103] 'Banyarwandans' means people from Rwanda, while 'Banyamulenge' refers to Tutsis living in the Congo prior to independence. What it means to be a 'Rwandan' or a 'Congolese' remains highly contested in this Central African region.

[104] Questions of nationality and "foreignness" had been swirling long before the Congo wars, which is why a perception quickly formed about Kabila's government being controlled by outsiders. This perception was particularly strong in Kinshasa, where 15,000 of his men/boys were patrolling the streets, neither speaking French nor Lingala, the two main languages used in the capital.

[105] Kabila was painted by many as the Rwandan President's stooge.

[106] Afoaku, "Congo's Rebels," 120.

few months of fighting, it was clear that both government and opposition had reached a stalemate, with the former in the west and the latter in the east.[107] From this gridlocked position, the leading opposition groups concentrated their energies on two goals: taking advantage of the absence of order to plunder huge amounts of mineral wealth for profit, [108] and vying for territorial control in order to maximize their bargaining power in any future peace negotiations.[109]

By 1999, the Lusaka Ceasefire Accord was signed, even though violence between parties continued, and foreign forces remained active in the country. Peace talks continued in fits and starts until The Global and All-Inclusive Agreement on the Transition in the DRC was finally signed in 2003, putting an official end to the war.[110] With no less than 4 million deaths and 9 countries involved, it is little wonder that this conflict garnered the ignoble title of "Africa's World War".

The RCD-G's Agreement with UNICEF, 2001

The Rassemblement Congolais pour la Démocratie- Goma (RCD-G) always maintained a position that it did not actively recruit children into its forces. In May 2000, the group created an inter-departmental commission to demobilize child soldiers that it alleged to have inherited from the previous war.[111] After an intense child recruitment drive throughout 2000, the RCD-G signed a formal agreement in December 2001 to release 2,600 under-aged

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[107] There were in fact a large number of non-state armed groups (both Congolese and otherwise) as well as local militias operating in the DRC between 1998 and 2006. In general however, three main clusters of groups opposed the state: those supported by Rwanda (RCD-Goma), those supported by Uganda (RCD-Kisangani/ML, RCD-N, UPC), and those aligned with Uganda (MLC). For an overview of the many armed factions operating in the DRC, consult Haskin, *Tragic State of Congo*, 90-94.

[108] See United Nations, *UN Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the Democratic Republic of the Congo*, A/2001/357, 2001.

[109] Haskin, *Tragic State of Congo*, 127.

[110] For further discussion on the negotiations and various accords signed between 1998 and 2003, see Emeric Rogier, "The Inter-Congolese Dialogue: A Critical Overview," in *Challenges of Peace Implementation: The UN Mission in the Democratic Republic of the Congo*, eds. Mark Malan and Joao Gomes Porto (Pretoria: Institute for Security Studies, 2003).

[111] Human Rights Watch, *Reluctant Recruits: Children and Adults Forcibly Recruited for Military Service in North Kivu* (New York: Human Rights Watch, 2001), 13.

combatants that it admitted to having within its ranks. In April 2002, 104 children were demobilized in what was the first and only official implementation of its commitment.[112] Recruitment continued unabated, although the RCD-G, keenly aware of international monitors stationed in larger towns in the east, relocated their recruitment drives to rural areas, far from the prying eyes of the world.[113]

With a basic understanding of the conflict and its main actors, we now turn to the conditions that contributed to the RCD-G's agreement to end under-age recruitment in 2001. The first variable to be considered is "human rights sensitivity". The group's political objectives (measured by its ability to create functional structures of governance), recruitment practices, and treatment of children are the three indicators used to measure this variable.

Human Rights Sensitivity

The Rassemblement Congolais pour la Démocratie (RCD) was a "rassemblement" in the truest sense of the word.[114] Comprised of various factions with diverging interests and ideas, the RCD was united only by their shared desire to topple the Kabila government; beyond this goal, no long-term vision of how the state would be governed after the war was shared by its members.[115] Indeed, the political wing, created on August 20, 1998- two weeks *after* the first military attack on Kinshasa- was an early indication that short-term military aims far surpassed any far-reaching ideological claims made on behalf of the party.[116] Within months, divergent opinions led to the party's split

[112] Beth Verhey, *Going Home: Demobilizing and Reintegrating Child Soldiers in the Democratic Republic of Congo* (London, UK: Save the Children, 2003), 14.
[113] HRW, *Reluctant Recruits*, 16. Verhey, *Going Home*, 28.
[114] Hans Romkema, "The Situation in the Kivus," in *Challenges of Peace Implementation: The UN Mission in the Democratic Republic of the Congo*, eds. Mark Malan and Joao Gomes Porto (Pretoria: Institute for Security Studies, 2003), 224.
[115] Lemarchand, "DRC," 46.
[116] Afoaku, "Congo's Rebels," 115.

into three "RCD's"[117] while the Goma faction underwent four changes of leadership.[118]

The RCD-Goma was the largest of the non-state armed groups functioning within eastern DRC, and it exercised great enough military control to warrant the establishment of administrative structures in large swathes of the region. However, following in the historical pattern of state neglect, members of the RCD-G showed little interest in defending the welfare of the people, or in altering the flawed system of governance left by Mobutu.[119] With considerable support from its allies (notably, Rwanda) and revenues from heavy mineral exploitation in the region, the RCD-G was not overly concerned about creating popular support;[120] in fact, chaos and the attainment of self-serving interests seemed to be the primary motives for most NSAs operating in the east. Describing the state of governance in the eastern Congo, Tull remarked that it had become "the epitome of a hollowed-out state succumbing to the violent assaults of private actors such as ethnic militias, warlords and military-commercial syndicates".[121] Without any rule of law, arbitrary and egregious human rights abuses continued unabated, [122] while civilian resentment towards the RCD-G- who repeatedly claimed that security was a "private matter"[123] (meaning, not their responsibility)- began to grow. In short, this group showed little interest in creating functional state structures that would indicate a commitment to the people, or to the longer-term goals of responsible

[117] The three groups were: RCD-Goma, RCD-Kisangani/Mouvement de Liberation, and RCD-National.
[118] The four leaders were: Ernest Wamba dia Wamba, Emile Ilunga, Adolphe Onusumba, and Azarias Ruberwa.
[119] Romkema, "Situation in Kivus," 224.
[120] Zachariah Cherian Mampilly, "Stationary Bandits: Understanding Rebel Governance" (PhD dissertation, University of California, 2007), 218. Mampilly notes that the first leader, Wamba dia Wamba, placed the greatest thought and concern into governance issues; all those who shared his views however, left with him in 1999, as he went on to form his own group (RCD-K)
[121] Denis M. Tull, "A Reconfiguration of Political Order? The State of the State in North Kivu (DR Congo)," *African Affairs* 102, no.408 (July 2003): 431.
[122] See UN General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in the Democratic Republic of the Congo*, A/56/327, 2001, 12-14. Sexual violence was (and still is) a particularly grave problem in the DRC. See for example, Human Rights Watch, *The War within the War: Sexual Violence Against Women and Girls in Eastern Congo* (New York: Human Rights Watch, 2002).
[123] Tull, "Reconfiguration of Political Order," 435.

governance. Instead, it created a façade of bureaucratic order to attract international recognition and to enhance its position at future peace negotiations.[124]

With widespread disregard for the people's well-being, it is unsurprising that civilian opposition grew, and that the RCD-G would have to rely on forced recruitment to increase its membership. Unlike the first war, where Congolese citizens overwhelmingly supported the end to Mobutu's dictatorial rule, many in the east could not muster the same enthusiasm to justify the violence of the second conflict. One resident commented that no parent would give up their child voluntarily because "we don't know what is the point of this war".[125] As a result, coercive and violent measures were often used to recruit children and to fill the group's ranks. One former child soldier recalls how he had no choice in being recruited when the militia approached him to join. He stated matter-of-factly: "they could kill my father, or they could kill me in front of my father."[126]

While recruitment was largely violent and coerced, many children did in fact join the RCD-G without being physically forced to do so. As has already been discussed in earlier chapters however, this type of "voluntarism" cannot be taken as free will. Youth in the DRC have suffered considerably from years of state neglect that has led to high levels of infant mortality, and poor levels of education and nutrition.[127] As one local NGO representative put it, children in eastern DRC had three choices available to them during the war: join the military, become a street child or die.[128] If cases where children joined out of economic desperation are removed, the vast majority of the remaining stories would likely be tales of forced recruitment.

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[124] Ibid, 444.

[125] HRW, *Reluctant Recruits*, 6.

[126] Somini Sengupta, "Innocence of youth is victim of Congo war," *New York Times*, June 23, 2003.

[127] Throughout the demobilization process, it was found that 45% of ex-child soldiers had not even completed primary school. According to the director of one of the DDR centres in Bukavu, 99% of these youth were from very poor backgrounds. See Anna Sussman "Conscripted by Poverty," *Dollars & Sense* 273 (Nov-Dec 2007): 24.

[128] London, *One Day the Soldiers Came*, 139. Many children joined simply because it meant that they knew where their next meal would come from. One former child soldier summarized the desperate and stark decisions that youth faced, explaining simply: "I heard that the rebels were at least eating. So, I joined them". Singer, *Children At War*, 63.

The treatment of children within the RCD-G's ranks was brutal. Particularly during training, where emphasis was placed on enforcing a fierce sense of loyalty (based on fear of punishment), and on inspiring complete disregard for human life, conditions for the young recruits were harsh and unforgiving. Former child soldier, Lucien Badjoko,[129] recalls his first day at a military camp in Rwanda, where commanders promptly starting beating the children until three among them had died from their injuries; a draconian measure for weeding out the "weak" and striking paralytic fear into the hearts of the remaining recruits.[130] These cruel conditions subsided after training, but children continued to lead miserable existences as soldiers: they were unpaid, poorly fed, placed on drugs, and sexual violence among girls in particular, was rampant.[131] Another former child soldier summarizes his experience as: "lots were killed in training. Lots died of sickness. The food was poorly prepared and many got dysentery".[132]

In conclusion, the RCD-Goma rated very poorly in all three indicators of human rights sensitivity: they made no attempt at creating functional structures of governance, children were largely coerced into the military organization, and their treatment was very poor, both in training and everyday life.

Now that the first independent variable has been examined, let us consider the second variable: the RCD-Goma's "military-strategic necessity" of employing child soldiers within its ranks. The percentage of children used, their effectiveness, and the number of opposition movements employing under-age recruits, provide the three measures for this concept.

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[129] Badjoko in fact served with the AFDL, however, seeing as members of this group were trained by the same military force (RPA) and in many of the same locations as the RCD-G, I feel it is appropriate to cite this soldier's account as a fair reflection of what training was like within the RCD-G.

[130] Lucien Badjoko, *J'etais enfant* soldat, edited by Katia Clarens (Paris: Plon, 2005), 22-23. This account is in line with reports on training conditions within other armed groups. See for example, Susanna Kim "Weary From War: Child Soldiers in the Congo," *Harvard International Review* 27, no. 4 (Winter 2006).

[131] See International Labour Office, *Wounded Childhood: Children in Armed Conflict in Central Africa* (Geneva: ILO, 2003); and HRW, *War Within War.*

[132] HRW, *Reluctant Recruits*, 10.

Military-Strategic Necessity

Profiles of non-state armed groups are difficult to create, particularly in places like the DRC, where a proliferation of militias fought, split, merged and co-existed. The lines of division were so fluid in fact, that it was extremely difficult to track the actions of groups. As an example, in a country where no fewer than ten armed groups employed under-age recruits,[133] the International Labour Office (ILO) found that 60% of the child soldiers fighting in the east had previously served in at least one or two other armed groups.[134] While this creates confusion in terms of tracking the numbers and movements of child soldiers in the region, it also suggests that these NSAs likely employed similar practices of recruitment, training and fighting that can (and will) be used as an aid in constructing a profile of the RCD-G.

The Coalition to Stop the Use of Child Soldiers estimated that 20% of the RCD-G's fighting forces were under the age of 18.[135] Reports by this group, as well as Human Rights Watch and Amnesty International all documented the recruitment of children well under the age of 15, with a "substantial number"[136] under 12, and some as young as 8.[137] Based on various reports, including that of the UN Special Rapporteur on the Situation of Human Rights in DRC, a fair estimation would place the majority of children recruited into the RCD-G between the ages of 9 and 13.[138]

Children held various responsibilities in addition to frontline combat, which included: patrolling, surveillance, maintenance of weapons, vehicle checks, scouting, guarding of camps and commanders, caring for the sick,

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[133] UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, S/2002/1299, 2002, 14. In the first of its kind, this report named 23 parties recruiting children, including 10 within the DRC itself.
[134] ILO, *Wounded Childhood*, 37.
[135] Coalition To Stop the Use of Child Soldiers, *Child Soldier Global Report 2004: Democratic Republic of the Congo* (London, UK: Coalition, 2004). This estimate corresponds with the range quoted to me by a MONUC child protection officer. Paula Andrea, email correspondence, July 9, 2008.
[136] Human Rights Watch, *World Report 2002: Children's Rights* (New York: Human Rights Watch, 2002).
[137] Haskin, *Tragic State of Congo*, 124.
[138] See Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children in the Democratic Republic of Congo* (New York: Watchlist, 2003), 25.

portering, and mine laying.[139] Girls were less likely to be sent to the frontlines, and more likely to be responsible for domestic chores, preparation of meals and serving of soldiers (sexually and otherwise).[140] Of all these roles, frontline combat and patrolling (or surveillance) were the most commonly held positions across the region, according to a study by the ILO.[141]

Under-age recruits of the RCD-G received different degrees of training, from various military locations; as Singer notes, variances are situationally dependent.[142] Typically, children would be transported to a military camp in the east or in neighbouring Rwanda, and given between three weeks and three months training.[143] Training included basic infantry skills as well exercises to instil a minimal degree of discipline, obedience and endurance. Nowhere in the literature are children in the RCD-G cited as being highly skilled combatants however. Virtually all describe the quality of soldiers as "minimal",[144] "most basic",[145] or "raw and inadequate".[146]

And yet, despite their lack of fighting capabilities, commanders and analysts alike consistently referred to these child soldiers as "effective" fighters. Upon closer inspection, the praise that children received was almost always associated with their levels of fearlessness and manipulability. One officer summarized the advantages of these child soldiers as such: "they are easy to manipulate, they don't ask for much and you can get them to do whatever you want on the frontline because they're not afraid.[147] Just as this statement would suggest, commanders have capitalized on children's low maturity levels by

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[139] ILO, *Wounded Childhood*, 43.
[140] Watchlist, Impact of Armed Conflict, 23 (footnote). Note that boys were not excluded from these tasks. See Human Rights Watch, *War Within the War*, 2002.
[141] ILO, *Wounded Childhood*, 43.
[142] Singer, *Children At War*, 77.
[143] Amnesty International, *Democratic Republic of Congo: Rwandese-Controlled East: Devastating Human Toll*, (London: Amnesty International, 2001), 31. The higher end estimation of 3-months training was supplied by the RCD-G, meaning that it is likely an exaggerated figure. Training periods at the very beginning tended to be closer to this time frame, however the average was probably much less than that.
[144] HRW, *Reluctant Recruits*, 13.
[145] Singer, *Children At War*, 77.
[146] AI, *Rwandese-Controlled East*, 31.
[147] Helen Vesperini, "DRC: AFP says Ituri region awash with child soldiers," *Agence France Presse*, Monday February 17, 2003.

placing them in some of the most dangerous situations during attacks. According to several reports, children were often sent ahead of battle-ready troops as a means of diversion, drawing fire from the opposition while their own ranks would then attack from another location.[148]

Even while child soldiers within the RCD-G were an easily re-stocked source of fighters to be sacrificed on the frontlines, it would be misleading to think that heavy military confrontations were a frequent occurrence in this war. Despite nearly 4 million deaths being accounted for during the course of the conflict, the International Rescue Committee notes that only 11.1% of those were due to direct violence in 1998; by the end of 2001, this number had dropped to a mere 1.6%.[149] These relatively low figures can be attributed to the fact that the goal of military victory seemed to be secondary for most armed groups, who had accepted a military stalemate early on in the war. What may have started as political aims to overthrow the Kabila government (for the RCD), quickly devolved into a competition by all major groups to hold on to key territories, and to procure short-term economic profits.[150] The use of terror tactics against civilians- discussed in chapter one as an effective means of securing individual interests- was a common strategy employed by the RCD-G and others.[151] As such, young combatants, described by one MONUC commander as "completely nuts" [152]- made adept fighters in their given roles of patrolling areas under the group's control, and inducing general chaos among the civilian population.

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[148] Watchlist, *Impact of Armed Conflict*, 25; HRW, *Reluctant Recruits*, 11.

[149] International Rescue Committee, *Mortality in the Democratic Republic of the Congo: An Ongoing Crisis* (New York: IRC, 2007), 13. Indeed, it is a well-known fact that the majority of deaths were due to disease and malnutrition.

[150] Singer, *Children At War*, 51. For a raw depiction of the self-serving motives of looting and pillaging in the DRC, read Lieve Joris, *The Rebels' Hour*, translated by Liz Waters (New York: Grove Press, 2008).

[151] Countless reports document a trend whereby armed groups would raid villages and attack civilians, accusing them of supporting the "enemy". After fleeing, these villagers would return only to be attacked again by the opposing side, claiming the same thing. Violence against non-combatants was so rampant that many ended up living in squalid conditions in the forests. See Haskin, *Tragic State of the Congo*, 119; AI, *Rwandese-Controlled East*, 15-16, 23-26.

[152] Helen Vesperini, "Á Bunia, les 'enfants-miliciens' ne tires plus mais pillent," *Agence France Presse*, 17 May 2003.

It is important to note that the RCD-G functioned in an environment where all militias were also using large numbers of child soldiers in their ranks; some reports claimed that up to 40% of all combatants within the DRC were under age.[153] In a region "awash" [154] with young fighters, the collective perception had become that children were standard elements of the war. When asked whether the RCD-G needed the use of child soldiers to succeed in its given goals, Anne Edgerton- a former advocate for Refugees International- replied unquestionably, yes.[155] Noting how government forces had attributed their loss at the hands of Kabila's AFDL to the fact that they themselves did not recruit child soldiers in the first war, each group had in turn followed this group's lead in taking on young combatants as cannon fodder, as patrollers, and as terrorizers. Moreover, because NSAs like the RCD-G lacked a strong ideological foundation that would create a sense of allegiance, young combatants often changed sides and fought for various militias;[156] such a trend was agreeable to NSAs, who could pick up children along the way, and implement them almost immediately, given that they had already received standard training from other groups.[157] In this way, a vicious cycle of used and re-used child combatants was perpetuated throughout the war.

To summarize, the RCD-G demonstrated a high military-strategic necessity for the use of child soldiers; approximately 20% of the RCD-G's forces comprised of children; they were relatively effective in their given tasks; and they operated in an environment where child soldier use was rampant.

There are a number of influences that condition a group's decision to sign agreements, based on the interests involved, and the particular phase of the conflict itself. Recognizing that these factors can significantly alter an NSA's levels of human rights sensitivity and military-strategic necessity prior to

[153] Aloys Niyoyita, "Child soldiers: 40 percent of Congo's troops are boys, private groups say," *AP Worldstream*, November 17, 2004, quoted in Haskin, *Tragic State of Congo*, 163.
[154] "DR Congo 'awash' with child soldiers," BBC News, 17 February 2003.
[155] Anne Edgerton, phone interview, July 11, 2008.
[156] Daniel Byman et al. *Trends in Outside Support for Insurgent Movements* (Santa Monica, CA: RAND, 2001), 20.
[157] Verhey, *Going Home*, 11.

negotiations, two further conditions are considered that act as intervening variables in the outcome of a child demobilization agreement: external pressure, and the presence of a peace process.

Conditions Surrounding Negotiations

International pressure was undoubtedly a factor that pushed the RCD-G to sign a commitment to end under-age recruitment.[158] MONUC child protection adviser, Paula Andrea confirmed that a combination of efforts helped place considerable attention on the issue of child soldiers at the time.[159] The DRC government signed the Optional Protocol to the CRC in 2001, the Lusaka Accords continually called for an end to recruitment, and the MONUC peacekeeping mission contained the largest child protection section of its kind.[160] More specifically, personal visits to the RCD-G by the Special Representative of the Office of Children and Armed Conflict and the UN High Commissioner for Human Rights, both played their part in bringing pressure on this armed group.[161] And these were only the efforts of the United Nations; numerous donors, NGOs and grassroots movements within the DRC are equally credited for their long-standing efforts to work with armed groups on child rights issues.[162]

Save the Children (SC) undertook several child rights workshops with the RCD-G, and this has been cited as an important advocacy measure that helped push this NSA towards the 2001 UNICEF agreement.[163] It is evident however, that the success of these efforts lay in capitalizing on the RCD-G's heightened

[158] Verhey, *Going Home*, 9; HRW, *Reluctant Recruits*, 16.
[159] Paula Andrea, email correspondence, July 19, 2008.
[160] Verhey, *Going Home*, 9.
[161] HRW, *Reluctant Recruits*, 16.
[162] Paula Andrea, email correspondence, July 19, 2008.
[163] Withers, "Child Soldiers," 235; Becker, *Child Soldiers and Armed Groups*, 3. It is obviously difficult to correlate the impact of workshops and other grassroots initiatives, with the RCD-G's decision to negotiate the UNICEF agreement. From my readings, it seems as though these advocacy efforts did have some resonance with individual commanders who would informally release their young to NGOs like SC. I think that the greater influence for members of the *top* RCD-G leadership however, was simply the collective pressures- top-down and bottom-up- that made it feel that the issue had to be addressed, while at the same time recognizing an opportunity to turn this attention into positive publicity.

concern about its human rights image leading up to a peace settlement (rather than a real change in attitudes concerning child rights). In her evaluation of SC programs, child protection specialist Beth Verhey observed that these initiatives "progressed with a sense of opportunity from the RCD-Goma's interest in the peace process: they were more open to training efforts and to responding to criticisms of conduct".[164] Indeed, the RCD-G leadership proved to be keenly attuned to the benefits of creating positive publicity, and the tactics needed to attract external legitimacy and support.[165] The urgency to present a positive public image of itself was thus, clearly heightened during the peace process. In fact, it seems that all major parties were acting in ways that would boost their legitimacy at this time. The RCD-G's own announcement to demobilize children for example, came only four days after the government publicized its own DDR programmes with under-age recruits.

Although the RCD-G's levels of human rights sensitivity increased during the peace process, the expected decrease in military-strategic necessity did not occur. This is largely due to the fact that the 1999 Lusaka Ceasefire Accord was continually violated, and violence continued on all sides, throughout the peace negotiations. This environment of insecurity did not create conditions conducive to demobilization. Confirming this problem, an aid worker in eastern DRC stated that security was a real concern among NSAs who, as the fragile peace in the region deteriorated, would "beef up their ranks with children".[166] It is also worth noting that the parties to the peace process were not overly committed to reaching a peaceful settlement, as many profited from the conditions of ongoing war: a resolution would force these groups to step back into the boundaries of formal law. In short, the lack of genuine efforts

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[164] Verhey, *Going Home*, 29.

[165] As an example, the RCD-G leadership had been sending high-ranking delegations to Europe and the US right from the beginning. One report noted that the leader of the RCD-G in 2002, Adolphe Onusumba, had made trips to London, Brussels and Paris to "sensitize international opinion on his movement's goodwill to implement the all-inclusive and comprehensive agreement". See "RCD-Goma rebel leader returns from Europe," *BBC Monitoring Africa*, 20 January 2003.

[166] London, *One Day the Soldiers Came*, 162.

by armed groups during peace talks served to heighten expectations that fighting would continue, and as such, the need for full troop strength remained.

To summarize, the Rassemblement Congolais pour la Démocratie – Goma demonstrated a poor level of human rights sensitivity and a relatively high military-strategic necessity for the use of child soldiers. While the latter variable did not decrease as a result of the start of the peace process, the former increased, as international pressure coupled with an opportunity to increase legitimacy and gain a stronger position at the negotiating table had the greatest effect on the group's decision to sign the 2001 agreement to demobilize its child soldiers. What this meant in terms of the group's seriousness in implementing such an accord will be discussed in chapter five.

[A summary of these findings can be found in Table 1 of the Annex]

CHAPTER III: SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY

Sudan

Background

Much like the conflict in the DRC, the civil war in Sudan (1983-2005) is highly complex, and involved long-standing tensions that were exacerbated in colonial times, and continued on through independence in 1956. A first civil war (1955-1972), was fought between the Khartoum government and the separatist rebel group in the south, called the Anyanya army.[167] Whereas scholars like Alex De Waal caution against over-simplified explanations that dichotomize this conflict into North versus South, or Muslim versus Christian,[168] the major issues did revolve around social, economic and religious rights that people in the south argued were being denied by the government in the north.[169] In 1972, the two sides signed the Addis Ababa agreement that allowed for greater political autonomy in southern Sudan, and which established eleven years of peaceful relations. By 1983, the President Ja'far Nimiery, facing increasing pressures from northern politicians who opposed the Addis Ababa accord, unilaterally annulled the agreement, re-divided the south, and imposed Islamic public and criminal law on the whole country.[170] Hostilities promptly broke out under Colonel John Garang and the Sudan People's Liberation Movement/Army (SPLM/A), a newly formed organization fighting for the separation of religion and state, and a decentralized political system that ensured equality for all Sudanese (with the option to secede if these conditions were not

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[167] Douglas H. Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," in *African Guerrillas*, ed. Christopher Clapham (Oxford: James Currey, 1998), 55.

[168] Alex De Waal, "Creating Devastation and Calling it Islam: The War for the Nuba, Sudan," *SAIS Review* 21, no.2 (Summer-Fall 2001): 117-122.

[169] Gérard Prunier and Rachel M. Gisselquist, "The Sudan: A Successfully Failed State," in *State Failure and State Weakness in a Time of Terror*, ed. Robert I. Rotberg (Washington, DC: Brookings Institution Press, 2003), 104.

[170] Ann M. Lesch, "The Impasse in the Civil War," *Arab Studies Quarterly* 23, no.2 (Spring 2001): 13.

met).[171] This Second Civil War, involving the SPLM/A, the Khartoum government, and countless splinter factions and militias, spiralled into a brutal and protracted conflict that inflicted frightening levels of hunger, death, and displacement on millions of civilians[172] - themselves, being callously used by all sides as pawns in an endless struggle, considered by many as "unwinnable" by either side.[173] Concerted regional and international efforts finally placed enough pressure on the two parties to seriously negotiate in 2002, and by January 2005, the Comprehensive Peace Agreement was signed, putting an end to twenty-two years of civil war.

Because of the protracted nature of this conflict, there was considerable fluctuation in the level of violence, allies, and strategies employed throughout the war; the SPLM/A in particular went through several transitions. Given that we are most interested in examining the conditions that led to this group's decision to release its under-age combatants in 2001, it is helpful to break the conflict into three stages- with greatest emphasis being placed on the final years before the agreement came to fruition.

The first phase can be set from 1983 to 1991. During this period, the SPLM/A received a substantial amount of support from the Mengistu government in Ethiopia, including the provision of important supply routes and training grounds for the group's operations.[174] The second phase runs from 1991 to 1994, when the Mengistu regime fell, leading to the SPLM/A's expulsion

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[171] The SPLM/A received support from various groups, some of which preferred a separatist solution, and others who desired a federal solution. Garang had to balance these competing attitudes, which meant that official statements from this organization rarely took an explicit stance on this question in the mid-1990s. See Gérard Prunier, *The Ambiguous Genocide* (Ithaca, NY: Cornell University Press, 2007), 72. Øystein H. Rolandsen. *Guerrilla Government: Political Changes in the Southern Sudan During the 1990s* (Uppsala: Nordiska Afrikainstitutet, 2005), 42.

[172] In 1998, a report by the US Committee on Refugees found that at least 1.9 million had died in the south and central parts of Sudan (where most fighting took place); 1 in 5 south Sudanese had died, and up to 80% had been displaced since 1983- the highest IDP rate in the world. Millard Burr, *A Working Document: Quantifying Genocide in the Southern Sudan and the Nuba Mountains, 1983-1998* (Washington: US Committee for Refugees, 1998).

[173] Julie Flint "The Unwinnable War," *Africa Report* 38, no.6 (Nov-Dec 1993): 46-50; Lesch, "The Impasse," 11-29; Mark Huband, "While the People Starve," *Africa Report* 38, no.3 (May-June 1993): 36-40; Prunier and Gisselquist, "The Sudan," 103.

[174] Wendy James, *War and Survival in Sudan's Frontierlands: Voices from the Blue Nile* (Oxford: Oxford University Press, 2007), 29.

from the country and its subsequent shift in dependence from Ethiopia to the civilian population in southern Sudan. This period is also marked by the split of the SPLM/A into two main groups- SPLM Nasir and Torit- which led to years of intense violence between factions in the South. The third and final phase leading up to the UNICEF agreement can be set from 1994 to 2001, when the SPLM/A started to place greater attention on the political components of the movement, beginning with the National Convention in 1994.

Conditions Leading up to UNICEF Agreement, 2001

During her tour of Sudan to oversee a nation-wide polio immunization campaign in 2000, UNICEF Executive Director Carol Bellamy was handed a letter by the Deputy Chairman of the Sudan People Liberation Movement/Army (SPLM/A) declaring that it would no longer recruit children, and that it would demobilize its current under-aged forces.[175] In February 2001, 2,500 children associated with fighting forces (CAFF)[176] were airlifted out of northern Bahr El Ghazal (a dangerous war-zone) to Rumbek, in what was the first time such a large-scale demobilization had ever been carried out under war conditions.[177] The process was completed in two stages between 2001 and 2003, where an estimated 12,000 children were released from the SPLA at this time.[178] Whereas various problems arose in the DDR process- including re-recruitment and stagnating demobilization[179]- a large majority of children were in fact released

[175] "Sudan rebels give UNICEF a guarantee on child soldiers," *UNICEF Press Centre*, October 24, 2000.

[176] This term has been adopted in Sudan (rather than "child soldier") because of the complex and varied roles that children fulfilled in this war. Indeed, this conflict has tested the parameters of narrow definitions, as the young were caught up in many different roles, including: the use as slaves, as houseboys (for males), and as informal military wives (for females). Additionally, children in these roles often served only temporarily with armed groups, while at other times escaping, finding work in private homes, or re-uniting with their families. See UNICEF, "Children Associated with Fighting Forces."

[177] Danna Harman, "Children Again", *The Spectator*, Sept.7, 2001.

[178] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Sudan* (London, UK: Coalition, 2004).

[179] Coalition to Stop the Use of Child Soldiers, *Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict* (London, UK: Coalition, 2003), 42; and Chris Robertson and Una McCAuley, "The Return and Reintegration of 'Child

by the SPLM/A in the years following the agreement (unlike the other two cases being studied).

Human Rights Sensitivity

The SPLM/A was clearly driven by political goals, which revolved around increasing the fundamental rights (eg. freedom, equality) of the southern Sudanese vis-à-vis the central government in Khartoum. To demonstrate its aims to govern a more autonomous south in the future, the SPLM/A established the Political-Military High Command (PMHC) to administer the region.[180] Despite several notable civilian mechanisms, including a penal code that regulated both the behaviours of the people and cadres alike, most of the resources in the first phase were channelled towards the war-effort.[181] Moreover, it became clearer as the war went on that the rights and well-being of civilians were generally of secondary importance to winning the war for the SPLM/A. As one senior commander put it, "I'm not very interested in casualties. War is war".[182]

The SPLM/A's loss of support from Ethiopia, and the split of the SPLM-Nasir faction in 1991 forced the group to rethink this brash attitude for two reasons. One, the movement became almost entirely dependent on the civilian population for sustenance; and two, the fighting between groups brought on a scale of violence never before witnessed between the major Dinka and Nuer tribes.[183] The southern populations, once supportive of the SPLM/A cause, were quickly losing sympathy for the egregiously violent and destructive inter-factional fighting that frequently targeted civilians. Commenting on the absurdity of the SPLM/A attacking its own people, one Sudanese elder

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Soldiers' in Sudan: The Challenges Ahead," *Forced Migration Review* 21 (September 2004): 30-32.

[180] Mampilly, "Stationary Bandits," 121.

[181] Rolandsen, *Guerrilla Government*, 136; Mampilly, "Stationary Bandits," 126.

[182] Scott Peterson, *Me Against My Brother: At War in Somalia, Sudan, and Rwanda* (New York: Routledge, 2000), 227.

[183] See Human Rights Watch, *Civilian Devastation: Abuses By All Parties in the War in Southern Sudan*, (New York: Human Rights Watch, 1994); and Jok Madut Jok and Sharon Elaine Hutchinson, "Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities," *African Studies Review* 42, no.2 (September 1999): 125-145.

exclaimed: "If you want to be a leader, you cannot kill your children, when you want to rule them!"[184]

While the overall belief held by the SPLM/A leadership was that civilian casualties were an expected (if unfortunate) by-product of war, its dissipating control and popularity in the early-to-mid 1990s required that it change course to regain legitimacy. In 1994, the organization held a National Convention that laid the foundation for a more far-reaching civilian administration that was distinct and autonomous from the military command.[185] There is little consensus regarding the effectiveness of these new structures however; academics such as Johnson and Mampilly claim that they were functional, whereas De Waal and Rolandsen argue that they were not.[186] Judging from these highly differentiated interpretations, it is fair to say that the SPLM/A had created at least semi-functional civil institutions, which reflected their long-term goals to govern an autonomous south.

Before moving on to discussions about the recruitment and treatment of children, it is important to note that despite the presence of long-term goals and civilian structures, the SPLM/A *did not* treat civilians with greater care, as was predicted in chapter one. In fact, considerable abuses against civilians continued throughout the war, notably in the diversion of relief aid to the SPLM/A, which greatly exacerbated poverty and starvation within the south.[187] Unlike the RCD-

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[184] Sharon E. Hutchinson, "A Curse from God? Religious and Political Dimensions of the Post-1991 Rise of Ethnic Violence in South Sudan," *Journal of Modern African Studies* 39, no. 2 (2001): 321.

[185] Mampilly, "Stationary Bandits," 127.

[186] De Waal saw the creation of these structures as a means of predation and control, while Rolandsen seems to take a softer line, pointing to scarce resources as one reason why these institutions were limited in scope and function. See Rolandsen, *Guerrilla Government*, 64-80; Alex De Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa* (Oxford: James Currey, 1997), 96, quoted in Rolandsen, *Guerrilla Government*, 65; Johnson, "The Sudan People's Liberation Army," 53-72; and Mampilly, "Stationary Bandits," chap.5.

[187] Much has been written about the challenges that were faced by relief agencies operating in Sudan during the civil war. Operation Lifeline Sudan was a conglomeration of aid agencies that coordinated with the government and SPLM/A to deliver aid; its reliance on getting both sides' permission on each aid drop however, highlighted how easily politics can become entangled with humanitarian work. Both parties were guilty of manipulating relief provision to their own ends, with Sudanese civilians suffering unimaginable hardships as a consequence. One USAID administrator questioned the "basic humanity" of the warring parties, as they seemed to demonstrate a "callous disregard for human life". Huband, "While the People Starve," 39. See

G however, where individual interests were paramount, the SPLM/A tended to justify their abuses to the "greater cause". As one commander stated: "We are fighting a defensive war on our own lands to free ourselves from political domination and economic exploitation by the Khartoum government".[188] This line of reasoning, which subsumed the immediate rights of the people to the longer-term aim of winning (apparently at any cost) dictated the SPLM/A's actions. At the same time, facing near-defeat in the mid-90s to the double-onslaught of the Sudanese government and the SPLA-Nasir, the group recognized that it had to take measures to salvage support and legitimacy, which it attempted through the creation of greater civilian structures in the third phase of war.

Most accounts of child soldier use within the SPLM/A are focused on the first phase of war, where thousands of youth (now famously known as the "Lost Boys")[189] trekked thousands of miles to refugee camps situated in Ethiopia, with promises of safety and education.[190] During these early years, children- who were termed the "Red Army"[191]- were given varying levels of military training, and were "warehoused"[192] by the SPLM/A as future combatants. Whereas

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also, De Waal, *Famine Crimes*; and Iain Levine, *Promoting Humanitarian Principles: the Southern Sudan Experience* (London, UK: Overseas Development Institute, 1997).

[188] Hutchinson, "A Curse From God?" 326.

[189] With so much attention given to the "Lost Boys" of Sudan, an interesting question is whether any girls were present on these journeys, and if they too fought within the SPLM/A. Information is scarce, but girls were definitely present on these treks (though in smaller numbers), but they were more frequently taken in by families, as it was not socially acceptable for them to be on their own. One former SC employee told me that females in general were more likely to go up north to Khartoum, while boys more often left for different countries. I have not come across any accounts of girls who had direct fighting experiences within the SPLM/A, though many recall having received basic military training, particularly at schools. For a fascinating look into the hardships faced by these "Lost Girls" see London, *One Day the Soldiers Came*, ch.4.

[190] Dau states that the Lost Boys came in search of "food, education and freedom from suffering". John Bul Dau and Michael S. Sweeney, *God Grew Tired of Us* (Washington: National Geographic, 2007), 91.

[191] The "Red Army" referred to battalions made up of children who were trained from refugee camps in Ethiopia; they never actually served in the way that was envisioned. When the Sudanese were expelled from Ethiopia, only a fraction of the approximately 17,000 boys were adequately trained. According to HRW, about 4,000 were deployed to serve in battle, both in Sudan and against the Eritrean forces fighting for independence in Ethiopia. See the account of a Red Army soldier fighting alongside the Ethiopian forces in James, *War and Survival*, 148-149.

[192] Human Rights Watch, *Children of Sudan: Slaves, Street Children and Child Soldiers* (New York: HRW Children's Rights Project, 1995), 75.

reports from this period detail an organized system of training and recruitment, once the SPLM/A lost its support base in Ethiopia, the movement experienced what Peterson calls an "unravelling of rebel discipline".[193] Recruitment and training were no longer centralized after 1991, and it was highly dependent on individual command units. It is critical to understand that the organization *did not* employ a formal policy of child recruitment after 1991.[194] Unlike the RCD-G, the vast majority of children joined the SPLM/A of their own volition, for reasons of protection, survival or revenge.[195] When one considers that up to a third of children from the South had been orphaned or abandoned, and child mortality rates were estimated at 50%,[196] it is easier to imagine why they would gravitate towards these groups; the SPLM/A offered protection and belonging for these youth. One former child soldier summarized this relationship as: "the SPLA is my mother and my father, they are my family".[197] When placed in this position, commanders often reported not being able to deny such protection to needy children. A former official who- in the third phase of war- worked in the office of Salva Kiir Mayardit- the Deputy Chairman, claimed that: "The truth is many senior SPLA commanders did not want children in their forces...they accepted them because they did not have a choice".[198] In short, while some individual commanders may have conscripted children forcefully, the general pattern evidenced in southern Sudan suggests that youth largely joined the

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[193] Peterson, *Me Against My Brother*, 205.

[194] UNICEF child protection officer in Southern Sudan, confidential phone interview, August 4, 2008.

[195] HRW, *Children of Sudan*, 85; Singer, *Children At War*, 65; Peterson, *Me Against My Brother*, 238-244. Commenting on his interviews with various Lost Boys, Peterson writes: "They had nothing, fled with nothing, and knew nothing of love nor hope...When asked about their thoughts on the future, many children began: 'If I am not dead...' or 'If I am alive in the year 2000,'" 239.

[196] Jok Madut Jok, "War, Changing Ethics and the Position of Youth in South Sudan," in *Vanguard or Vandals: Youth, Politics and Conflict in Africa*, eds. Jon Abbink and Ineke van Kessel (Leiden: Brill, 2005), 153.

[197] Katie Nguyen, "Sudan child soldiers struggle to adapt to peace," *Reuters*, 18 January 2005.

[198] Confidential interview, email correspondence, July 28, 2008. According to this source, commanders felt they had "no choice" because communities were so vulnerable, and children often sought refuge in SPLA locations; with no good options for their care and education, many thought they were doing the best they could for these youth by taking them in. A similar explanation was given in a separate interview with Sudanese expert, Professor Jok.

SPLM/A of their own volition, and were provided a degree of protection as a result.

The Dinka have a saying that: "a child is a child of everyone". Indeed, the centrality and reverence of children are common themes among all southern Sudanese.[199] Because of the destructive and prolonged nature of the war however, communities lost many of their abilities to care for children.[200] Despite this breakdown, it would seem that the general treatment of youth within the SPLM/A continued to reflect a desire to protect the young, even if in a limited capacity. To be sure, it is not being argued that children were universally treated well by members of this organization; in fact, early accounts of training involved severe conditions and punishments, and can be summarized by one boy who returned from military camp, exclaiming: "they were trying to kill me! I'm sure they were trying to kill me".[201] Even still, these reports should be juxtaposed with the equal number of accounts from boys and girls who recall being escorted across parts of the desert by the SPLM/A,[202] being given food and (albeit limited) education in military camps,[203] and being consciously placed in supportive functions rather than the more dangerous frontline roles.[204] It is also noteworthy that the young were rarely exposed to sexual abuse or drugs.[205] In many ways, children were viewed as the "seeds" of the future, and as such, they were being prepared to be leaders, whether on the battlefields or as heads of a "new Sudan" in the south. One former Lost Boy recalls being told by his elders: "we want you to be educated and be the boys of the future. You will take over and be the leaders of this country. Don't hate us because we beat you or force you to do something. We do that for your own future, not for us".[206]

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[199] Jok "War, Changing Ethics and Position," 149.
[200] Ibid, 143-160.
[201] Dave Eggers, *What is the What* (Toronto: Vintage Canada, 2007), 375. While this book is considered a "novel" it is constructed on the memoirs of a former Lost Boy- Valentino Achak Deng.
[202] Deng, Deng and Ajak, *They Poured Fire*, 121.
[203] Lorena Carillo, "More than 200 Sudanese boys and girls head home after release from armed groups," *UNICEF Newsline*, June 29, 2006.
[204] Nguyen, "Sudan child soldiers."
[205] "Children: Finding a 'spark'," *The Spectator*, September 7, 2001.
[206] Deng, Deng, and Ajak, *They Poured Fire*, 132.

To summarize, the SPLM/A leadership exhibited a moderately high level of human rights sensitivity in the three indicators: it created semi-functional administrative structures that reflected long-term political goals, it functioned on the basis of voluntary child recruitment, and it demonstrated a long-term concern for children, by trying to protect youth from the harshest aspects of war.

Military-Strategic Necessity

Prior to the 2001 demobilization, several reports estimated that about 10% of the 100,000 strong SPLM/A were under-age.[207] However, between 2001 and 2006, approximately 20,000 (or double the initial estimate) were demobilized from the movement as under-age recruits. This increase in numbers can be attributed to several factors. For one, not all SPLM/A units had been accessed during the initial verification process.[208] Two, as serious peace talks ensued from 2002 onwards, a number of militias realigned themselves with the dominant SPLM/A, bringing along children from their own factions.[209] Third, due to circulating rumours that UNICEF would be providing care and education to demobilized children, it was later discovered that many of those who went through the process had no association to the SPLM/A at all, but were only trying to get the benefits of demobilization.[210] Based on these various complications, it would be safer to rely on earlier estimates of child soldier use, which is placed at roughly 10-15% of the SPLM/A forces.[211]

Child soldiers fulfilled numerous roles, but it was highly dependent on where they were placed and who their individual commanders were. As noted earlier, many children were given menial tasks as housekeepers, cooks,

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[207] Lara Santoro, "The Sons of Carnage," *Newsweek International*, July 31, 2000; Harman, "Children Again"; John Nyaga, "South Sudan's child soldiers want life outside military," *Agence France Presse*, 31 October 2000.

[208] UNICEF communications officer, email correspondence, July 29, 2008.

[209] Watchlist on Children and Armed Conflict, *Sudan's Children at a Crossroads: An Urgent Need for Protection* (New York: Watchlist, 2007), 40.

[210] Coalition, "Global Report 2004: Sudan."

[211] Note that many children had no proof or records of their age, making it more difficult to verify numbers. Adding to this challenge is the fact that Sudanese are generally tall, meaning that an 11 year old for example, could pass for a 17 or 18 year old elsewhere. UNICEF communications officer, email correspondence, July 31, 2008.

messengers, guards, etc.[212] According to two members of UNICEF and Save the Children Sweden, youth did recount tales of direct combat, though it was generally based on how strong the child was, and whether it was a period of heavy fighting (versus relative calm).[213] While some argue that under-aged combatants were an effective, integral part of the SPLM/A's fighting forces,[214] there are numerous accounts that suggest the very opposite. According to Human Rights Watch, the original "Red Army" children's units were consciously removed and placed in supportive roles because they were "always massacred"[215] on the frontlines in the early years. This assessment was similarly held by other reports.[216] Elijah Malok, the head of the SPLM/A's relief arm- the Sudan Relief and Rehabilitation Association- added that "most of these children have been a burden to the military",[217] and that a lack of resources and adequate alternatives had precluded youth from being removed earlier.

While statements like these must be taken with a grain of salt, it does seem plausible that youth did not form a crucial part of the SPLM/A's fighting capabilities. Unlike the RCD-G, the SPLM/A fought battles that frequently involved scant cover, and long drawn-out trench warfare for the control of strategic towns. Without forest cover, and with the government's advantage of aerial bombardment, human wave attacks proved futile for the group, forcing them to change tactics and rely on greater precision attacks.[218] Based on these realities, children- who were chronically weak, malnourished, and supplied with only "rudimentary training"[219]- were not a great asset for the SPLM/A.[220]

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[212] HRW, *Children in Combat*, 19; The Spectator, "Children: Finding a 'spark'"; Nguyen, "Sudan child soldiers".
[213] UNICEF communication officer, email correspondence, July 31, 2008; former employee of Save the Children Sweden, email correspondence, August 10, 2008.
[214] Singer, *Children At War*, 24; Santoro, "Sons of Carnage," 22.
[215] HRW, *Children in Combat*, 19.
[216] Similar accounts have been given by Nguyen, "Sudan child soldiers"; Peterson, *Me Against My Brother*, 238; and HRW, *Civilian Devastation*.
[217] Nyaga, "South Sudan's child soldiers". The view that a lack of better alternatives was a major problem keeping children within military ranks was further stated in two separate phone interviews I conducted.
[218] Peterson, *Me Against My Brother*, 199.
[219] Jok Madut Jok, phone interview, July 30, 2008.

The civil war in Sudan produced high levels of hunger and displacement, which explains why so many accounts from children recount harrowing tales of wandering the landscape, searching for loved ones, and simply trying to survive.[221] Given this context, most youth were used on a much more informal basis, than as fully trained and serving combatants.[222] In general, children seemed to be widely viewed and treated as "stand-bys",[223] occasionally filling in on the frontlines, and expected to eventually replace adults who were taking on the main fighting responsibilities at the time. Based on these various assessments, under-age soldiers did not play a crucial role in advancing the SPLM/A's goals of military victory.

Both the government as well as countless splinter militias employed child soldiers within their ranks during the civil war.[224] In the earlier phase, there were striking similarities in the ways that the government and the SPLM/A recruited youth; namely, both drew vulnerable street children into camps under the pretence of protection.[225] The recruitment practices of militia groups however, varied significantly, with many leaders using more forcible measures to conscript under-aged youth into their ranks.[226] In general, youth across the board were poorly trained, and were frequently noted as lacking discipline.[227] Because they did not seem to be essential assets for other groups during this time, the perception that the SPLM/A needed to continue employing child

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[220] John Bul Dau recalls wanting desperately to join the SPLM/A as a child. Speculating on why he was rejected, Dau writes: "I suspect I looked too skinny and weak, and they feared I would die even before I got to the combat zone". Dau, *God Grew Tired*, 126.

[221] For a good illustration of the many challenges (aside from fighting) that youth who served with armed groups faced, read the story of Gindi in James, *War and Survival*, 283-287.

[222] The SPLM/A set up a militia in the northern areas called the "Titweng" or "cattle guards". These were lightly trained youth who served to protect communities from enemy raids. These young may have been an asset for some communities, however since they were not taught military discipline and command, many did more harm than good in these roles. Jok and Hutchinson, "Sudan's Prolonged Second Civil War," 134.

[223] Carillo, "More than 200 Sudanese".

[224] For a discussion of the various pro-government militias using children (and in what capacities), see UNICEF, "CAFF in Sudan."

[225] HRW, *Children of Sudan*, 56.

[226] Human Rights Watch, *Sudan, Oil, and Human Rights* (New York: Human Rights Watch, 2003), 225-228.

[227] The Popular Defence Forces for example, employed youth who were referred to as the "atrocity battalions" because of their violent and indiscriminate behaviour against civilians. Peterson, *Me Against My Brother*, 187.

soldiers was not an issue like it was in the DRC. The greater challenge of having numerous armed groups recruiting children was in the verification of numbers for demobilization, because as various armed groups merged with the SPLM/A, they brought under-aged soldiers along with them.

To summarize, the military-strategic necessity of child soldier use within the SPLM/A was relatively low. The group employed a small percentage of children who did not make for particularly effective soldiers. Other groups did recruit youth, although they did not seem to glean much of an added benefit from their use either, meaning that the SPLM/A did not feel a heavy pressure to recruit children in order to secure strategic advantages over its adversaries.

Conditions Surrounding Negotiations

The persistent and long-standing efforts of organizations like UNICEF and Save the Children were important in bringing the 2001 child demobilization agreement to fruition. Both groups had been active in Sudan and in surrounding refugee camps since the mid-1980s, where they built confidence among SPLM/A leaders to discuss the issue of child rights, and later, child soldiering.[228] It is noteworthy that the two had created informal demobilization programmes with various armed groups throughout the course of the war, and that the SPLM/A had itself (under the Secretariat of Education), cooperated with UNICEF and SC Sweden in setting up a task force to aid in spontaneous child demobilization, in 1997.[229] In short, previous successes in engaging with Sudanese armed groups suggested an environment that was conducive to further child rights initiatives.

Another crucial element is that in 1998, the SPLM/A was heavily criticized for its part in precipitating a major famine in the province of Bahr El Ghazal, by continuing to block and divert relief aid at a time of desperate

[228] Former employee of Save the Children Sweden, email correspondence, August 10, 2008.
[229] This task force functioned for a year, and demobilized approximately 600 children out of an expected 2,500. The reintegration of children during this initiative was described as "weak", owing partly to the fact that there was a lack of coordination and assent between the Secretariat of Education and the military wing of the SPLM/A. UNICEF communication officer, email correspondence, July 31, 2008.

need.[230] This episode not only tarnished the SPLM/A's international reputation (that it was working to improve since the mid-1990s) but, according to one source, there was an even greater number of civilians and children taking refuge within the group.[231] As a result, the commander in charge of the Bahr El Ghazal area decided to remove under-age soldiers, and send them to a school that was set up in Rumbek, called Deng Nhial. The Chief of Staff, Salva Kiir soon followed with directives to remove children within his own units as well. It is against this backdrop, with senior commanders both recognizing the burden of keeping youth within their ranks, and hoping to salvage the group's tarnished image, that the UNICEF agreement came to fruition in 2001.

Interestingly, the SPLM/A was not involved in peace talks at the time that it decided to demobilize its under-age cadres. However, as was discussed in chapter one, peace processes generally work to reduce the military-strategic necessity of child soldier use (while heightening human rights sensitivity). In this case, the military benefits of using children were already low, while human rights sensitivity was on the rise, signalling that a peace process was not necessary to make the SPLM/A more amenable to negotiations. It is nevertheless important to recognize that fighting had slowed considerably by this point, which aided in reducing the necessity of child soldier use even further. Moreover, the SPLM/A had been engaged in various "confidence-building measures"[232] with the government in late 2001 that paved the way for peace talks in 2002. All of these indicators suggest that the child demobilization agreement was one of the signs that the group was "beginning to plan for a future".[233]

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[230] See, Human Rights Watch, *Famine in Sudan, 1998: The Human Rights Causes* (New York: HRW, 1999).

[231] Confidential phone interview, August 4, 2008. The above HRW report in fact reported that 16,000 children had been given up by families in the region who simply could no longer care for them.

[232] Prior to official negotiations, US Special Envoy to Sudan, John Danforth, tested the two main parties' seriousness to sit down for peace talks by requiring that 4 conditions be met: a cease-fire in the Nuba mountains to facilitate relief assistance; "days of tranquility" for immunizations and humanitarian relief; an end to the aerial bombardment of civilians; and the creation of an Eminent Persons Group on slavery.

[233] Harman, "Children Again."

In conclusion, the SPLM/A was a radically different entity from the RCD-G in that it showed a relatively high level of human rights sensitivity, and a low level of military-strategic necessity for child soldier use. Seeing as this NSA demonstrated traits that would make it more amenable to negotiations, the role of external pressure or a peace process were not as crucial for changing this group's calculations about using children in war. The greater issue was finding sufficient alternatives for these children to be demobilized into, which likely improved as violence let up, and as peace talks became a more likely reality.

[A summary of these findings can be found in Table 2 of the Annex]

CHAPTER IV: LIBERATION TIGERS OF TAMIL EELAM

Sri Lanka

Background

Sri Lanka is home to one of the world's longest-standing civil wars, being waged between the Sinhalese-dominated government in the southwest of the island, and the separatist Tamil faction in the northeast: the Liberation Tigers of Tamil Ealam (also referred to as LTTE, or Tigers). Tensions between the largely Buddhist Sinhalese majority and the predominantly Hindu Tamil took on a new dimension in the colonial period, as the British disproportionately empowered and favoured the latter group.[234] Shortly following independence in 1948, the Sinhalese began to seek retribution for past wrongs, by instituting government policies that discriminated against the Tamil minority. The Sinhala Act of 1956 for example, recognized Sinhala as the sole official language of Sri Lanka, resulting in the denial of government employment to those not being able to speak the language (namely, Tamils). Other discriminatory practices included laws requiring Tamils to obtain higher aggregate marks than the Sinhalese in order to gain admission into universities, as well as government-sanctioned 're-settlement' policies that allowed Sinhalese to move into Tamil-dominated areas.[235]

This series of "deliberate, forced and state planned impediments"[236] designed to disadvantage the Tamil minority provided the impetus for revolt. Moderate demands by this community in the 1950s and 60s fell on deaf ears, leading to the creation of several political and military groups; among them was

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[234] Rohan Gunaratna, "Sri Lanka: Feeding the Tamil Tigers," in *Political Economy of Armed Conflict: Beyond Greed and Grievance*, eds. Karen Ballentine and Jake Sherman (Boulder, CO: Lynne Riener Publishers, 2003), 198. In a population of about 20 million, approximately 75% are Sinhalese, 18% are Tamil and 7% are Muslim.

[235] Kaarthikeyan, Shri. "Root Causes of Terrorism? A Case Study of the Tamil Insurgency and the LTTE," in *Root Causes of Terrorism: Myths, Reality and Ways Forward*, ed. Tore Bjorjo (London: Routledge Publishers, 2005).132-133. Note that the GoSL has since taken steps to rectify many of these overtly discriminatory policies; the recognition of Tamil as an official language, and a university admission system based on merit are two such changes.

[236] Ibid, 132.

the LTTE, formed in 1972. Finally in 1983, political contestation was abandoned for violence, when bloody ethnic riots broke out which killed and displaced thousands.[237] The LTTE which had since established itself as the sole representative of the Tamil population, declared war against the government of Sri Lanka (GoSL), demanding the creation of a separate state for this minority ethnic group. Twenty-five years of fighting have left over 65,000 dead and 2 million displaced, yet war is ongoing.

Like the civil war in Sudan, the protracted struggle in Sri Lanka has seen many ebbs and flows over the years; as such, the war has been split into several phases.[238] The first phase can be set between 1983 and 1987, when the LTTE enjoyed considerable financial and military support from India.[239] After four years of fighting, the Indian government stepped in to help broker a ceasefire, thus putting an end to the first phase of war. When an Indian peacekeeping force (IPKF) was sent to Sri Lanka to monitor the agreement however, various complications, including massive human rights abuses by the IPKF soldiers contributed to a shared resentment of this group's presence, both by the GoSL and the LTTE.[240] The IPKF withdrew from the island in 1990, having failed in its efforts to end the war.

The second round of fighting lasted from 1990 to 1994, at which time the Tigers, who had subsequently lost much of their support from the Indian state, sought to fill this vacuum with the development of their own extensive political wing.[241] Between 1994 and 1995, another major ceasefire was established, and peace talks between the GoSL and LTTE began. The failure of these efforts led to the Eelam War III from 1995 to 2002, after which point another attempt at

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[237] Frances Harrison, "Twenty years on- riots that led to war," *BBC News*, 23 July 2003.
[238] The conflict has been split into four well-known phases, beginning with "Ealam War I" all the way up to the current "Eelam War IV".
[239] Mampilly, "Stationary Bandits," 165-166. In particular, the Tamil Nadu government in the South of India, provided the LTTE with arms shipments as well as training bases for the cadres within the state.
[240] See Sumantra Bose, "Flawed Mediation, Chaotic Implementation: The 1987 Indo-Sri Lanka Peace Agreement," in *Ending Civil Wars: The Implementation of Peace Agreements*, eds Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (Boulder: Lynne Rienner, 2002): 631-659.
[241] Ibid, 171.

negotiations ensued.[242] This last phase is the period of greatest concern for the purposes of this analysis, as it precedes the signing of the UNICEF Action Plan for Children Affected by War in 2003.

The 2003 UNICEF Action Plan for Children Affected by War

During two rounds of peace talks in late 2002 and early 2003, the Liberation Tamil Tigers of Eelam (LTTE) agreed to work with UNICEF and the government of Sri Lanka (GoSL) to develop plans that would address the plight of children affected by years of war. In July 2003, despite the suspension of peace talks by this point, the two sides signed the UNICEF Action Plan for Children Affected by War. Within this ambitious, multi-sectoral agreement, the LTTE's commitment to demobilize all of its under-age combatants was only one of 11 sub-projects to ameliorate conditions for youth in the north and east of the country.[243] The process of demobilizing children started immediately, however, the implementation was extremely poor, as the LTTE only released small numbers of its young combatants, while continuing to recruit at the same time.[244] As an independent review of the Action Plan reported: "the commitment of the LTTE to stop all underage recruitment has clearly not been achieved".[245]

Human Rights Sensitivity

Much like the SPLM/A, the LTTE was clearly driven by political goals that revolved around challenging government discrimination, and defending the rights of the Tamil nation. To demonstrate its seriousness in leading a future "Tamil Eelam" nation, this group started to create administrative structures that

[242] This period of peace talks, which technically lasted from 2002 to 2008 when the ceasefire agreement was officially annulled by the government, represented the most promising attempt at bringing peace to the island.
[243] JMJ International, *Sri Lanka Action Plan for Children Affected by War* (London, UK: JMJ International, June 2006), 2.
[244] In fact, in five years of attempted demobilizations with the LTTE, there were only 3 months where under-age recruitment did not exceed release. See UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in Sri Lanka*, S/2007/758, 2007, 7.
[245] JMJ International, *Action Plan*, 26.

showed off its civilian credentials and competencies.[246] The structures that have developed over the years are so extensive in fact, that the title "non-*state* armed group" seems unsuitable for the LTTE who has been able to convincingly project its power and authority in areas under its control.[247] In everyday matters of law enforcement, this group has maintained a relatively "high degree of rule of law" [248] through the creation of its own penal code, court system and police force. In other areas related to health, education and infrastructure, a unique and complex relationship between the GoSL and LTTE exists, with the former assuming the bulk of the financial and administrative management in many areas, and the latter acting more as a figure-head of authority.[249]

While the presence of functional public institutions suggest that the LTTE is "rooted in and committed to the rights, welfare and development of the Tamil community" [250] it is important to note the difference between how this group handles social welfare versus political authority. In the former realm, a nominal concern for the civilian needs of the Tamil community- even while riding on the backs of the GoSL- is aptly demonstrated. In matters that concern security and authority however, there is little room for dissent. The LTTE gained sole control of the Tamil cause by violently eliminating its rivals, and it continues to regularly assassinate political figures who it feels pose a threat to the organization.[251] Furthermore, it exercises astonishing levels of control over

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[246] Mampilly, "Stationary Bandits," 173.

[247] Ravinatha Aryansinha, "Terrorism, the LTTE and the Conflict in Sri Lanka," *Conflict, Security & Development* 1, no.2 (2001): 35.

[248] Suthanaharan Nadarajah and Luxshi Vimalarajah, *The Politics of Transformation: The LTTE and the 2002-2006 Peace Process in Sri Lanka* (Berlin: Berghof Research Center for Constructive Conflict Management, 2008), 33. Whether this rule of law is acquired through proper means or by coercion is an issue of contention.

[249] Cooperation between these two warring parties seems counter-intuitive, but in fact, both sides have incentives for working together on social welfare and development: the GoSL wants to maintain a foothold in areas under rebel control, while the LTTE knows that it requires government support to continue the high quality of service provision (without which, civilian support for the LTTE would diminish). For a further discussion on this complex arrangement, see Mampilly, "Stationary Bandits," chap. 6.

[250] Kristian Stokke, "Building the Tamil Eelam State: Emerging State Institutions and Forms of Governance in LTTE-controlled Areas in Sri Lanka," *Third World Quarterly* 27, no.6 (2006): 1024.

[251] For an account of the political assassinations carried out by the LTTE, see Aryansinha, "Terrorism, LTTE and Conflict," 29.

the Tamil population, and has employed increasing levels of violence and coercion to raise funds and troop support, particularly in recent years.[252]

In short, the LTTE has developed functional state institutions that deliver services to the people, however, on matters of authority and control, the group maintains an absolutist and coercive grip that runs counter to the assumption that a greater concern for human rights would be evidenced. Because the LTTE has readily subsumed civilian rights to military considerations, the presence of functional structures of governance does not serve as an appropriate gauge for human rights sensitivity.

The child recruitment practices of the LTTE have varied over time, and involve a mix of voluntary and forced recruitment. Tamil youth, who have been exposed to war and violence throughout their lives, have often joined out of a lack of better opportunities.[253] Highly sophisticated and effective recruitment propaganda- playing heavily on notions of patriotism, revenge as well as sense of adventure- has also helped lure many children to this group without the use of force.[254] When these practices have failed however, quota systems have been imposed, and a significant number of abductions have been recorded during the course of the war.[255] While definite numbers are difficult to ascertain regarding forced versus voluntary recruitment, it is safe to say that it has become increasingly coerced since the start of the third phase of war. To highlight this shift in practice, Human Rights Watch reported that in 1994, 1 in 19 children

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[252] As an example of the extent of control and coercion exerted by this group: LTTE "tax units" are regularly sent to Tamil homes demanding money to support the rebel cause, carrying salary slips and bank balances to challenge any refusal by families who claim they don't have enough finances to contribute. Nirupama Subramanian, *Sri Lanka: Voices From A War Zone* (New York, N.Y.: Penguin Group, 2005), 121. These advances are not limited to the island either; members of the LTTE have been known to show up to homes of Tamils living abroad in countries like the UK and Canada, requesting contributions. See Jo Becker, "Tiger at the door," *The Guardian*, 16 March 2006.

[253] For a discussion on the various "push and pull" factors involved in child recruitment, see Daya Somasundaram, "Child Soldiers: Understanding the Context," *British Medical Journal* 324 (May 2002): 1268-1272.

[254] Sukanya Podder, "Child Soldiers in Sri Lanka: Issues and Responses," *Society for the Study of Peace and Conflict*, December 2006, 5, http://www.sspconline.org/rs_008Sukanya.asp (accessed August 28, 2008).

[255] Ibid, 6.

claimed to be forced into joining the LTTE, whereas in 2004, the reverse was true: only 1 in 19 cases were deemed as voluntary.[256]

It is important to keep in mind that, on this tiny island nation where Tamils form the significant minority, the LTTE must contend against a government force that outnumbers it at least 10 to 1.[257] Human resources are thus a significant challenge for this group.[258] Moreover, as war-weariness sets in- as is natural after decades of ceaseless violence- one can expect to see armed groups resorting to more desperate measures to survive, including the use of forced recruitment.[259]

Children are treated harshly while serving within the LTTE, however, the use of gratuitous violence (including the killing of inductees) is not widely documented.[260] Rather, even though youth cited ill-treatment for lack of discipline, it was not nearly as random or excessive as the practices enforced within the RCD-G training camps.[261] In general, the LTTE is a highly professional military organization that strictly enforces bans against alcohol, smoking and premarital sex.[262] Furthermore, girl soldiers, who make up a significant portion of the group's fighting forces have not fallen victim to

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[256] Human Rights Watch, *Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka*, (New York: Human Rights Watch, 2004), 15.

[257] John Stackhouse, "Sri Lanka mired in war that won't end," *The Globe and Mail*, 27 January 1998. This reporter estimates that in 1998, the GoSL had a troop strength of 100,000 while the LTTE's numbers had dropped significantly to 4,000 cadres (down from 10,000 in previous years).

[258] One interviewee claimed that human resources was such a challenge for the LTTE that in recent times, they had resorted to recruiting elderly citizens in addition to children, to fill their ranks.

[259] Indeed, both the GoSL and LTTE were suffering in 2000 from low responses to enlistment drives. See Amal Jayasinghe, "Child soldiers caught between Tigers and troops in Sri Lanka," *Agence France-Presse*, 28 December 2000.

[260] Former child soldiers did however, speak of incidents where children were killed for repeated escape attempts according to this report. HRW, *Living in Fear*, 27.

[261] Charu Lata Hogg, *Recruitment in South Asian Conflicts: A Comparative Analysis of Sri Lanka, Nepal and Bangladesh* (London: Chatham House, 2006), 10. Despite severe conditions and harsh punishments, some report that children were generally well-fed and encouraged to study and play.

[262] Jamahaya, Dilshika, "Partners in Arms: LTTE Women Fighters and the Changing Face of the Sri Lankan Civil War," *John Jay College Center on Terrorism*, 2004, 7, http://www.jjay.cuny.edu/ terrorism/womencombatants.pdf (accessed August 28, 2008).

systematic sexual violence;[263] they, like the boy soldiers and the adult cadres alike, are all equally trained to fight.

To summarize, the LTTE has demonstrated clear long-term political goals through the creation of functional administrative structures, however this has proven to be a poor measure for human rights sensitivity as this group has continually demonstrated a willingness to subsume civilian rights to the "greater" Tamil Eelam cause. Child recruitment practices have been largely coerced, while the treatment of under-age recruits has been strict, yet not extreme. Based on these findings, the LTTE demonstrated a low-to-moderate level of sensitivity to human rights.

Military-strategic Necessity

Based on casualty rates, under-age soldiers are reported to make up about 40% of the LTTE's fighting forces,[264] while a more conservative reading places the number in the 20-40% range.[265] The average recruitment age seems to have remained consistent over time, ranging from 14 to 17 years.[266] As one former child soldier recounts, recruiters were instructed to "get people about 15 years old, but with a build of a certain amount of strength".[267] Clearly, the LTTE was targeting youth who could do more than patrol checkpoints or charge haphazardly into oncoming fire (as younger children are often instructed to do).

Indeed, military training for child recruits mirrored that of adults, and consisted of four to seven months of rigorous physical exercise, weapons instruction and military strategy. Following this period, an additional four

[263] Dyan E. Mazurana et al., "Girls in Fighting Forces and Groups: Their Recruitment, Participation, Demobilization, and Reintegration," *Peace and Conflict: Journal of Peace Psychology* 8, no.2 (2002): 111.
[264] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2001* (London, UK: Coalition, 2001), 399; Podder, "Child Soldiers in Sri Lanka," 5.
[265] Somasundaram, "Understanding the Context," 1270.
[266] Coalition, *Global Report 2001*, 399. This age range has remained constant between 2001 and 2007. See "Report of the Secretary-General on children and armed conflict in Sri Lanka" 21 December 2007, S/2007/758, 5.
[267] HRW, *Living in Fear*, 17.

months to a year was devoted to specialized training in a host of different functions, on and off the frontlines.[268]

It is crucial to understand that the LTTE, unlike many "warlord insurgencies" that use basic hit-and-run tactics, is a highly sophisticated and versatile organization. This armed group intersperses guerrilla tactics with targeted assassinations and terrorist attacks, as well as elements of semi-conventional warfare, (which includes naval assaults from their own fleet of ships) to fight government forces. In 1997, the LTTE intercepted a heavy-arms shipment intended for the government, meaning that the third phase of the war saw this group employing sophisticated artillery such as anti-aircraft weapons to capture strategic areas of the island from the GoSL.[269] It is through high levels of skill and training- of which child soldiers have formed an integral part- that the LTTE has been able to survive against a formidable opponent.

Child soldiers fulfill all the same roles that adults do (and more) simply because, according to Gunaratna, these youth perform "exceptionally well" in combat.[270] Indeed, the LTTE "Leopard Brigade"- a unit made up of under-age orphans- has registered numerous successes in frontline combat, including the gunning down of 200 elite government soldiers in 1997.[271] Youth have also fought within frontline units that have overrun government army and navy complexes. At the same time, it must be acknowledged that these youth, while far better trained than most child combatants serving in armed groups around the world, have often and deliberately been given more dangerous assignments, on account of their heightened states of indoctrination and their limited sense of mortality.[272]

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[268] Ibid., 24. These functions ranged from combat operations, specific weapons systems, security, and intelligence, in addition to non-military roles, such as administration or first aid.
[269] Stackhouse, "Sri Lanka mired in war."
[270] Rohan Gunaratna, phone interview, June 23, 2008. From his own studies of the LTTE, Gunaratna has found that children as well as women generally performed up to the same standards as male adults.
[271] "Child Soldiers of the Liberation Tigers of Tamil Ealam" South Asia Terrorism Group Portal, 2001. Available at: http://www.satp.org/satporgtp/countries/shrilanka/terroristoutfits/child_solders.htm
[272] See "Tamil rebels use children as cannon fodder: rights report," *Agence France-Presse,* 2 July 1995; and Wessells, *Child Soldiers*, 37.

Sri Lanka is a unique case in that the government does not accept under-age recruits into its military. It is a signatory to all the major child rights conventions, and there is no evidence that it has children serving within its forces. In the third phase of war, the LTTE was then the only group recruiting children.[273] As such, Sri Lanka does not face the same challenges that the DRC does, where high levels of child soldier use among other parties fuels a perception that youth are standard elements of war. Keep in mind however, that the GoSL, despite having signed many human rights accords, has not fought a clean war;[274] in fact, in recent years, it has been accused of actively encouraging the Karuna faction- a group that broke off from the LTTE in 2004- of recruiting children.[275] One of the greatest problems of this conflict is that both sides have waged war with an increasing disregard for human rights, and neither has tried to stem the tide of these violations.[276] In this context, human rights breaches on all fronts related to the war seem to have become easier to justify as necessary measures to fight the opposition.

In sum, the LTTE employs a high percentage of under-age recruits within its ranks, and trains these youth to perform exceptionally well in their given (and varied) roles. Therefore, the military-strategic necessity of using child soldiers is very high. While the LTTE was the only group recruiting children in the third phase of fighting, the general devolvement of conflict into a dirty war of unaccounted abuses on both sides, likely fuels this group's perception that human rights violations (eg. child soldier use) are necessary for the group's success.

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[273] Note that there were up to 37 militant groups functioning at one point or the other since the 1970s, some of which employed children. Only 5 were of significance however, and they have all since disappeared. Nadarajah and Vimalarajah, *Politics of Transformation*, 21n.

[274] Torture, abductions and disappearances are only a few of the abuses levelled against the GoSL. See "Sri Lanka: government abuses intensify," *Human Rights News*, August 6, 2007.

[275] Human Rights Watch, *Complicit in Crime: State Collusion in Abductions and Child Recruitment by the Karuna Group* (New York: Human Rights Watch, 2007).

[276] Shanaka Jayasekera, phone interview, June 26, 2008.

Conditions Surrounding Negotiations

The above analysis shows that the LTTE had a moderate concern for human rights, leading up to the 2003 UNICEF Action Plan accord, but that the strategic necessity of employing child soldiers was quite high. Since the latter consideration has generally taken precedence over the former in this case, we have to look at the conditions surrounding the agreement to understand why the LTTE may have negotiated the end of its child use during a period of continued insecurity.

The LTTE has been described as a "great public relations organization"[277] with a keen awareness of building a positive international image for the Tamil cause. In fact, a quick perusal at the myriad websites created by both parties to the conflict reveals that a major propaganda war to gain international legitimacy (while discrediting the other side) has become a large part of the struggle.[278] In the third phase of the war, as international condemnation for terrorist organizations started to gain momentum, the LTTE's efforts to distance itself from this negative classification, and to show itself as a credible political actor became a "pressing, even central issue".[279] Thus, this group's sensitivity to human rights was already in a heightened state, prior to the 2002 Ceasefire Agreement (CFA).[280]

The issue of child soldiers was a major topic being discussed at the turn of the century, and pressure had been mounting on the LTTE specifically, to account for its under-age recruitment practices. As early as 1998, the LTTE had been making assurances to Olara Otunnu of the UN's Children and Armed Conflict division that it would cease its recruitment of children, in response to

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[277] Rohan Gunaratna, phone interview, June 23, 2008.

[278] See for example, the official LTTE website at www.eelam.com. Pictures of dead Tamil children (allegedly killed by the GoSL) are regularly posted to create sympathy for this group's cause. There is also ample documentation that seeks to justify the LTTE's violence as a "freedom struggle". Byman et al. note that the use of emails, telephone hot lines, mailings, television, community gatherings and other methods make for an "extremely sophisticated" propaganda machine. Byman et al., *Trends in Outside Support*, 45.

[279] Nadarajah and Vimalarajah, *Politics of Transformation*, 38.

[280] In a military strike against the Colombo airport in July 2001 for example, the LTTE made a concerted effort to avoid civilian casualties in a bid to show the world that it wasn't a ruthless terrorist organization. See Aryansinha, "Terrorism, LTTE and Conflict", 42.

public pressure.[281] In 2002, the seminal report that "named and shamed" armed groups for their use of child soldiers, listed the LTTE as a "situation of concern".[282] Shanaka Jayasakera, a policy advisor to the GoSL during seven rounds of negotiations in 2002-2003, confirmed that a combination of the LTTE wanting to "re-image" itself, coupled with significant pressure and attention directed towards this group's record on under-age recruitment, helped foment plans for child demobilization.[283] Dayani Panagoda- Policy Director of the Secretariat for Coordinating the Peace Process- offered a tougher appraisal, calling the LTTE's commitment to UNICEF "an image building stunt, aimed purely at the international community".[284] Whereas the desire to gain legitimacy was a clear incentive for the LTTE to negotiate, an independent review on the implementation of the UNICEF accord maintains that diplomatic efforts and advocacy were "important to the development of the Action Plan".[285]

Finally, as has already been revealed, the LTTE was involved in peace talks with the GoSL at the time, which provided a context of optimism and the impetus for measures that would bring and end to the war (ie. demobilization).[286] The LTTE was clearly trying to portray itself in a positive light to the international community, thus its level of human rights sensitivity increased considerably. At the same time, violations to the CFA were frequently reported on both sides, which lent to a continued state of mobilization and alert. Without a strong international body monitoring this accord,[287] the military-strategic necessity of child use did not decrease as much as it may have otherwise. A second issue of notable importance is the question of whether the

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[281] JMJ International, *Action Plan*, 10.
[282] UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, S/2002/1299, 2002, 9.
[283] Shanaka Jayasekera, phone interview, June 26, 2008.
[284] Dayani Panagoda, email correspondence, August 20, 2008.
[285] JMJ International, *Action Plan*, 12.
[286] Ibid, 3.
[287] The Sri Lanka Monitoring Mission (SLMM) was headed by Norway, and has been heavily criticized for not taking meaningful action against blatant and frequent ceasefire violations. See for example, "Impunity in the Name of Peace: Norway's Appeasement Strategy Claims Another Victim," *University Teachers for Human Rights*, 17 August 2005, http://www.uthr.org/Statements/ Impunity%20in%20the%20name%20of %20Peace.htm (accessed August 28, 2008).

Tigers ever had any intentions of negotiating in good faith.[288] Simply put, if the LTTE was not serious about peace and expected to return to the battlefront, then its need for child soldiers, which made up over a third of its fighting forces, would remain vital. Regardless of whether there was a lack of security or a lack of honest intentions, the peace process environment was not conducive to a reduction in this group's need for retaining its young troops.

To summarize, the LTTE's general traits exhibited a low to moderate level of human rights sensitivity, and a high level of military-strategic necessity. Considerable attention and pressure on the LTTE to account for its child recruitment practices, coupled with the group's own desire to project an image of itself as a legitimate political contender, were critical factors in bringing about the 2003 agreement. At the same time, the continued insecurity and uncertainty during peace negotiations did nothing to lower this group's military-strategic necessity. With an exceedingly high level of benefits gleaned from the use of child soldiers and a precarious future lying ahead, it is unsurprising that the LTTE proved unwilling to part with a third of its essential fighting forces.

[A summary of these findings can be found in Table 3 of the Annex]

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[288] It is difficult to say whether the LTTE was serious about negotiating peace during that period. Many believe that the LTTE was just gaining time to regroup its forces for the next round of fighting; the continued recruitment of funds and combatants (especially children) during the ceasefire period lends support to this claim. At the same time, secret negotiations between parties had begun in 1998, and there is evidence that the LTTE had been closely monitoring the negotiations in Sudan (since 2002), hoping to come up with a similar solution. Another key consideration is the fact that the US had accelerated its military assistance to the GoSL at the beginning of the peace process, while at the same time instituting numerous sanctions and travel bans on members of the LTTE; this could have weakened the LTTE's trust and confidence in the international community's ability to broker an impartial deal. Jayasekera believes that it is the intransigence of the leader, Prabhakaran, which is preventing genuine peace efforts from unfolding. Gunaratna on the other hand, does not believe that the LTTE will ever negotiate in good faith (accepting only a military solution to the conflict). For a further discussion on the possible motives of the LTTE, see Chris Smith, "The Eelam End Game?" *International Affairs* 83, no.1 (2007): 69-86. For a wider analysis on the intersections of domestic and international factors in peace processes, consult Bidisha Bawas, "The Challenges of Conflict Management: A Case Study of Sri Lanka," *Civil Wars* 8, no.1 (2006): 46-65.

CHAPTER V: FINDINGS

The last three chapters have illustrated that non-state armed groups are highly complex and calculating actors that are influenced by a number of different factors in their decisions to enter into child demobilization agreements. Because each group offers a unique understanding of the dynamics affecting decisions on child recruitment and release, it is difficult to draw exact parallels between cases. Instead, this section will be used to highlight some of the more notable findings that have either questioned our established understandings of non-state armed groups, or that have garnered little attention in the study of child soldiers thus far. In so doing, these findings also provide some insights into the implementation of agreements, once they were signed.

Human Rights Sensitivity

Hypothesis one of this study claimed that groups with a high level of human rights sensitivity would be most likely to negotiate agreements to end child recruitment during periods of conflict. The SPLM/A case study lent credibility to this hypothesis, while the RCD-G undermined it, as it too signed an accord despite a poor human rights record.

These divergent findings suggest that an NSA's level of human rights sensitivity may not be a telling indicator of whether it will sign an agreement to end child recruitment, although it does seem to betray important clues as to whether it will comply with the implementation phase of such agreements. In particular, armed groups like the RCD-G and LTTE that exhibited a low level of human rights sensitivity but a high level of concern for external legitimacy may be the most likely to sign agreements, but the least likely to implement them. The reason for this may be that armed groups have come to realize that the humanitarian approach of persuading armed groups to adhere to child demobilization commitments has little recourse for non-compliance. In fact, humanitarian agencies, who rely on the soft measures of legal and moral

persuasion, do not have the capability to use stern measures to enforce compliance. Indeed, as Minear rightly notes: "When push comes to shove, humanitarian institutions have limited muscle. They lack the authority and capacity to impose economic or military sanctions".[289] In short, non-state armed groups that demonstrate sensitivity to their reputations abroad can accrue the public relations benefits from signing human rights accords, without any intention of implementing them; there is little fear of punishment. Thus, child rights organizations, preferring to use quiet internal diplomacy to address violations, face an up-hill battle in persuading groups that operate with a blatant disregard for human rights to comply with their stated commitments (as long as soft measures are pursued).

In sum, whereas a negligible concern for human rights does not necessarily preclude the signing of child rights agreements, the presence of at least a moderate level of human rights sensitivity is critical for determining the likelihood that an armed group will follow through with the implementation of child demobilization programmes .

External Pressure

Even while the use of soft measures has been written off by many analysts as wholly ineffective in getting armed groups to change their behaviours, this study has shown that the dynamics are in fact much more nuanced, and that the impact of these efforts are highly dependent on the nature of a group. The case of the SPLM/A for example, defies blanket statements which claim that NSAs are shameless in their recruitment of children. This group, although displaying a ruthless pragmatism when it came to the goals of military victory, at the same time exhibited a discernable degree of concern for children's well-being. These traits, combined with the fact that children tended to be a burden more often than a boon, created conditions that were conducive

[289] Larry Minear, "The Craft of Humanitarian Diplomacy," in *Humanitarian Diplomacy: Practitioners and Their Craft*, eds. Larry Minear and Hazel Smith (New York: United Nations University Press, 2007), 10.

for engagement. In this context, the efforts of SC Sweden, UNICEF and other child rights organizations were able to gain traction, as was evidenced in the numerous informal child demobilization initiatives that took place with the SPLM/A and others, well before peace negotiations took place.

This case study demonstrates that advocacy aimed at getting NSAs to comply with international standards *can* in fact work. As previously mentioned however, a moderate display of concern for children's rights- often betrayed through measures such the protection of young persons from frontline combat, and the restraint from abusive treatment- is a necessary requirement for these efforts to gain traction. As Becker quite rightly argues, advocacy is "unlikely to be effective with groups that function with no regard for international norms".[290]

Rational Entities

More than anything else, these three case studies have shown that armed groups are highly rational and calculating actors. Whereas NSAs are often assumed as fanatical in nature, we have seen that the principles of cost-benefit analyses and the utility maximization of goals tended to predominate over appeals to morality or international law. Even seemingly chaotic actions displayed by the RCD-G to terrorize and pillage its own areas of control, proved to be rational strategies, given the goals of short-term profit that were being pursued.

With regards to child recruitment, both the LTTE and RCD-G privileged the military benefits of using youth on the frontlines over considerations of human rights; their military use for child soldiers was simply too high. The SPLM/A too- notwithstanding its concern for children in its ranks- still ensured that its military capacities would be safe following demobilization: it is no coincidence that the UNICEF agreement coincided with a noticeable decline in military hostilities. Moreover, the fact that children did not provide a notable

[290] Becker, "Child Soldiers and Armed Groups," 3.

strategic benefit, seemed as important for the group's decision to negotiate and implement an agreement, as was its concern for children's well-being.

Political Objectives

Quite unexpectedly, both the SPLM/A and LTTE, despite holding serious long-term political objectives, employed levels of violence against its own citizens that fly in the face of Mao's famous tenet which states that civilians are the sea in which combatants (as fish) must swim. One possible explanation for this apparent anomaly can be found in the fact that both of these insurgent groups were involved in protracted struggles. Zartman notes that there are two logics that fuel an armed group's struggle: grievances and a commitment to winning.[291] As conflicts extend in length, the latter can surpass the former in importance, as the death toll rises, and leaders feel a greater need to justify years of violence. In practical terms, this means that the initial objectives of NSAs (which may have once included a mutually-agreeable arrangement of cooperation with civilians) can be subsumed over time by a hardened desire to win. Indeed, the steady increase of coercion and abuse evidenced by the LTTE against children and civilians alike, lends weight to this theory.

In short, the presence of long-term political goals does not provide a reliable indicator for how militants will approach human rights. Particularly in long and protracted internal wars, human rights (including child rights) are likely to be harder to respect, as groups dig their heels in, and employ whatever measures are necessary to gain an advantage.[292]

Peace Processes

As previously discussed in chapter one, peace processes do not represent a guaranteed end-game for warring parties in intrastate conflict, who may

[291] Zartman, *Elusive Peace*, 9.

[292] Slim adds that as conflict takes on a more personal dimension for more combatants- ie. having seen loved ones die- a "moral switch" can be turned off, as blind rage takes over and a desire for vengeance becomes the all-consuming goal. In this climate, a respect for human rights can be the least of an NSA's concerns. Slim, *Killing Civilians*, 142.

remain primed to return to the battlefield should talks fail to bring an acceptable solution. This suspicion was confirmed in both the DRC and Sri Lanka, where the security environments remained so poor- with all groups violating their respective ceasefire agreements- that the hypothesized fall in military-strategic necessity did not occur in either case. Thus, peace processes may provide an impetus for negotiating an end to child recruitment, but if both sides continue to attack one another during this period, the implementation of child demobilization programs is likely to be very poor. Thus, focused attention on trust-building measures that promote heightened security is crucial, particularly in cases where the safeguarding of children's rights are not as pressing of a concern for NSAs.

Other Armed Groups

One aspect that has not been addressed at great length is the effect of other armed actors recruiting children, on the decisions of NSAs to release children in war. An important question that could be asked of any calculating armed group is: 'why should I demobilize children if those around me do not do the same?' In the DRC for example, where an estimated 40% of militants in the east are said to be under 18, the use of children to wage war has become standard practice. The bottom line is that child soldiers provide a significant added benefit (especially in numerical terms) for all opposition groups operating in the country, and therefore, the release of child fighters by one group would effectively jeopardize its position vis-à-vis other militias, in a situation of high insecurity.

This last statement reveals that relative positioning and security are two key concerns that could preclude armed groups from seriously considering the release of children in war. One possible solution in this case could be to attempt joint initiatives, where two or more conflict parties enter into agreements to release equal proportions of children from their ranks at the same time. This approach- which would work best during ceasefire periods- could serve as confidence-building measures between groups, helping to ameliorate volatile

security conditions, while also providing the public relations incentives that many NSAs seek. Again however, a basic level of human rights concern is required for such an initiative to have a chance at success.

Effectiveness

This study has shown that unqualified comments about children as "effective" combatants fail to provide a fair reflection of the many different ways in which armed groups are using youth to fight their wars. Greater attention to the nuances of how and why child soldiers are being employed in each given context is crucial understanding whether NSAs will be likely to enter into commitments to demobilize children *and* comply with these agreements.

Within the RCD-G, children were allowed to run rampant through the country, effectively fulfilling the short-term aims of creating chaos for the purposes of self-enrichment. With little concern for children's rights, it is no surprise that there was no coinciding willingness to abide by international norms. For the SPLM/A, young children were often a burden for the military, as scores of orphans came to them for protection and survival; they served irregularly in the military ranks, and did not provide much of an added benefit in furthering the movement's cause. Thus the potential always existed for child demobilization processes to take place.

And for the LTTE, child soldiers were trained as highly competent and effective fighters, with little discernable difference in skill from their adult counterparts, thus making them essential components for this group's success. In this case, child soldiers may as well be handled as adults, because that is how they are treated within the organization; so long as fighting and insecurity continues, it would be highly unlikely for the LTTE to seriously consider demobilizing a third of its fighting forces. As one NGO working in Sri Lanka told me: "child recruitment is like a tree's roots spreading in fertile soil...unless the war stops, child recruitment will continue".[293]

[293] NGO worker in Jaffna, email correspondence, July 7, 2008.

These cases demonstrate the highly variegated contexts in which children are being used in war. As such, a fine attention to detail will be required in order to identify the best approaches for engaging NSAs on child recruitment issues in each given context, and to address the different concerns of each group that could impede the successful demobilization of children from their forces.

Studies on child soldiers often provide bleak prognoses on the possibilities of stemming the tide of under-age recruitment. While the challenges are undeniably vast, there are some promising signs that could help in breaking ground on this grim subject. This thesis has drawn attention to many different challenges and possibilities for engaging with non-state armed groups on their practices of child recruitment. In particular, this study has shown that there *are* non-state armed groups that have entered into commitments to end child recruitment during periods of active combat. Many have not complied with their commitments, but some have; the demobilization of child soldiers within the SPLM/A provides a small but tangible reason for optimism. Thus, it is from this starting point that we must look to go forward, working to better understand how these armed groups work, and what motivates their actions to recruit and release children in war. It is only with a detailed and nuanced knowledge of these conflict actors that we can hope to create successful strategies that will aid in curbing the persistent practice of under-age recruitment in today's wars.

CONCLUSION: The Way Forward

There is a long way to go towards gaining a solid grasp of how non-state armed groups operate, and what levers are most effective in persuading these actors to comply with CRC standards. This study provides only a preliminary look at some of the broad factors that shape NSA decisions to negotiate; further in-depth case studies will be needed to follow up on this work. In particular, similar analyses must be undertaken for the remaining NSAs that signed child demobilization agreements during conflict - the FARC in Colombia and the four NSAs in Myanmar- in order to see whether similar patterns or lessons can be gleaned from these cases. Moreover, parallel efforts ought to be directed towards armed groups that have *refused* to sign formal agreements to demobilize children, in order to evaluate the factors contributing to these divergent outcomes. In short, there are many opportunities for building upon this existing study, that would help us form a more complete understanding of the conditions that motivate non-state armed groups to sign child demobilization agreements in war.

As we have seen, it is difficult to speak about the factors that influence an NSA's decision to enter into commitments to end under-age recruitment without addressing whether these agreements were in fact implemented; the two components are inextricably linked. As a result, a crucial area requiring further study lies in looking not only at how armed groups arrived at negotiated agreements, but how these agreements were subsequently implemented. A closer look at all of the NSAs that entered into commitments to release children from their forces reveals that there have been significant shortcomings and challenges in the implementation phase. During the course of my own research, officials explained various problems that had been encountered in working with NSAs to demobilize children in war. Three concerns will be briefly highlighted.

The first issue of concern, unsurprisingly, is command and control. In Sudan in particular, various officials spoke of problems in disseminating information about the UNICEF commitments to the lower-ranked commanders

within the SPLM/A. Child rights workshops had worked to inform top-level commanders of their duties to release children, but orders did not seem to be easily passed down. These problems can be understood in the context of the Sudanese civil war, where individual units were spread out over large expanses of the country, often operating with no direct commands from their headquarters. In short, understanding an NSA's abilities to enforce internal compliance is important for creating demobilization plans that will be able to address this challenge.

A second concern that hints at potential problems of effective implementation relates to the terms of the agreements themselves. In Sri Lanka for example, one of the most controversial features of the UNICEF Action Plan was that it acceded to the LTTE's demands to have the Tamils Rehabilitation Organization (TRO)- a relief agency that has clear ties with this NSA- to take effective control of managing the transit centres where child soldiers would be demobilized. In this context, the LTTE, as a partial actor, was given the green light to manage and manipulate the demobilization process.[294]

In Sudan, deficiencies were evident in various aspects of the DDR programmes, including hasty and wholly inadequate reintegration processes.[295] Considering that the SPLM/A had repeatedly expressed a concern in ensuring that child soldiers had adequate provisions following their demobilization (eg. schooling opportunities, safe return to communities) a lack of attention to reintegration projects proved to be a notable shortcoming. Indeed, this latter case also serves to highlight the unique challenges of trying to undertake DDR initiatives in conditions of high insecurity.

A third and final issue that came to my attention while undertaking research for this study came as the greatest surprise; in two of the three conflicts that were examined, there were stated concerns that the ambitions of certain individuals to improve their chances for upward promotion within child rights organizations, contributed to the creation of hasty agreements. Contrary to the

[294] HRW, *Living in Fear*, 57-58.
[295] UNICEF communications officer, email correspondence, July 31, 2008.

belief that it is only the leaders of NSAs that are opportunistic in their motives for signing accords, this preliminary evidence suggests that similar incentives exist for child rights officials who could benefit from taking credit on the formulation of highly publicized child demobilization agreements. If this proves to be a prevalent pattern, the implications are clear: the implementation of child rights agreements will be jeopardized where both parties show a greater concern for the public relations benefits of the signing ceremonies than in the actual execution of effective demobilization plans.

In conclusion, these various preliminary findings on the implementation of child rights agreements provide a clear starting point for further research that would tie directly into this study. The combined analysis of factors that lend to the signing of agreements *and* to their successful implementation would provide a valuable addition to the study of advocacy work with non-state armed groups, bringing us one step closer in our efforts to stem the tide of child soldier use around the world.

ANNEX: SUMMARY OF CASE STUDY FINDINGS

The summarized findings are listed below in tables 1 through 4. Values of "low", "medium" and "high" have been assigned for each of the indicators constituting "human rights sensitivity" and "military-strategic necessity". For the two intervening variables, "external pressure" and "peace process" a simple 'yes' or 'no' rating scale has been used.

It is important to note that these assigned values are arbitrary and simplistic in nature; they are only meant to provide a rough visual estimation of the traits and motivating factors that influenced the decisions of non-state armed groups to negotiate the release of children. Furthermore, values are not assigned in an absolute sense, but in relation to the other two cases being studied. As an example, while it is not possible to accord a high rating to the SPLM/A for its treatment of children in absolutist terms, when compared to the RCD-G and LTTE, it did demonstrate a superior concern for the well-being of its child soldiers: commanders often shielded the very young from front-line combat, made various attempts to educate children, and did not exhibit systematic levels of sexual abuse or drugging of youth.

The following section provides a brief explanation of how values were accorded for each of the indicators that proxied for the main variables: human rights sensitivity and military-strategic need.

Explaining the Value Assignment of Indicators

Human Rights Sensitivity

As was previously discussed in chapter one, there are three indicators that help shape the independent variable, labelled as "human rights sensitivity". The first, which measures a group's political objectives, is rated based on the degree to which functional administrative structures have been created. The provision of essential services including security, health, education, and legal structures

warrants a high rating; an attempt at creating these systems, signals a moderate rating; and a complete disinterest in creating structures to accommodate the needs of civilians garners a low rating.

The second indicator is the type of recruitment most often employed by armed groups. Recruitment practices that include extreme violence and coercion, including abductions and press-ganging, are considered as forced, and are given a low scoring. Recruitment practices that do not employ violence or coercion, and that allow children to join of their own volition (regardless of the circumstances that have led to this decision) garner a high rating. Although in virtually all situations of conflict, there are cases of both forced and voluntary recruitment, for this study, if over 70% of cases are either forced or voluntary, then they will be labelled as such, rather than being given a mixed rating.

The final indicator accounts for the treatment of child soldiers, both in training and everyday life. Extreme levels of random and excessive violence, the presence of abuse (sexual and physical), and the frequent drugging of soldiers are all indicators of poor treatment. Conversely, attempts at keeping the very young out of frontline combat, the allocation of time for recreation and education, and the absence of severe abuse are all signals of a higher level of concern for children, thus garnering a high rating.

Military-strategic Necessity

The first indicator for this variable is the percentage of child soldiers serving within a non-state armed group. NSAs that employ less than 15% of children in their military ranks are given a low scoring; 15-30% is set as a moderate level of child soldier use; and over 30% is considered a high level of under-age employment for an NSA.

The effectiveness of child soldiers is rated based on the objectives that are sought and the roles in which children are meant to fulfill. A combination of demographics and level of training help to further illustrate how NSAs employ youth, and what benefits they hope to glean from them. A high rating is given

for children who help armed groups in the achievement of their goals, while a low rating is given to those who hinder that progress.

The third indicator measures the recruitment practices of an NSA's opposition. A low rating is accorded to conflicts where none of the opposition movements (including the state) are using child soldiers; if one to two other conflict parties are employing child soldiers within their armies, a medium rating is given; if more than two conflict parties (other than the primary NSA) are using children, this suggests a pervasive use of child soldiers, and thus a high degree of military-strategic necessity.

Overall Scoring

Table 4 includes a combined summary of the three case studies. Overall scorings (low, medium or high) have been assigned to "human rights sensitivity" and "military-strategic necessity", for the purposes of comparison. Where all three indicators present different values (eg. low, medium, high), the averageis taken as the overall scoring. Where two of the three indicators for a given variable are the same however, the overall scoring will reflect these two findings and overlook the third. For example, if two of the indicators for human rights sensitivity are given a "low" rating and the third is rated as "high", the overall scoring would be "low", with the latter value being discarded. This process has been adopted because, as was demonstrated in the case studies, some indicators proved to be inadequate reflections of the traits of a group or the context of a situation. For instance, many different armed groups were using children during the Sudanese civil war, which would normally signal a heightened necessity (real or perceived) for the SPLM/A to follow suit. However, seeing as child soldiers were not vital assets for any of the groups employing them in Sudan, the presence of other armed groups recruiting children did not provide an appropriate measure for the SPLM/A's military-strategic necessity for child use.

TABLE 1: Rassemblement Congolais pour la Démocratie, Goma

Human Rights Sensitivity	
1.1 Functional Administrative Structures	Low
1.2 Type of Recruitment of Child Soldiers	Low
1.3 Treatment of Child Soldiers	Low
Military-Strategic Necessity	
2.1 Percentage of Children Serving	Medium
2.2 Effectiveness of Child Soldiers	High
2.3 Opposition Groups Recruiting Children	High
Conditions Surrounding Agreement	
3.1 External Pressure	Yes
3.2 Peace Process	Yes

TABLE 2: Sudan People's Liberation Movement/Army

Human Rights Sensitivity	
1.1 Functional Administrative Structures	Medium
1.2 Type of Recruitment of Child Soldiers	High
1.3 Treatment of Child Soldiers	Medium
Military-Strategic Necessity	
2.1 Percentage of Children Serving	Low
2.2 Effectiveness of Child Soldiers	Low
2.3 Opposition Groups Recruiting Children	High
Conditions Surrounding Agreement	
3.1 External Pressure	Yes
3.2 Peace Process	No

TABLE 3: Liberation Tigers of Tamil Eelam

Human Rights Sensitivity	
1.1 Functional Administrative Structures	High
1.2 Type of Recruitment of Child Soldiers	Low
1.3 Treatment of Child Soldiers	Medium
Military-Strategic Necessity	
2.1 Percentage of Children Serving	High
2.2 Effectiveness of Child Soldiers	High
2.3 Opposition groups Recruiting Children	Low
Conditions Surrounding Agreement	
3.1 External Pressure	Yes
3.2 Peace Process	Yes

TABLE 4: Summary of the Three Non-state Armed Groups that Negotiated Agreements to Release Child Soldiers during Periods of Conflict

Non-State Armed Groups (NSAs)	RCD-G	SPLM/A	LTTE
HUMAN RIGHTS			
1.1 Functional Administrative Structures	Low	Medium	High
1.2 Recruitment	Low	High	Low
1.3 Treatment	Low	High	Medium
Human Rights Score	LOW	HIGH	MEDIUM
MILITARY NECESSITY			
2.1 Percentage Used	Medium	Low	High
2.2 Effectiveness	High	Low	High
2.3 Opposition Recruitment	High	High	Low
Military Necessity Score	HIGH	LOW	HIGH
SURROUNDING CONDITIONS			
3.1 External Pressure	Yes	Yes	Yes
3.2 Peace Process	Yes	No	Yes

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