

**Child-soldiers: how to engage in dialogue with non state armed groups**  
**Chapter for:**  
**Swiss Human Rights Book: Realizing the rights of children**

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**Coalition to Stop the Use of Child Soldiers**  
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Almost all conflicts are now fought not between states but within national boundaries and almost all involve non-state armed groups (armed groups).<sup>1</sup> Among the characteristics of many of these conflicts is the involvement of children.

The phenomenon of child soldiers is not new although it has become more widely recognized in the past decade.<sup>2</sup> It is now the subject of international and regional treaties and of United Nations (UN) Security Council resolutions and debate. It is reported on annually by the UN Secretary-General whose Special Representative for Children and Armed Conflict is mandated to promote protection of war-affected children, including child soldiers. Regional bodies, notably the European Union and the Economic Community of West African States, have the issue on their agendas. Abhorrence of the recruitment and use of children in hostilities is reflected in its criminalization in international law; under the Rome Statute of the International Criminal Court (ICC) conscripting and enlisting children under the age of 15 years into armed forces or groups or using them to participate directly in hostilities constitutes a war crime. International labour law treats the forced recruitment of children under the age of 18 for use in armed conflict as one of the worst forms of child labour.

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

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

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<sup>1</sup> The term “armed groups” in this chapter in most cases refers to groups that are engaged in conflict with the government (that is, armed opposition groups) and not to groups that are acting with the backing or complicity of governments.

<sup>2</sup> There is no single definition of “child soldier”. The most commonly used definition is contained in the “The Cape Town Principles and Best Practices”, adopted at a symposium on the prevention of recruitment of children into armed forces and on demobilization and reintegration of child soldiers in Africa in Cape Town, South Africa in April 1997. This definition states that a child soldier “... *is any person under 18 years of age who is part of any kind of regular or irregular armed forces or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than purely as family members. The definition includes girls recruited for sexual purposes and for forced marriages. It does not, therefore, only refer to a child who is carrying or has carried arms.*” However, the term “child soldiers” is contested and the revised principles will not refer to “child soldiers”, but rather the term “a child associated with an armed force or group.”

Developing more effective strategies to influence the policy and practices of armed groups is therefore essential if real progress towards ending the recruitment and use of child soldiers is to be achieved. The question is, how best to influence that policy and practice?

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

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

### **Non-state armed groups and child soldiers**

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

In contrast, there is a depressing level of continuity in the practice by armed groups. Out of the 38 parties in 12 countries that recruit or use children in situations of armed conflict listed in the latest report of the UN Secretary-General on Children and armed conflict, 24 are non-state armed groups.<sup>3</sup> Many of these groups are persistent offenders that have proven remarkably resistant to appeals, condemnation or sanction. Armed groups involved in other conflicts not included in the Secretary-General's list, for example in Chechnya, Iraq and Palestine, also recruit and use children.

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

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<sup>3</sup> UN Document: A/61/529-S/2006/826, 26 October 2006.

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

Whatever their role, the association with armed forces or groups exposes children to extreme and unacceptable threats to their health and well-being. Over and above the risks of death, injury, permanent disability and trauma as a direct result of the conflict, children in armed groups are also exposed to other serious human rights abuses including ill-treatment and torture, rape and other sexual violence.

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

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

### **The international architecture and the limits of external pressure**

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

The primary legal instruments of international humanitarian law relating to non-international (that is, internal) armed conflict, and which is therefore directly relevant to armed groups, is Article 3 common to the four Geneva Conventions of 1949. This is supplemented by Additional Protocol II which includes specific protection for children, including prohibition of recruitment of or participation in hostilities of children under the age of 15.<sup>4</sup>

The principal international human rights treaty relating to child soldiers is the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Optional Protocol). Entering into force on 12 February 2002, it was the culmination of a campaign to remedy the shortcomings of the Convention of the Rights of the Child that requires only that states "*shall take all*

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<sup>4</sup> Optional Protocol II applies to a narrower array of situations than Common Article 3 requiring that the armed conflict take place between the armed forces of a state party to the Protocol and "*dissident armed forces or other organized armed groups, which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement [the] Protocol.*" Most of today's internal conflicts are situated below this threshold.

*feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.*<sup>5</sup> Among other things, the Optional Protocol contains provisions that make specific reference to armed groups. It explicitly prohibits them, under any circumstances, from recruiting or using in hostilities persons under the age of 18 years.<sup>6</sup>

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

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

As a result an annual list is now published by the UN Secretary-General that names both state and non-state parties which recruit and use armed soldiers in countries of priority to the Security Council. Monitoring and reporting taskforce teams have been established by UN peacekeeping missions or country teams in various countries and the first reports were submitted to the Security Council in 2006.<sup>8</sup> Progress on action plans has been slow, but two have been agreed with armed groups in Côte d'Ivoire.<sup>9</sup> In the meantime, targeted measures against individual members of armed groups were applied by the Security Council for the first time in 2006 specifically in relation to the recruitment and use of children as child soldiers.<sup>10</sup>

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

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

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<sup>5</sup> Article 38(2) of the Convention on the Rights of the Child.

<sup>6</sup> Optional Protocol, Article 4. As of January 2007 there were 110 state parties to the Optional Protocol.

<sup>7</sup> See Security Council Resolutions: 1379(2001); 1460(2003); 1539(2004); 1612(2005).

<sup>8</sup> Reports on the DRC, Sudan, Cote d'Ivoire and Burundi were submitted in 2006, and Nepal and Sri Lanka in January 2007.

<sup>9</sup> One with the Force Nouvelle and a regional plan with several militia groups.

<sup>10</sup> See Security Council Resolution 1698 of 31 July 2006 in which it expanded existing sanctions (including travel bans and asset freezes) to apply to individual child recruiters in the Democratic Republic of Congo. In February 2006, a travel ban and asset freeze was imposed on Martin Kouakou Fofie, a commander of the Forces Nouvelles in Côte d'Ivoire, citing child recruitment as well as other violations.

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

### **Engaging armed groups – no pariahs?**

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

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

The Save the Children Alliance has highlighted both the risks and the benefits to engagement with armed groups in its guidelines for policy makers and program staff working with children associated with fighting forces. The guidelines state:

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

### ***The role of communities: working in their own backyard***

At a forum on armed groups and the involvement of children in armed conflict organized by the Coalition to Stop the Use of Child Soldiers in 2006, participants

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<sup>11</sup> See: *Bibliography on Approaching Armed Groups*, Coalition to Stop the Use of Child Soldiers, November 2006. Available at: [www.child-soldiers.org](http://www.child-soldiers.org).

<sup>12</sup> See for example: *Choosing to engage: Armed groups and peace processes*, Accord, Conciliation Resources, Edited by Robert Ricigliano, London 2005.

<sup>13</sup> *A Fighting Chance: Guidelines and implications for programmes involving children associated with armed groups and armed forces*, Save the Children UK, 9 November 2004.

from settings as far apart as Sudan, Myanmar and Northern Ireland repeatedly emphasised the importance of involving communities in approaches to armed groups. Communities were interpreted broadly to include *inter alia* families, local authorities, traditional and religious leaders, civil society groups and non-governmental organizations (NGOs), diasporas and children themselves. The point being made as one participant noted was, that “*in our own backyard we understand the problems better.*”

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

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

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

#### ***Awareness raising among communities – a strategy for prevention***

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

Research carried out in 2002 by International Save the Children Alliance on community initiatives and concerns in various armed conflicts found considerable agreement on the importance of developing understanding of children’s needs and experience and awareness of the negative impact of participation in conflict of children. The effects on the children’s mental health were highlighted as a concern to which communities are most likely to respond. The research also emphasised the importance of informing children of their rights. Indeed it found that amongst

adolescents who had participated in conflict were some who believed that if they had known about their rights they could have refused recruitment.<sup>14</sup>

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

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

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

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

From these discussions grew community networks involving a range of different actors from priests, Muslim leaders, traders, local associations, and school directors. Delegations from these networks undertook visits to commanders of groups in eastern DRC to press for the release of children and an end to recruitment. Among the groups

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<sup>14</sup> *The Prevention of Under-Age Military Recruitment: A Review of Local and Community-Based Concerns and Initiatives*. Margaret McCallin, Consultant to the International Save the Children Alliance. January 2002.

visited were *Rassemblement Congolais pour la Démocratie* in Goma (RDC- Goma) and associated militias (Auto-Defence Local, ADL); Mai Mai groups; and the Mudundu 40 group in both south and north Kivu. The same was done in the provinces of Katanga, Kasaï and Maniema. After 2003, the strategy was extended to engage with groups in western DRC.

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

### ***IHL and human rights training for armed groups***

Human rights education can also provide a potentially fruitful route into direct engagement with armed groups. A long term objective of offering training to armed groups must be to institutionalize an understanding of children's rights and human rights within the group; with the ultimate aim of changing policy and encouraging their cooperation in the protection of children. Shorter term objectives might include gaining their confidence; opening up a dialogue on issues around child protection and child soldiers; and gaining insight into what motivates the group to recruit children. This can be used to help inform other initiatives such as negotiations.

There are a number of examples where armed groups have responded positively to human rights training. Again, in eastern DRC, following a massive recruitment drive by the Rwandan-backed RCD-Goma in 2000, Save the Children UK gained the agreement of RCD-Goma commanders to hold a series of workshops for military officers on international law related to child soldiers, and the demobilization and rehabilitation programs operated by Save the Children. The training is credited with prompting an increase in the number of children demobilized – the number of children released after the first workshop in February 2001 was 68 compared to five the previous month. Moreover, it helped to improve relations between Save the Children and commanders and contributed to UNICEF's negotiations with RCD-Goma on the formal agreement for demobilization and reintegration of children that was signed in October 2001.<sup>15</sup>

In some situations the subject of child soldiers may be too sensitive to broach directly, especially when armed groups deny that they recruit or use children. In such cases, engagement including training can focus more broadly on child rights and child protection.

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<sup>15</sup> *Going Home: Demobilizing and reintegrating children in the Democratic Republic of Congo*, by Beth Verhey, published by Save the Children, 2003.

A case in point is the Philippines where efforts by child rights organizations to engage with the Moro Islamic Liberation Front (MILF), an Islamic liberation movement that has been fighting for an independent Moro state in southern Philippines since the 1970s, were proving difficult. An entry point was found through workshops on international humanitarian and human rights law, including protection of children in armed conflict.

The first workshop in late 2005 was organized by Geneva Call, the Swiss-based anti-landmine NGO, with the participation of a number of other organizations including the Philippine Coalition to Stop the Use of Child Soldiers. Sixty-five MILF military and political officers participated, each handpicked on the basis of rank and their ability to pass on what they had learned. The general training proved to be an excellent way of opening up a debate on children's rights with commanders of the MILF and resulted in invitations to run further workshops for women and youth among the Bangsamoro (literally "Moro People") community. Support among the Bangsamoro for the MILF, which in some cases extends to supporting Bangsamoro youth to volunteer for the group, makes this entry point to the community particularly significant.

### *Speaking the right language*

Those working in the field repeatedly emphasise that, whether working with communities or with armed groups, linking the messages to local or traditional values is important. Humanitarian and human rights principles must be seen as relevant and to resonate with local values and beliefs.

Although articulated differently, experience indicates that 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; that children need special safeguards and care to ensure their physical security, well-being and development; they should be protected from violence; shielded from the impact of conflict and so on. These values, or the ability to apply them, may have broken down in the context of conflict, but can be reclaimed and used to further the protection of children.

Such debates may, however, also reveal differences in understanding and perspectives that can prove challenging. In relation to child soldiers, the definition of a child can be the most vexed. Under the Convention on the Rights of the Child, a child is defined as anyone under the age of 18. The Optional Protocol provides for a straight ban on recruitment and use of under-18s for armed groups. Contentiously, it does not set the same strict limit on governments which may recruit voluntarily from the age of 16.

Notwithstanding the asymmetry of the treaty which armed groups might question, broader questions often arise around when childhood ends and adulthood begins and, by extension, at what age a youth can take up arms.

In southern Sudan, for example, a former UNICEF representative involved in Operation Lifeline Sudan has described how their idea that children only become adults at 18 provoked amusement as well as serious practical problems. Some members of communities in southern Sudan argued that a ban on recruitment under

the age of 15 was inappropriate because once initiated a boy, whatever his age, was entitled to be taken into the military. By tradition, the bearing of arms in defence of his community is part of his obligations.<sup>16</sup> Similar debates arise around other “rites of passage” such as marriage, child birth and voting age or in impoverished communities, where it may be argued that children need to assume adult responsibilities in order for them and their families to survive.

Despite varying cultural definitions of childhood, communities and families whose children have been involved in armed conflict almost universally find it a distressing and negative experience. They emphasize protective elements and values in local culture, which raises important questions about who is purveying what “cultural definition” and to what extent it is shared by all members of a community. In such situations, human rights and humanitarian actors must make the case for the special protection to which all under-18s are entitled regardless of benefits that may be acquired or responsibilities assumed before that age, and the detrimental impact on children of their involvement in armed conflict.

### *Seeking commitments from armed groups*

Dialogue with armed groups is in some cases carried out for the purpose of eliciting commitments to international standards as a means of promoting policy change. Among the aspects of the work of the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG) is the gathering of commitments from parties to conflicts which violate the rights of children and, more specifically, are known recruiters of child soldiers.

In spite of some advances, the record on implementing commitments has been poor. In Sri Lanka, for example, the Liberation Tigers of Tamil Eelam (LTTE) has made a series of commitments over the years to stop using and recruiting children, including to the SRSG and UNICEF. Although some children have been demobilized as a result, the LTTE has persisted in recruiting and using under-18s. In the south of Sudan, the Sudan People’s Liberation Army (SPLA) demobilized over 3,500 children in 2001 in fulfilment of a commitment to UNICEF. However, by 2003, the process had stagnated. Thousands of children remained with the SPLA and recruitment and in some cases recruitment continued.<sup>17</sup> In Columbia, *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Columbia, FARC) reneged on its 1999 commitment to the SRSG on recruiting and using children, claiming that neither government nor society could offer any children it released adequate protection.<sup>18</sup>

Nevertheless, the potential for such commitments to be used as a tool in efforts to end the use of child soldiers by armed groups merits further exploration. The technique has been employed to good effect in relation to the campaign against the use of anti-personnel mines. Geneva Call has used commitments in its campaign to persuade armed groups to adhere to the provisions of the 1997 anti-personnel mine ban treaty. Its approach is premised on the recognition that armed groups do not participate in

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<sup>16</sup> *Promoting humanitarian principles: the southern Sudan experience*, Iain Levine, Relief and Rehabilitation Network paper, May 1997.

<sup>17</sup> Human Rights Watch, World Report, 2004.

<sup>18</sup> *Children Not Soldiers: Guidelines for working with child soldiers and children associated with fighting forces*, Isobel and Sarah Uppard. Save the Children, 2001.

drafting treaties and thus may not feel bound by their obligations. It therefore seeks their adherence to the norms embodied in it through their signature to a declaration renouncing mine use which is deposited with the authorities in Geneva.

Although there are many considerations around protection and reintegration in relation to child soldiers that do not apply to landmines, Geneva Call's experience is nevertheless instructive. In particular, it teaches of the importance of sustained engagement. A commitment is only the beginning of the process. It must be followed by technical assistance and monitoring if the commitment is to be successfully implemented. There must also be mechanisms to respond to non-compliance when it is not.

The nature and extent of the assistance required by armed groups to implement commitments to ban landmines and to ban child soldiers will be significantly different. Whereas the focus with landmines is on supporting the destruction of stockpiles, clearance operations and assisting landmine victims, with child soldiers it must be on the much more complex task of establishing effective child protection, as well as supporting their rehabilitation and reintegration. A range of different actors will be needed to support this process from communities, relevant government departments and agencies and national and international organizations working with children. Seeking commitments should therefore be considered within a broader, well coordinated policy and program framework.

### ***Who does the talking?***

There are no hard and fast rules on who should become involved in making approaches to armed groups. Who will have influence or feels sufficiently secure to act will vary. However, choosing the right interlocutor is important. The approach is likely to be more effective if that person or persons is known and trusted by relevant members of the armed group, understand local values, and possess knowledge of the politics and the dynamic of the conflict. As one practitioner put it: "*a stranger arriving from the West waving an international treaty won't work.*"<sup>19</sup>

In the DRC, the national Coalition to Stop the Use of Child Soldiers found it important to select community leaders who knew or had influence with local commanders to participate in meetings with them. They also adopted a "security in numbers" approach by ensuring that 5 to 10 community representatives were involved in each meeting with an armed group.

Elsewhere, faith-based organizations have taken the lead. For example, during the civil war in El Salvador (1980-1992) the Catholic Church, through the Legal Protection Office (*Tutela Legal*) of the Archbishop of San Salvador, helped many individual families protest against the forced recruitment of their underage sons by both the Armed Forces of El Salvador (*Fuerzas Armadas de El Salvador* – FAES) and the armed group, Farabundo Marti National Liberation Front (*Frente Farabundo Martí de Liberación* - FMLN). It also campaigned to "humanize" the conflict through promoting humanitarian principles, human rights and Christian ethics. This work,

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<sup>19</sup> Participant at the International Forum on Armed Opposition Groups and Children, organized by the Coalition to Stop the Use of Child Soldiers, Geneva, Switzerland, July 2006.

together with its advocacy, are credited with raising grass roots awareness of the international standards prohibiting the participation of children in hostilities and policy shifts in at least one faction of the FMLN to stop forcible (not voluntary) recruitment and to offer unconditional release of all youth.<sup>20</sup>

Similarly in Sierra Leone, religious or inter-confessional groups had some success in engaging the Revolutionary United Front (RUF) on child soldiers where others, including local chiefs and elders, had hitherto failed. Although the forcible recruitment and use of children by the RUF continued throughout the conflict (1991-2002), both the Inter-Religious Council of Sierra Leone<sup>21</sup> and the Makeni branch of the Catholic relief agency, Caritas, did succeed in obtaining the release of some children. The access by religious leaders to the RUF, albeit limited, was attributed to the fact that RUF followers were of various faiths and showed a degree of trust and respect towards religious institutions that it did not exhibit towards others.

Families of child soldiers are also natural and often active advocates for their release, although the degree to which they organize differs. In northern Uganda, The Concerned Parents Association (CPA) was initially established in 1996 by parents in response to the abduction of 139 girls by the Lords Resistance Army (LRA) from a school in Aboke in northern Uganda. Since then, the CPA has conducted a national and international campaign on behalf of abducted children and for peace. It also provides a space in which parents of abducted children can share experiences and find support; and is involved in assisting in the reintegration of rescued children.

In other situations it may prove impossible for communities and families to organize. For example, in Sri Lanka many parents have made individual efforts to get their children released; often by travelling to the camps and confronting the LTTE directly. However, efforts to mobilize parents and broader communities have consistently failed because of fear and mistrust generated by the extremely high levels of violence and the LTTE's practice of taking violent action against real or suspected opponents.

In this and other similarly hostile environments, the role of international entities, such as the International Committee of the Red Cross (ICRC) and UNICEF, becomes critical. They can take the lead or provide protective cover to communities, local or national groups where communities cannot safely engage directly with armed groups. International organizations may also have more authority with, or be regarded as more impartial by, some armed groups and may therefore be better placed to initiate engagement. Southern Sudan is a case in point; because civil society was weak or non-existent and national and local actors deeply divided, international agencies were the only ones capable of mediating humanitarian access and the release of children.

### **Considering the broader context**

Any approaches to armed groups, direct or indirect, on the issue of child soldiers will need to take account of other initiatives that may be underway which could impact on the situation for the children and/or the relationship with the armed group. These

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<sup>20</sup> Beth Verhey, *The Demobilization and Reintegration of Child Soldiers: El Salvador Case Study*, Work Bank, 2001.

<sup>21</sup> The Inter-religious Council was formed in 1996 by Christian and Muslim spiritual leaders in Sierra Leone. It was arguably the most important community actor in the Lomé peace process.

might include peace negotiations or other conflict resolution initiatives; the imposition of sanctions against the group; the initiation of criminal justice processes against its members; or even the publication of reports on human rights abuses by the group.

Any or all of these can change the dynamics of a situation and impact on the willingness of armed groups to engage and, critically, to the protection of children associated with them. Public naming and shaming, for example, may persuade some armed groups to alter their behaviour. Indeed, the desire to be removed from the UN Secretary-General's annual list of parties that recruit and use child soldiers is reported to have persuaded two Burmese armed groups, the Karen National Union (KNU) and the Karenni National Progressive Party (KNPP) to cooperate with the UN in implementing their policies to prohibit the recruitment of children under the age of 18.<sup>22</sup> The Force Nouvelle in Côte d'Ivoire is reported to be similarly concerned to have its name removed from the list.

Unfortunately, other armed groups care less for their public image, or at least will prioritize "military imperatives" over adherence to international standards. Denunciations, moreover, risk creating a backlash. The limited impact of denunciations and unpredictable responses by armed groups to them lead many field practitioners to recommend that the technique should only be used as a last resort. However, the circumstances under which public criticism or similar tactics might be effective merits further study.

Justice processes against members of armed groups for recruiting or using children are also raising difficult questions about the impact of such proceedings on efforts to release and reintegrate child soldiers. Demands for greater accountability in relation to crimes against children has led to developments that increase the likelihood of criminal investigations and prosecutions of members of armed groups for the recruitment and use of children. Already, members of armed groups have gone on trial in the Special Court for Sierra Leone for recruiting and/or using child soldiers. The first indictments for war crimes issued by the ICC involve charges of conscripting, enlisting or using children in hostilities by members of armed groups in the DRC and Uganda.

The impact of the ICC indictments against five senior member of the armed group, the LRA in Uganda, has generated particularly heated debate about the relationship between peace and justice and the impact the process may have on the safety of children still within the ranks of the LRA. The indictments are recognized as having been an important factor in bringing the LRA and the government to the negotiating table, but some argue that they now represent an obstacle, or at least a complication, to the peace process. Local NGOs and humanitarian actors also maintain that they jeopardize their efforts to secure the release of child soldiers from the LRA through existing local processes.<sup>23</sup>

Any effort to bring warring parties to the negotiating table brings the risk of intensified violence if the process derails. Children associated with armed forces and

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<sup>22</sup> Report of the Secretary-General on Children and armed conflict, UN Doc: A/61/529-S/2006/826, 26 October 2006. Para 60.

<sup>23</sup> Redress, *Victims, Perpetrators or Heroes? Child Soldiers before the International Criminal Court*, ICC. September 2006.

groups are extremely vulnerable in this context, particularly if the process includes the possibility of prosecutions for child recruiters. Concerns for the security of child soldiers – and the practicalities of getting them out of the conflict – bring into sharp relief the tensions that often arise between the goals of peace and justice. Any strategy to resolve these dual and interlocking goals requires close coordination between all actors including grassroots organizations working to protect or release child soldiers from armed groups. In this way the best interests of the child can be taken into account as approaches to justice are developed.

## **Conclusion**

Thousands of children remain in the ranks of armed groups in most regions of the world. In the absence of effective protection they will continue to be drawn into newly-emerging conflicts. Direct engagement with armed groups must therefore be seriously considered as part of any strategy to end the recruitment or use of children for military purposes. The experience to date suggests that success will at least partly depend on understanding armed groups and the culture in which they are embedded. In this regard, the value of listening to and working with local communities cannot be underestimated.

It must be borne in mind that getting children out of the ranks is only a first step. The process of returning to community and civilian life is a complex one. Once released, former child soldiers may need medical care and psychological support as well as education, training and ultimately the means of making a living. Communities may find it difficult to welcome children known to have committed human rights abuses. Girl soldiers who have been raped or forced into “marriage” with adult soldiers may be stigmatized and rejected.

Strategies which succeed only in getting child soldiers out of armed groups, will fail at the next hurdle if these broader issues are not addressed by carefully constructed, sustainable programs. To be effective, plans for the reintegration of child soldiers must be an integral element of any strategy for approaching an armed group. This will have implications in terms of the preparation and resources and make coordination between the different actors involved crucial.

The question of government responsibility must also be analysed and addressed if durable solutions are to be found to the problem of children’s involvement in armed conflict, whether in armed groups or government forces. As already noted, children become involved with armed conflict for various and complex reasons. Poverty, injustice, discrimination, unequal access to wealth and resources are likely to be among the factors involved. Human rights abuses against adults and children often provide the impetus for joining up – at times enlistment may be the best survival strategy. Governments must enact laws and policies to guarantee the full range of children’s rights – including the right to education, training and employment. Steps must be taken to address domestic violence and sexual abuse, as well as all forms of economic exploitation. In addition, ways must be found for children to speak out – and be heard – if they are abused.

Approaches to armed groups and work with local communities, should also address these questions, exploring at ground level the need to protect children and respect their rights. Ending child recruitment remains a major challenge and is unlikely to be achieved quickly or definitively in most conflicts. Nevertheless, valuable lessons have been learned and these serve as pointers for future strategies to end the use of children by armed groups.