Armed groups, child soldiers and legitimacy: Can international pressure improve the human rights records of non-state actors?

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Abstract: Human rights abuses today are increasingly committed by non-state actors. The tools often used to pressure human rights violators, such as watch-lists, naming-and-shaming, sanctions, or reduced support from outside states are typically far less effective with non-state actors than state actors. This paper focuses on one international human rights norm that non-state actors consistently violate—the prohibition of recruitment and use of child soldiers during conflict—and examines why groups that cease violating this norm do so. It analyzes the 140 rebel groups named by the UN Special Representative for Children and Armed Conflict as those known to use child soldiers between 2005 and 2015. While the majority of groups show no or little change in their use of child soldiers during each conflict, the behavior of a small number of groups does change. Findings show that while armed groups are less likely than states to respond to outside pressure, they do seek, similarly to states, to increase their legitimacy and are more likely to stop using child soldiers when they see the legitimacy conferred by international actors as connected to their success.

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Introduction

Non-state armed groups, responsible for vast amounts of human rights abuses during violent conflicts around the globe, are under pressure from states and international organizations to improve their human rights records and abide by international norms. Such pressures include being placed on watch-lists, naming-and-shaming, sanctions, or reduced support from outside states, either politically or materially. Evidence is mounting, however, that methods typically used to pressure states to conform to international norms are not as effective with non-state actors. This paper focuses on one norm—the prohibition of recruitment and use of children during conflict—which has been receiving increasing attention and for which non-state armed groups are under increasing pressure from outside states to conform to global standards articulated in international humanitarian law and human rights law.

This paper is the beginning of a larger effort to trace how and why armed groups respond to pressure to stop using child soldiers. Children are used in conflicts throughout the world, in roles ranging from taking up arms and fighting on the front lines, to providing support such as cooking and portering duties, and being forced to be sexual partners of the soldiers. The last two decades have been ones of gradual elaboration and strengthening of international norms, laws, and standards designed to protect children during times of war or conflict. While these norms are continually being strengthened, they are, at the same time, frequently not adhered to by states and non-state actors throughout the world. Growing attention from international organizations and non-governmental organizations highlighting the abuses of children in these roles has lifted the issue up on the international agenda and brought awareness of the issue to the global public. The growing attention has also brought
greater pressure to bear on the groups themselves to stop the practice: this pressure has typically been in ways which have been successful in causing states to change their practices, but has had less success with armed groups.

This paper and the larger research project uses data from the United Nations Office of the Special Representative for Children and Armed Conflict which monitors the behavior of both states and non-state actors in conflicts around the world, collects data, and presents reports and analysis to the Security Council for action. This paper develops a theoretical framework for the larger research project, defines the parameters of the data set, and provides a preliminary analysis of armed groups’ behavior changes over time. An analysis is conducted of 140 non-state armed groups named by the UN as groups known to recruit and use child soldiers between 2005 and the present day. The goal of the research is to examine whether and why non-state actors respond to outside pressure, and explain variations among the groups.

The research proposed in this paper has theoretical implications by taking existing theories about normative transmission and change of states and applying them to non-state actors, specifically, armed resistance groups. The focus is on one human rights issue of vital import to the groups themselves, and an area that we can expect groups to resist change. The research also has policy and real world implications. The UN has undertaken very little research itself into the history and outcome of its own policies in the area of child soldiering and the result of this research will provide the team at the office for the Special Representative involved in child soldier prevention with a better analysis of their approaches in the past, and provide guidance for future engagements with these groups.

The paper begins with a definition of child soldiers, and then offers a theoretical framework, providing an overview of three areas of literature relevant to this study: norms, legitimacy, and
child soldiers. The paper then examines the evolution of the norm against the use of child soldiers over time. Following that, it provides an overview of the data and how it was collected, before giving some preliminary analyses of the data itself. The paper concludes with a section on proposed areas of future research.

Definitions

What are child soldiers? The most commonly used definition of child soldiers is derived from the Paris Principles\(^1\): Any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys, and girls used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.

How many children are involved? It is extremely difficult to determine accurate numbers primarily because of the difficulty in verifying the ages and recruitment rates for most of the groups using child soldiers. The most frequently cited figure for number of children involved in conflicts is 300,000 (Kaplan 2005), but many others cite the number in vaguer terms, stating tens of thousands or hundreds of thousands of children are involved (Child Soldiers International 2015; Drumbl 2011).

How old are the children involved? Most definitions, including the Paris Principles, use the age limits in the Convention on the Rights of the Child, in which anyone below the age of 18 is defined as a child. However, the International Criminal Court (ICC), drawing on international humanitarian law, defines the recruitment and use of child soldiers below the age of 15 as a war crime. Some argue that the ICC use of the

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\(^1\) The Paris Principles were agreed at a meeting in Paris in February 2007 between 59 states, and international organizations headed by UNICEF, and NGOs.
age of 15 is dated, and a move towards 18 across the board is imminent (Drumbl 2011). The different ages used in definitions do place individuals aged 16 and 17 in a somewhat grey area, defined as child soldiers under one definition but responsible as adults for crimes committed under another.

The paper now moves towards a discussion of international norms in general, the topic of legitimacy and how it might affect non-state groups, and an overview of the literature on child soldiers.

Norms

Explanations for why armed resistance groups may abide by human rights and other international norms can be drawn from two different traditions: the constructivist tradition, which emphasizes the importance of ideas, norms, and social actors, and the rational-materialist tradition, which emphasizes power and self-interest. Both approaches offer explanations primarily for the behavior of states, but we can assume that some aspirations and pressures faced by states, such as the desire for legitimacy or prestige or fear of sanctions, may also be faced by non-state actors, allowing us at least to find a theoretical foundation for the behavior of armed resistance groups. The explanations they offer are also not mutually exclusive and can both be applied to gain a better understanding of the behavior and discourse of non-state actors.

However, these two types of explanations do predict different behavior patterns when looking at the use of child soldiers by these groups. The first set of explanations would predict that we would begin to see changes in attitudes towards child soldiers within the groups over time in a form of internalization of the norm. The second set of explanations would predict that changes in attitudes and behavior come only after the use of child soldiers becomes too costly for the groups, in response to specific pressures or expectations from outside the group.
Turning first to the constructivist theories, scholars first began to focus beyond the state on non-state actors, norms, and transnational networks in the mid-1990s. Research showed that norms are transmitted from state to state, sometimes via non-state actors (see, for example, Finnemore 1996; Price 2008; and Finnemore 2003), and explored how states move from a more general commitment to norms, to complying with them (Risse, Ropp, and Sikkink 2013). A key factor appeared to be the states’ desire for legitimacy affected how willing they were to adopt new norms.

There are two dominant theoretical models in this body of literature that propose to explain norm development and internalization at the state level: the norm cascade model (Finnemore and Sikkink 1998; Sikkink 2011) and the spiral model (Risse, Ropp, and Sikkink 1999). The norm cascade model suggests that norms have a life-cycle, moving through stages from emergence to internalization. Looking specifically at the norm regarding child soldiers, given the evolution of the norm from the mid-1990s (see section on norm evolution below), and the proliferation of conventions and agreements strengthening this norm, it appears that the norm against child soldiers has emerged, and undergone a cascade, and in most cases, has undergone a process of internalization among many state actors. Most states now include age limits and prohibitions against the use of under age soldiers in their military manuals [check ref]. However, among non-state groups there is sufficient variation in the practice of using child soldiers, with some groups having internal prohibitions, and others not (see, for example, Lasley and Thyne 2015) to argue that the norm is at a different stage, and has not yet reached the point of a cascade.

A second theoretical model, the norm spiral, outlines the relationship between international norms and domestic human rights practices (Risse et al, 1999 and 2013). The model traces the shift in a state’s behavior from non-compliance with human rights norms to
internalization of the norm through the ratification of human rights treaties and institutionalization of human rights norms in domestic practices and laws. Looking specifically at the behavior of non-state groups and the practice of using child soldiers, many groups are at an early stage in the spiral, denying they use child soldiers, or explaining why their use of child soldiers is necessary and appropriate.

The rational-materialist tradition offers an explanation for why a specific state may commit to a certain norm or begin to comply with it by altering its behavior. These explanations emphasize power and self-interest. Thus states “anticipate positive and negative effects of international laws on states” (Hathaway 2007). While the constructivist models show how a norm may be transmitted, these models look more closely at the behavior of specific actors, arguing that actors undertake a cost/benefit analysis and act rationally before altering their behavior.

In this line of thinking, states conduct cost-benefit analyses in order to determine whether or not to sign up to international treaties, such as human rights treaties (see for example, Goodliffe and Hawkins 2006; Cole 2005; Vreeland 2008; Simmons 2000; Smith-Cannoy 2012). Alternatively, it has been argued that states follow a logic of consequences: states commit to norms in order to establish credibility or legitimacy in a certain area (Simmons 2000).

Using this approach for understanding the adoption of international norms by armed resistance groups, particularly human rights norms such as the prohibition on the use of child soldiers, would suggest that these groups adopt these norms when it is in their interest to do so, with or without commitment to the norms themselves. Thus, calculating that the appearance of not using child soldiers, for example, would bring benefits such as increased legitimacy and support from international actors—greater than costs, such as loss of a group of easily coerced
soldiers—armed groups might begin to curtail the use of child soldiers in visible ways or hide their use in the field.

These two types of explanations drawn from the constructivist and rational-materialist traditions are not mutually exclusive. Indeed, both consider legitimacy considerations to be a key factor influencing the transmission and adoption of norms by state actors.

**Legitimacy**

One problem rebel groups struggle with is that of legitimation—how can they make the use of political violence acceptable and become a legitimate actor? As Inis Claude reminds us, a struggle over legitimacy is an essential part of a political struggle (Claude 1966: 368). Without legitimacy, rebel groups face challenges recruiting and keeping members of the group; risk losing support from local communities on whose behalf they are fighting; endanger the flow of financial, material, and political support from outside states and other actors; and are unlikely to be included in negotiations to end the conflict. Political scientists studying legitimacy, such as Inis Claud, David Beetham and Ian Hurd, focus on the legitimacy of the state and the processes by which states seek legitimation.

David Beetham argues that an understanding of legitimacy “helps to explain the erosion of power relations, and those dramatic breaches of social and political order that occur as riots, revolts and revolutions” (Beetham 1991). A group’s use of child soldiers may be some way, too, to further undermine the legitimacy of the state—a state which cannot protect its children from these kinds of abuses is a state which can be seen to have lost legitimacy. The practice does, however, undermine the group’s legitimacy with outside actors at the same time.

Ian Hurd argues that states act strategically in their pursuit of legitimacy, but they act within a socially constructed context (Hurd 2008). Legitimacy, Hurd states, is “a socially constructed
phenomenon, [which] affects the strategic calculations and self-conceptions of [states]. The
payoffs sought by actors through strategic behavior might be material or symbolic and in either
case they depend significantly on sociological processes related to legitimation” (2008:16). It
can be argued too, that armed groups also act strategically in their pursuit of legitimacy.

International legitimacy is one of the levers that outside actors, such as states and
international organizations use to pressure armed groups to conform to international norms and
standards. The naming and shaming of groups on the list of the UN Special Representative for
Children in Armed Conflict is designed to draw attention to the groups using child soldiers,
thereby reducing their legitimacy on the global stage. A member of the Office for the Special
Representative for Children in Armed Conflict stated recently, “we understand legitimacy is one
of our only levers.”2 This connection between the use of child soldiers and the loss of legitimacy
is a relatively new phenomenon, dating back only twenty years.

The desire for international legitimacy may be an explanatory variable to explain why some
groups use child soldiers and some do not, or some cease to. Trace Lasley and Clayton Thyne
argue that only a certain category of rebel group, namely secessionist groups, seek international
legitimacy and will be more likely to change their behavior to curry that legitimacy (Lasley and
Thyne 2015). Groups seeking to overthrow their government have less reason to seek
international support and legitimacy during the conflict as, if they are successful in establishing a
new regime, that act itself provides legitimacy for their group (ibid.).

Legitimacy has a second role in this discussion: the concept of legitimacy applies to both the
groups and the norm itself. Is the norm against the use of child soldiers accepted by the groups
themselves? These groups have not been involved in the development of the norm and attending
institutions, but must confront the implications of not abiding by that norm. To what extent must

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2 Interview with Nelly Sabarthes, Africa Desk, July 2015.
the groups accept the legitimacy of the norm for them to abide by it? On the question of the legitimacy of institutions and norms, Alexander Wendt places the level at which legitimacy is created at the individual level—each actor within a specified community determines whether the norm is legitimate or not and each of these individual acts determines the legitimacy of the norm for the community as a whole. For Wendt “to say a norm is legitimate is to say that an actor fully accepts its claim on itself” (Wendt 1999: 272). Thus, the consent of individual actors makes a norm legitimate.

While some of the concepts and discussions about legitimacy of states can be stretched to apply to non-state actors such as rebel groups, the understanding of legitimacy and how it applies specifically to rebel groups remains under theorized. One avenue I am currently exploring in the process of conducting the research for the larger research topic is to develop a model of legitimacy which can be more directly applied to rebel groups, drawing from explanations for legitimacy for other non-state actors, such as NGOs, international organizations, and from organizational theory.\(^3\)

Moving forward from the issue of legitimacy, the next section looks at recent research in the field relating directly to child soldiers.

**Child Soldiers**

Why do groups use child soldiers? Recent research takes two approaches to this question—one approaches focuses on systemic explanations and the other on recruitment decisions. The systemic explanations examine factors such as poverty (Machel 1996; Cohn and Goodwin-Gill

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\(^3\) I am currently developing a four tier model of legitimacy to will allow us to understand the variation in legitimation strategies among rebel groups. These four tiers of legitimacy are: 1) internal, i.e., within the group in the eyes of its members; 2) local, i.e., among the communities on behalf of whom the group is ostensibly fighting; 3) regional, i.e., with states and other groups in the states bordering the conflict zone; and 4) international, i.e., with international organizations and other states from around the world.
1994; Honwana 2006); poor education (Wessells 2006); lack of employment opportunities (Brett and Specht 2004), the availability of vulnerable and recruitable refugees and Internally Displaced People (IDP)s (Achvarina and Reich 2006), and the availability of lightweight weaponry (such as the relatively cheap and portable AK-47\(^4\)) (Stohl 2002; Singer 2006). Other explanations focus on the recruitment decisions made by the groups themselves. One argument is that these groups target children simply because they have to: there are not enough able bodied adults willing to take up arms. Christopher Blattman and Jeannie Annan’s research on the Lord’s Resistance Army suggests that children are appealing for rebel groups with few resources because of their ease of retention (Blattman and Annan 2008). Blattman further argues that forcible recruitment of adolescents is cheap, effective and has a high rate of retention because children are more easily indoctrinated, terrified and disoriented than adults (Beber and Blattman 2013); Robert Tynes suggests that the use of child soldiers is a tactical innovation, creating moral dilemmas in opposing forces and creating political opportunities for elites employing child soldiers (Tynes 2011). Each of these reasons require a different set of responses from the international organizations, such as the UN, wishing to end the practice. For example, if ease of retention (through disinformation and propaganda\(^5\)) is a major factor in the decision to use child soldiers, one way to combat this is to publicize to all communities at risk of abduction that returning child soldiers will not be prosecuted.

One gap in the research is an examination of groups that have stopped using child soldiers to determine why they did. This is the gap that this research project aims to fill.

\(^4\) AK-47s, a weapon which can be handled by a child or adolescent, are available for sale for less than $100 in some conflict zones (http://www.havocscope.com/black-market-prices/ak-47/, last accessed October 15, 2015).

\(^5\) Child soldiers are frequently told they cannot return to their communities because they will be held responsible for their actions and imprisoned, and it is fear of this that stops some children from escaping (Beber and Blattman 2013).
Norms affecting the behavior of rebel groups

Scholars have begun to investigate the effect international norms may have on the behavior of rebel groups (see, for example, Wood 2008, Metelits 2010, Cohen 2013; Mueller 2014). Norms such as those against the use of terror tactics and other tactics such as rape during conflict, the use of certain types of weapons in conflict, such as the landmine or chemical weapons, and non-targeting of civilians exist as norms for states. There are increasing expectations on the part of states and international organizations for rebel groups to comply with these norms as well. While these norms may differ in terms of what behavior they proscribe, how universally accepted the norm may be at the international level or how strong the enforcement mechanisms are at the international and domestic level, there are increasingly connections made between the adherence to these norms by rebel groups, and the degree to which they are awarded legitimacy by international actors.

Evolution of the norm against child soldiers

The development and strengthening of a norm against the use of child soldiers is relatively new, with the focus on child soldiers beginning in 1977, and taking off in 1996. Since then, many states, international organizations, and non-governmental organizations have been involved in developing ever-more stringent laws, guidelines and norms prohibiting the use of children as soldiers in conflict. However, the largest group of actors that do use children, namely rebel groups, have not been involved in the development of this norm, and are not party to any of the legal instruments designed to enforce it. It is this gap which exposes a weakness that the heart of this international regime, and poses the largest challenge to mounting an effective campaign to get these non-state actors to abide by these norms.

The use of children in conflict is as old as conflict itself. David Rosen argues that child
soldiering is not a recent phenomenon, citing evidence from 17th century Europe when boys between 11 and 13 served as commissioned officers in a number of different state’s armies and navies, and from the American Revolution where 12 and 13 year olds served in Washington’s army (Rosen 2005). It was not until the twentieth century that modern armies began having formal age requirements for military service. Despite these age requirements, however, children still fought alongside older men during the First World War. Following the First World War in 1924, the League of Nations adopted the first international convention explicitly protecting children. This convention was not, however, much adhered to, particularly during the subsequent conflict. During the Second World War the use of children in armies was not uncommon—children were employed in armies in Germany (Rempel 1989), the Soviet Union (Kucherenko 2011), and Japan (Ohnuki-Tierney 2006), and among partisan resistance fighters, for example in Lithuania (Rosen 2005).

After the end of the war, the Geneva Conventions of 1949 addressed children in Geneva Convention IV. Article 50, second paragraph provides that the occupying power may not enlist children “in formations or organizations subordinate to it.” The first legal document to address child soldiers in much more explicit terms was in 1977. The Additional Protocol I of the Geneva Conventions outlines the protection of children during conflict and urges states to refrain from recruiting children under the age of 15 (Article 77 (2) and Additional Protocol II (Article 3 c)). The Additional Protocols are relevant from a legal point of view because they address non-state actors as parties to conflicts as well as state actors.

The Convention on the Rights of the Child (CRC) went into force in September 7, 1990, and is now signed and ratified by all but one state (US signed but did not ratify the convention),

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6 The British Army had instituted an age limit of 18 in 1916 with the Military Service Act, but still had soldiers as young as 12 fighting in France in 1916 (Hellen 2013).
making it one of the most widely ratified conventions. This convention lays out all the rights of children, from education, to health, and play, but it does not address the issue of child soldiers directly. Significantly, the CRC defines children as anyone under the age of 18. The First Optional Protocol to the convention May 25, 2000 mentions child soldiers for the first time. This Protocol restricts involvement of children in conflict. This convention, however, also has very weak enforcement mechanisms and relies on domestic legislation to uphold its ideals.

The engagement by the UN in the issue of child soldiers began in earnest in 1996 with the publication of the report by Graca Machel “The Impact of Armed Conflict on Children” (Machel 1996). Machel traveled to and interview individuals in multiple conflict sites, and her report looked at 24 case studies over the course of 30 years of conflict. The report offers multiple causes for the proliferation of child soldiers including globalization, poverty, rapid urbanization and the erosion of the family, weak states, small arms proliferation, militarization of society, manpower shortages, and lack of education. Following the publication of the report, a mandate for a Special Representative of the Secretary-General for children in armed conflict was established in 1997. The issue of children in conflict was presented as a peace and security issue, placing it on the agenda of the Security Council, ensuring a relatively high profile and attention to the issue. A high priority was placed on the structuring of a monitoring, reporting and compliance regime, and it is the basis of these reports that forms the data for this current research project. Six grave violations were identified, including the killing and maiming of children; the recruitment or use of children as soldiers; sexual violence against children; attacks against schools or hospitals; denial of humanitarian access for
children; and the abduction of children. In 2005, the Security Council established a Monitoring and Reporting Mechanism (MRM) to systematically monitor, document and report on these abuses in conflicts around the world. This mechanism goes beyond reporting on countries which are on the agenda of the Security Council and gives the Special Representative authority to investigate the six grave violations wherever they occur. The UN Security Council has also issued six resolutions on the issue of child soldiers: Resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003) and 1539 (2004) which taken together, provide a comprehensive framework for addressing the protection of children affected by armed conflict, and indicate a united front by states on the matter.

From the perspective of international criminal law, the Rome Statute of 1998, which established the ICC in 2002, recognized “conscripting or enlisting children under the age of 15 and using them to participate actively in hostilities” as a war crime. The drafters drew on the Additional Protocols of the Geneva Convention of 1977 for this language. During the drafting of the Rome Statute, UNICEF and other parties argued that the age limit should be 18, not 15. There was not enough support from the states to support the older age limit (Chaikel 2015). The fact that individuals can now be prosecuted internationally for their role in recruiting children, and that this activity is considered a war crime, is one of the most visible deterrents to this behavior. There are four cases before the court in which individuals have been accused of war crimes for recruiting and using child soldiers under the age of 15, and all are African cases—two from the Democratic Republic of Congo (DRC), one from Central African Republic (CAR), and one from Uganda.

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7 See Rome Statute, Article 8(2)(b)(xxvi), (e)(vii)
Regionally, in Africa the Organization of African Unity (now the African Union) introduced the first regional treaty establishing 18 as the minimum age for recruiting the Charter on the Rights and Welfare of the Child, in 1990, and it went into force in 1999. Also in Africa, the Special Court in Sierra Leone (SCSL), made the recruitment and use of child soldiers a war crime. The most prominent case tried in that court of the conviction of the former Liberian President, Charles Taylor. On September 26, 2013, the Appeals Chamber of the SCSL upheld the conviction of Taylor for his role in the crimes committed by rebel groups in Sierra Leone and Liberia, which included the recruitment and use of child soldiers.

The Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (2007) which extended the definition of who can be counted as a child soldier to include roles often assigned to girls, have been endorsed by 105 states. These Principles are not legally binding but can be seen as an indicator of the development of the norm internationally, and the support this norm receives from states.

Overall, we can see a pattern in these measures adopted by states and international organizations, of gradually strengthening this norm and expanding the definition of who is covered by the protections associated with the norm. Essentially, child soldiers are viewed as blameless for their role in the conflict and for their behavior as part of a military unit. Those who employ child soldiers are increasingly seen as illegitimate actors, committing war crimes beyond the ordinary bounds of behavior. This illegitimacy can be problematic for actors seeking approval, support or attention from international actors. However, the image of the child soldier presented in these international instruments is typically simplified from its complex reality. Child soldiers are portrayed as being forced
into service, forced to fight, and forced to commit atrocities. This may not always be the case. Children under 18 are also seen mostly innocent, not committing human rights violations unless they are forced to do so—a situation that changes immediately on turning 18, where each individual is seen as fully responsible for the rights violations they commit. One legal scholar, Mark Drumbl, is attempting to introduce more complexity into the laws and institutions that currently make up the norm of child soldiering (Drumbl 2012). The reality for actors employing child soldiers, however, is that the stain of illegitimacy hampers their acceptance in the international arena.

Beyond the development of the norm against child soldiers, there are additional developments in the area of international humanitarian law that bring international norms from the realm of states and make them more relevant to non-state actors. There were two significant changes within the broader norm of international humanitarian law in the 1990s (although one began slightly earlier during the 1980s, and gained momentum during the 1990s). The first was the increasing practice of non-governmental watch-dogs, such as Human Rights Watch (HRW) and Amnesty International, to focus on violations of international humanitarian law in addition to human rights law. The second was a shift in which some of the laws of war—those pertaining to the protection of civilians—rose in prominence relative to others as states began increasingly focusing on them.

Today, NGOs are very active in documenting and publicizing the use of child soldiers globally, including by rebel groups and other non-state armed actors. These NGOs include HRW, Child Soldiers International, Peace Direct, Save the Children, War Child, among others. These groups have played a key role in heightening awareness about the issue (an essential part of norm development), and publicizing violations of international humanitarian law and human rights law
by non-state actors—one of the few avenues which lead to increased pressure on non-state actors to change their behavior.

The second shift was the rise in prominence of the norm of the protection of civilians. The focus by the Security Council on this issue did not emerge until the late 1990s. In September 1999, the Security Council requested a report on the issue by the UN Secretary-General following the Council’s strong condemnation of the deliberate targeting of civilians in situations of armed conflict. Following the crises in Somalia, the Balkans, and Rwanda, in particular, the Security Council determined that the impact of war on civilians was of such magnitude that protection of civilians should be considered an underpinning objective of the Council’s work. From that point forward, the Council has focused on the protection of civilians making it a central part of peacekeeping mandates in ten countries, issuing 11 resolution about the topic, and in addition the Secretary General has issued 11 thematic reports on the subject.

**Data for this research**

The data I am using for this research are derived from the annual reports provided by the United Nations Special Representative for Children and Armed Conflict to the Secretary General (hereafter the Special Representative). The role of the Special Representative is to strengthen the protection of children affected by armed conflict, raise awareness, promote the collection of information about the plight of children affected by war and foster international cooperation to improve their protection. She reports yearly to the General Assembly and the Human Rights Council and highlights challenges faced by children in war to political bodies,

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8 The adoption of Security Council Resolution 1265 on September 17, 1999, called for the report, “Protection of Civilians in Armed Conflict.” This was the first time the Council officially took up the issue of the Protection of Civilians as a thematic issue.
such as the UN Security Council, as well as relevant governments to maintain a sense of urgency amongst key decision makers as well as to secure political and diplomatic engagement in the issues. Since 1999, the systematic engagement of the UN Security Council in these matters has firmly placed the situation of children affected by armed conflict as a matter affecting peace and security. The Security Council has created a framework through ten successive resolutions on children and armed conflict, and provided the Office of the Special Representative with tools to respond to violations against children. The reports by the Special Representative contain within them lists of states and groups known to be using child soldiers.

The Special Representative has at her disposal her own team of twelve in New York. She travels constantly to conflict sites, meeting with actors on the ground, negotiating with state representatives, and where possible, representatives from rebel groups. Reports from twenty countries from the Country Task Force on Monitoring and Reporting are submitted directly to the office. Other agencies of the UN are also part of the Task Force, and they are responsible for collecting information at the country level. In situations which are developing rapidly, or in new conflict areas, information about the behavior of groups are collected through other UN sources on the ground in those countries, typically UNICEF or the Office of the High Commissioner for Human Rights. The wide-ranging monitoring of this office means that their list of groups using child soldiers can be taken as a close approximation of groups actually using child soldiers. While the issue of child soldiers is highly political, and we can expect there to be some pressure exerted by states on keeping their names and entities off the list, this politicization is less likely to apply to non-state groups.

The lists include both states and state entities (such as police-forces and military groups other than state armies directly affiliated with the state), and non-state actors. This research project is
focused only on the latter—the non-state actors. In addition, the reports list groups in multiple countries, wherever they are active. For this research, we use just one listing for each group (for example, the Lord’s Resistance Army, originally from Uganda, is also listed as being active outside its state of origin in Central African Republic and Sudan).

The data I am examining in this first step is the groups identified to be using child soldiers in the decade between 2005 (when the Security Council formalized the Monitoring and Reporting Mechanism), to the present day. The latest report was published in June of 2015. The next report (covering events of 2015) is due in the summer of this year. I would like to extend the data set back to 1995, primarily because there are both groups which have been active since that date, and to provide more context for current initiatives in the field, and that will be part of a subsequent stage of this research project.

This project is in the stage of identifying the population of groups, and providing a first look at some basic characteristics. Further steps to the analysis are outlined in the final section of this paper. This first look includes a regional and duration examination, and a change in the number of groups over time. At present, groups are only formally removed from the list in two ways: one is that they cease operation, and the second “delisting” is following extensive negotiations with the group, the signing of actions plans, and the monitoring of those actions plans of the course of a number of years. I am particularly interested in the groups which are delisted and why they are because these groups will have changed their behavior as a result of measurable outside pressures. However, because very few rebel groups have been delisted in the formalized manner, this research also takes into account groups which have come off the list for other reasons. In some cases, while a group ceased to exist (either through outright defeat, merging with another group, or dispersal of
troops for another reason), some of the factors which contributed to its cessation may be related to its lack of legitimacy in the international arena, which may be driven by the groups lack of adherence to international norms.

The chart below, Chart 1: Regional distribution of non-state armed groups, shows groups which have used child soldiers for at least one year during the decade under study. Overall, there were 140 non-state armed groups listed by the UN Secretary-General for recruiting and using children in situation of armed conflict between 2005 and 2015. These groups were active in 21 different countries.

Chart 1: Regional distribution of non-state armed groups

![Chart 1: Regional distribution of non-state armed groups](image)

Source: Data derived from the reports of the Special Representative of the Secretary–General for Children and Armed Conflict 2005-2015
An analysis of the 140 groups by region shows that Africa has the largest number by far compared to any other region, with 89 groups, or 64% of the total number. Asia (including South Asian, South East Asian and Central Asian countries) accounts for 24 of the groups (or 17% of the total), and Latin America and the Middle East account for 14 and 13 respectively. Africa as a region has had the largest number of conflicts so we would expect the region to have the highest number of non-state groups, many of which use child soldiers as well. It is possible too, that the conflicts in Africa share certain characteristics (such as availability of refugees and IDPs, for example) that make them more likely to be ones in which child soldiers are involved.

Comparing the average length of time each group remains on the list, however, shows a slightly different picture. Most of the groups are only on the list for relatively short periods of time. Indeed, there are only eight groups that remain on the list the entire period, two in Colombia, two in the Philippines, two in Myanmar, and one each in Sudan and the Democratic Republic of Congo. Regionally, African groups remain on the list an average of only 3.1 years, compared to 7.4 years for the Asia groups. Many of the African groups involved in the conflict are short lived—they dissolve, are absorbed into other groups, or splinter at higher rate. Only two groups appear on the list for the duration of the study—the Sudan’s People’s Liberation Movement/Army (SPLM/A) in Sudan, and the Democratic Forces for the Liberation of Rwanda (FDLR) in the Democratic Republic of Congo. In Asia, however, the groups appear to be more stable, with four groups remaining on the list for the duration of the study—the Moro Islamic Front (MILF) and the New People’s Army (NPA) in the Philippines, and the Karenni Army (KA) and Karen National Liberation Army (KNLA) in Myanmar.
The average number given in the case of Latin America (2.6 years) is deceiving as two groups the National Liberation Army (ELN) and the Revolutionary Armed Forces of Colombia (FARC) in Colombia, remain on the list the entire time (11 years), while the remaining 12 groups are only on the list for one year each. In the Middle East, all of the groups are in Iraq, Syria, and Yemen, and only begin appearing on the list relatively recently in 2011.

The length of time a rebel group is active is significant for two reasons: first, a change in behavior of a group is only observable over a given period of time. Changes in policy within a group would be unlikely to go into effect over just one year. Groups that are more fluid, splinter or merge over time are also more likely to have changeable recruitment practices, internal dynamics and internal norms governing behavior.

The second area examined was the pattern of appearance on the list over time. The number of groups listed each year is relatively stable, suggesting, perhaps, that there is not much change over time. However, each year a significant number of groups drop from the list, and new groups are added, so there is a significant level of change from year to year.

The chart below (Chart 2: Armed Groups Using Child Soldiers) shows the change in the number of groups using child soldiers over time from 2005 to 2015. The numbers above the zero line show the groups on the list from year to year. These are split into two sections: those groups which are new to the list that year (at the bottom of the bar), and those groups continuing (at the top of the bar). The groups below the line show the groups which were dropped from the list that year. For the first year in the data set (2005), all the groups appear as continuing, and we have no groups listed as coming off the list because this is the first year or base year. One year is anomalous—in 2008 there was no Under-Secretary appointed for most of the year, and as a result there were only regional reports discussing groups already active, and no annual global
report with a list attached. This is why there are no groups in the “dropped” category, as the lists available are not complete for that year.

Overall, there is considerable variation in the number of new groups and groups which are dropped from the list. New groups are listed when a new conflict breaks out and those actors are seen to be using child soldiers from the start—we can see, for example, in 2013 and 2014 a number of new groups emerging—many of these are from the Middle East conflicts. A second way new groups emerge is when an existing group splinters. This is fairly common with non-state actors as differences between leaders frequently result in the separation into different groups. The groups are relatively short lived, however, and may be defeated, or reabsorbed into other groups. Scholars have examined why the pattern of shifting alliances and splintering groups is so prevalent in civil war contexts (see, for example, Christia 2012 and Cunningham et al 2012) and point to the impact such fragmentation may have on the onset of violence (Lawrence 2010), or targets or types of violence (for example, Weinstein 2007 and Wood 2009).
One year, 2006, shows a very large number of groups as coming off the list. Of the 32 groups that do, the majority were from three conflicts: four groups were from the Ivory Coast, following the implementation of the peace process, nine groups from Somalia were removed as they had ceased to operate, and ten groups in Colombia, listed as regional Autodefensas Campesinas halted their activities. In none of these cases was there a change of behavior within the group relating to the use of child soldiers. However, in the case of the Ivory Coast, there was direct engagement with the Special Representative, and discussion of the issue of child soldiers.
What we can also see from this chart is that the practice of using child soldiers may shift from year to year to different locations, as some groups stop the practice (or stop operating altogether), other groups begin. The efforts to eradicate child soldiering may be successful in one area, with one group, but the practice as a whole endures globally.

**Future research**

This is an ongoing research project in the early stages of development. I have identified a number of proposed next steps in this research: categorization of the groups by reason for delisting; categorization of groups by type of type (secessionist, etc); identification of variation of behavior of groups within a single conflict; and finally, in-depth case studies. Our goal is ultimately to determine why groups stop using child soldiers considering normative changes within the group, cost-benefit analysis the groups may conduct and legitimacy challenges the groups face. I am open to hearing responses to these proposals, and to considering other ideas for ways to proceed in this area, an area already proving to be fruitful and multifaceted.

*Categorization by reason*

In this stage of the research, I plan to categorize each of the 140 groups dropped from the list by reason that they were dropped—the conflict ended, the group dissolved (including demobilized; became a political party), group stopped using child soldiers. I have begun the analysis of a sample from the 140, and so far, of my sample of 53 groups, 75% of the cases the groups were demobilized or ceased fighting in some way. This was not always accompanied by an end to hostilities—in the majority of those cases the conflicts continued. In a further 20% of the cases the groups shifted from being an armed party to the conflict to
being a political party (typically following an end to hostilities, although not always); and one single group, the Union of Congolese Patriots (UPC) stopped functioning after their leader, Thomas Lubanga was indicted by the ICC (one of the charges being the use of child soldiers). One single group, the Liberation Tigers of Tamil Eelam, were defeated outright and the conflict ended. In this initial sample, I have not identified one group that changed its behavior and stopped using child soldiers but continued fighting. I hope to identify this population in the next stage further documenting the 87 cases. An essential part of the final stage will be detailed interviews with staff members of the Office of the Special Representative to determine the reasons behind the delisting. Finally, a deeper analysis of these groups’ behavior will help us answer the question of why groups change—be it normative pressure, cost-benefit analysis, desire for legitimacy, or indeed other reasons.

**Categorization by type of group**

We can expect variation in behavior among groups according to a number of different factors (such as reason for fighting). One step will be to categorize the groups according to these internal characteristics.

**Categorization by type of international pressure**

The degree of involvement of international actors in different conflicts varies considerably, as well as the tools employed by these actors to affect change.

**Identify case studies**

A final step will be to identify case studies for deeper analysis. Cases of particular interest will be where groups in the same conflict, subject to similar pressures behave in different ways. For example, in the case of Burundi, there were two groups involved in the conflict that were included on the list. The National Council for the Defense of Democracy (CNDD) was removed
from the list in 2006, following the peace process in 2005. However, the second group, the
Party for the Liberation of the Hutu (PALIPEHUTU-FNL) did not come off list until 2010, a
full four years after the official end of hostilities. A second case study might be the
Democratic Republic of Congo. The groups in the DRC show considerable variation in the
length of time they remain on the list, and in the reasons for delisting. Two groups, the Union
of Congolese Patriots (UPC) and the M23, have had leaders indicted for the use of child
soldiers by the ICC, and as a result have stopped their operations. In the case of the M23, the
fighters were demobilized, and some have remained in detention conditions in Rwanda.
However, other groups continue to recruit and use children with impunity. The Special
Representative has been active in Myanmar, signing letters of commitment to halt the
practice of recruiting and using child soldiers with a number of the active rebel groups. Very
few, however, have shown a long lasting change in behavior as a result of the pressure. A
deeper analysis of cases like these will provide the context needed to fully answer the
questions posed by this research project.

I very much look forward to your comments.

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