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Apart from suffering the physical and psycho-social effects of wars and armed conflict, many children living in conflict zones are manipulated and coerced into joining both government and irregular armed forces.

In 2003 I received a grant from the Social Sciences and Humanities Research Council of Canada to conduct three years of research on “Children and Armed Conflict: Impact, Protection, Rehabilitation.” I envisioned three major conferences or workshops at the end of each stage of the project as a means of reflecting on the issue raised and data collected during the research.

The first conference was held in 2004 and brought together about 40 academics and practitioners who were closely involved in monitoring the plight of children who, by accident of birth, happened to live in conflict zones. That conference focused on the impact that war has on children and proved to be a tremendous success, attracted 300 people per day over a three day period. The report from that conference can be found at [http://www.arts.ualberta.ca/childrenandwar/]. We took the opportunity of doing video interviews with several of the invited conference delegates. That video can also be found at the Children and War website.

I am pleased to present the second report in the series. This report addresses most of the issues my research team grappled with during the second phase. It focuses on child protection issues in conflict zones. We opted for a smaller workshop-style meeting and invited a select group of academics and practitioners with expertise in international law to focus on developing concrete policy recommendations for protecting children living in the midst of conflict. The end-result was a remarkable list of specific things governments, intergovernmental organizations (IGOs), and non-governmental organizations (NGOs) could do to ensure that, even during conflicts, children can be protected.

What was evident throughout the second phase of this project was that despite all of the laudable attempts by the international community and regional bodies to draft declarations, conventions, protocols, treaties, and resolutions aimed at protecting children in conflict areas, children are still being used as war fodder. Apart from suffering the physical and psycho-social effects of wars and armed conflict, many children living in conflict zones, are manipulated and coerced into joining both government and irregular armed forces. For other children, certain push and pull factors are responsible for causing them to ‘volunteer’ in fighting forces. Something must be done, and quickly, if we are to ebb the flow of this culture of violence that has seeped into the consciousness of young people in many corners of the world.

I hope that you will enjoy reading this report, and that you will consider joining us in Ghana at the culmination of the next phase of this project.

For more information about the overall project, please feel free to contact me.

Dr. W. Andy Knight
Professor
Director, Children and Armed Conflict Project
University of Alberta
In spite of past and recent attempts to safeguard the rights of the child and to strengthen the protection regime for children caught in the midst of armed conflicts, children are disproportionately affected – as both targets and perpetrators of violence. Armed conflict traumatizes children, strips them of their innocence, and denies them the protection needed to develop physically, intellectually, spiritually and socially. Today’s war-affected child may become a considerable problem for tomorrow’s generation. Exposure of children to the atrocities of armed violence can have long lasting, detrimental consequences for future generations, fuelling a continual cycle of societal violence. Children are the future, and if we are to live in a relatively peaceful world, the cycle of violence that is currently affecting them must be broken.

This Children and Armed Conflict project examines the scope of the impact that such violence has on children in order to appreciate fully the extent of their need for protection and rehabilitation. It therefore tackles the problem in three distinct phases over three years:

1. impact,
2. protection, and
3. rehabilitation.

Understanding the scope of the impact will help determine the protection strategies that can minimize or eliminate the suffering such children face and assist in developing effective intervention strategies of rehabilitation.

The comprehensive research agenda will:

• identify critical gaps in knowledge about the scope, nature, and multidimensionality of the impact of armed conflict on children through systematic and careful aggregation and synthesis of available data;
• fill gaps in knowledge by drawing upon emerging data and information gathered by international, regional and local agencies working in conflict and post-conflict societies;
• contribute to the debate between universal and culturally-specific approaches to child protection by critically analyzing both strands of the debate;
• add a new theoretical dimension to child protection issues by shifting focus from ‘rights-based’ international legal principles to ‘obligation-based’ indigenous strategies for guarding against the victimization of children in conflict-ridden societies; and,

• assess a specific set of indigenous intervention strategies for rehabilitating children affected by war – namely the efforts of a Sierra Leone NGO, Children Associated with the War – that contrasts with Western-centric clinical approaches to rehabilitation and reintegration.

PHASE ONE: IMPACT

One of the central goals of the Children and War: Impact Conference was to bring researchers together to answer some of the basic questions that were asked in PHASE I of our research project. These include:

• Who constitutes a “war affected child”? Are boys and girls differentially affected by armed conflict?
• What are the socio-cultural factors and trends in warfare that have made possible the targeting of children during armed conflicts?
• What proportion of civilians affected by war are children?
• What is the nature of their victimization? What has been the physical, economic, mental, psychosocial impact?
• What methods are used to recruit children into armed forces and/or rebel groups (abductions, enticements, threats, peer pressure, cultural sentiments, etc.)?
• To what extent is the proliferation of small arms a factor in exacerbating this problem?
• What has been the impact of landmines, drugs and the illegal trade in minerals and other natural resources on children living in war zones?
• What has been the impact of HIV/AIDS and other sexually transmitted diseases on children during conflicts?
PHASE II: WORKSHOP ON “PROTECTING CHILDREN IN CONFLICT ZONES”

The workshop on “Protecting Children in Conflict Zones” was the culmination of the second phase of the “Children and Armed Conflict: Impact, Protection, Rehabilitation” research project led by Professor Andy Knight, Professor of International Relations at the University of Alberta and funded in large part by the Social Sciences and Humanities Research Council of Canada (SSHRC). The event was hosted by the University of Southern California, Gould School of Law on January 14-15, 2006. While the first phase of this project focused on the multiple impacts of armed conflict on children, the second phase has examined protection mechanisms that have been put in place for children living in theatres of conflict.

This workshop brought together academic scholars, legal experts, and representatives of intergovernmental organization (IGOs) and non-governmental organizations (NGOs) for a critical assessment of existing international conventions, charters, treaties, protocols, resolutions etc., designed to protect war-affected children. Through the course of the workshop, participants answered the following four questions:

1. Is there a gap between international legal instruments and their implementation on the ground with respect to the protection of children in armed conflicts?
2. What are the problems inherent in the universalist approach to child protection?
3. What are the basic on-the-ground realities faced by those implementing child protection agreements in conflict zones?
4. What indigenous measures have been, or are being, used to protect children in war zones?

Overall, participants at the workshop critically assessed the international legal ‘rights’ approach aimed at protecting children in conflict and post conflict situations and of the ethnocentric and Western-centric attempts to impose external protection norms on conflict-ridden societies.

The experience of the past few decades (e.g. the genocide in Rwanda, the clan violence in Somalia, the inter-neceine killing and maiming in Sierra Leone, Liberia, the DRC, Sudan and Uganda, the factional fighting in Mozambique, the ethnic cleansing in the former Yugoslavia, the intifadah in Palestine, the suicide bombings in Chechnya, war on Iraq and the suicide attacks in Israel) indicates that, despite the existence of significant international human rights standards and humanitarian laws, the international community has had limited success in protecting children from the ravages of armed conflict.

The second phase of this research project raises the issue of whether or not universal legal standards, such as the United Nations Convention on the Rights of the Child, are ethnocentric or trans-cultural. Clearly, in the context of a changed security environment in which intra-state and internecine conflict is prevalent, there is a need to rethink the ‘legal’ child protection strategies that the international community has used in the past and consider a stratagem that is rooted in local norms and values. Given that the need to protect children is urgent, this workshop focused on, and exposed, the problems inherent in solutions that do not sufficiently take into account indigenous child protection norms.
RECOMMENDATIONS

- Multinational corporations (MNCs) are actors in the realm of children affected by armed conflict and have found ways to operate successfully in conflict zones. International codes of conduct and standards concerning the conduct of MNCs (e.g. OECD Guidelines for MNCs, UN Global Compact) should be amended to expressly include provisions calling on MNCs to operate in a manner that protects children affected by armed conflict occurring in the areas in which the MNC operates.

- Canadian government export/investment financing, guarantees, insurance and foreign trade/investment advice (provided by e.g. Export Development Corporation, DFAIT) provided to Canadian corporations operating abroad in conflict zones should be made contingent on the Canadian corporation agreeing in writing to protect and assist children affected by the conflict (e.g. in a compliance plan). If the corporation does not abide by the terms of the plan, any funding must be repaid to the government and/or the corporation becomes ineligible for future Canadian support of this type.

- There needs to be further exploration to discover new mechanisms to include rebels and other non-government groups who are involved in armed conflict in the protection of children living in war zones and in the elimination of the use of child soldiers.

- There needs to be an increase in training on the rights and protection of children affected by conflict given to members of African states’ military forces and to African peacekeepers. This training could be provided in Africa by the Kofi Annan International Peacekeeping Training Centre (KAIPTC).

- Information on Charter of Rights should be widely dispensed to families, schools, UN Information Centers, health care units and African Unions. Create a simple list of rights that use both symbols and words to convey the most important points, and can be carried around by the individual.

- Create an internationally recognized symbol for child protection that could adorn a building, be worn on a t-shirt, etc.

- Use the child protection symbol to ensure areas of protection from conflict (schools, playgrounds, churches, mosques).

- Ensure longevity of community resources for conflict intervention.

- Establish strong punishment protocols for those who do not abide by international humanitarian law and treaties.

- Create protection Swat Teams prior to conflicts.

- Respect indigenous realities, such as tribal religion, the role of elders, etc.

WORKSHOP BREAKOUT SESSIONS: QUESTION 1

Is there a gap between international legal instruments and their implementation on the ground with respect to the protection of children in armed conflicts?
In the majority of the wars and armed conflicts in Africa such as in Angola, Burundi, Côte d’Ivoire, Democratic Republic of Congo (DRC), Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sudan, and Uganda, children under the age of 18 have been recruited, coerced and manipulated into joining the government, rebel armies and civil militias. A common feature of these civil wars is the use of child soldiers, Africa alone accounts for more than 120,000 child soldiers spread across these war-torn countries (A. Kielland and M. Tovo, 2006: 113). The scale of the problem in Africa is manifested by the fact that the continent accounts for 40% of the total global estimate of 300,000 child soldiers. An additional complexity of the problem is that 40% of the global estimate is girls. The recruitment of child soldiers by all the armed factions has been in breach of international conventions and customary international laws protecting children.

There is an emerging consensus that child soldiers are a source of threat to national security and to the stability of post-war political order. The years of brutal wars have indoctrinated children into a culture of aggression and cycle of violence. In addition, and the brutalisation and militarization of childhood has led to disrespect for constituted authority and elders, and even the sanctity of human life. The inclination to use violence and aggression, i.e. the ‘gun mentality’, has become the norm for dispute settlement by these former young soldiers. The majority of the child soldiers lack family support and have come to perceive the armed factions as their only family link (surrogate family) and support network. They are seriously traumatised, with their normal educational, social and moral development disrupted and retarded. In these conflicts, children have become both victims and perpetrators of brutality, including killing and rape of parents.

Furthermore, with the end of war through civil war peace settlement, there has been a markedly lukewarm approach to the rehabilitation and reintegration of former child soldiers. Not much commitment and sustained effort is devoted to the social and psychological reintegration of ex-child combatants beyond the immediate pre-occupation with disarmament and demobilisation. In these countries, the former child soldiers are largely overlooked, abandoned and treated as a forgotten generation. From Sierra Leone to Liberia and Burundi, former child combatants have often taken to the streets protesting against authorities for the non-payment of reintegration allowances. These demonstrations further threaten the fragile peace in these war-torn societies.

It is not surprising, therefore, that the international media and some sections of the academic and policy community have painted child soldiers and ex-child combatants as a ‘lost generation’; as ‘evil sociopaths’; ‘bandits’; ‘vermin’; and ‘barbarians’. This media stigmatisation has even portrayed ex-child combatants and young fighters as trapped in a vicious cycle of irrational and unrelenting violence, and they are ‘pathological’ and permanently damaged. In particular, the popular view is that they are ‘fluent in the language of violence, but ignorant to the rudiments of living in a civil society…it’s often too late to salvage their lives’. These negative and exaggerated portrayals of child soldiers and the challenges of rehabilitation and reintegration of ex-child combatants all point to the conclusion that these young combatants are beyond redemption and that there is nothing that could be done to socially reintegrate ex-child soldiers into normal society.

We do not share this pessimistic and simplistic conclusion because evidence in former war-torn and post-conflict societies suggests that ex-child soldiers and young...
combatants are not beyond redemption in term of reintegration into normal society. In particular, we are of the view that a range of traditional resources and socio-cultural institutions/agencies have not been incorporated to complement the official intervention approaches and strategies for the rehabilitation and reintegration of ex-child combatants.

Based on the above, how relevant are international conventions, treaties and protocols for the protection and reintegration of child soldiers in conflict zones in Africa? In this paper, I argue that international legal instruments designed to protect children in conflict zones, particularly in Africa's complex political emergencies, are of limited relevance for two important reasons.

First, the restrictive and western-centric definition and construction of a child and childhood is rather problematic. This type of definition and construction bears limited relevance to the practical realities of how 'childhood' is traditionally and culturally perceived in Africa. This is not an attempt to generalise and treat Africa as a homogenous entity. There are, however, common traditional and socio-cultural perceptions and constructions of childhood that apply across much of Africa. This, to some extent, accounts for the limited applicability and relevance of international conventions relating to the protection of children in conflict zones, despite the fact that the majority of African countries are signatories to most of these international legal instruments.

Second, the efficacy of international legal instruments is further limited by the fact that the majority of war-torn and post-conflict societies are struggling to incorporate international criminal law and conventions (e.g. the Rome Statute regards the recruitment and use of child soldiers as war crimes) into domestic national laws. These two problems have posed serious challenges to the applicability of international conventions and customary international laws for protecting children in Africa's conflict zones. Yet, they are markedly under-researched to the point where we are unsure about how they create difficulties for rehabilitation and reintegration of child soldiers.

**Defining and Conceptualising Child Soldiers in Post-conflict Societies in Africa**

To understand the nature and complexity of this problematic, is it good to start with a basic definition of a 'child soldier' and who is understood to be a 'child'. A child soldier is defined as 'any person under eighteen years of age who is part of any kind of regular or irregular force or armed group in any capacity including, but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members.'

This definition was adopted at the 1997 Cape Town Symposium on Child Soldiers.
A child is generally defined as any person under 18 years of age. The terms ‘minor’ and ‘underage’ are sometimes used to describe such individuals. This definition is in conformity with internationally accepted standard such as the Convention on the Rights of the Child (Article 1), the African Charter on the Rights and Welfare of the Child (Article 2), and the International Labour Organisation Convention No. 182 on the Worst Forms of Child Labour (Article 2).

But the definition of a child as outlined in international legal instruments is derived from a rather restrictive, western-centric perception of what a child is or what childhood is supposed to constitute. It is this particular industrialised-worldview that has been universalised as a globally accepted definition of a child or childhood. It is evident that this Western (Global North) definition and construction is largely influenced by the field and theories of developmental psychology and development (N. Tucker, 1977; P. Mussen et al, 1998). This dominant perception is reflected in the ‘child-centred’ nature of contemporary western societies. However, historical evidence and even cross-cultural studies all point to a universal perception of what is a child, based on certain commonalities in the context of a child’s growth, development and psychology (P. Mussen et al, 1998). Put simply, you know a child when you see one. On the contrary however, other scholars argue that childhood can differ in different societies and, in fact, the dominant universal construction of childhood is an invention of the past three centuries (N. Tucker, 1977).

This international definition of a child is problematic and bears limited relevance to the socio-cultural context of children and the social construction of childhood across much of Africa. Not much is known about the ethno- graphic and social construction of childhood in African societies. Based on ethnographic and sociological studies of childhood in African societies, evidence suggests that childhood in Africa is varied and context-specific, and to a very large extent, socially constructed. The African social construction of childhood does not correspond to the globally accepted age limit of under-18 years, but is largely influenced by traditional socio-cultural and even economic contexts.

For example, within the context of traditional sodality institutions such as Poro and Sande, the rite de passage across much of Africa, i.e. a traditional ritual ceremony that marks the passage from one age-grade to another grade (puberty to adulthood) confers on children as young as 14 the status of adulthood. The Poro and Sande society rituals in Mende territory in the Mano River sub-region of West Africa confers relative adulthood on boys and girls between 13 and 15 years old, who are expected to behave as adults. In addition, children as young as 15 and 16, for a variety of reasons, have often assumed de facto heads of households. This cultural and social construction of childhood is important in understanding the role that indigenous resources and institutions could play in the social reintegration of child soldiers.

‘Pull’ versus ‘Push’ Factors: Causes of and Motivations for Child Soldiering

A variety of reasons have been advanced to explain the motivations for child soldiering. The reasons range from socio-political and economic environment/context, including poverty, marginalisation, personal family circumstances, and socio-political exclusion, to the environment of perpetual wars and armed conflicts and the militarization of society. Our field research on Liberia and Sierra Leone confirms some of the studies on child soldiers that identified key motivations for child soldiering in situations of armed conflict.

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5 Coalition to Stop the Use of Use of Child Soldiers (2004: p. 6).
6 Ibid.
Poverty (lack of economic, education and employment opportunities), the particular family circumstances and the environment of war, were found to provide some of the motivations for child soldiering. But this conclusion should not be generalised because there are children with similar backgrounds and circumstances who refuse to join or make themselves available for recruitment. We therefore have to explore other explanations for the recruitment and use of children in wars and armed conflicts.

The seminal study by Rachel Brett and Irma Specht is instructive in understanding why children and adolescents choose to fight or join situations of armed conflict. They maintain that;

Indeed the precise combination of factors that lead in each individual case to this decision is unique. Even then it is not decisive. In each individual story there is a third level: there is a trigger for the specific decision to join up. What is it that tips the balance from thinking about it to taking the decision and acting on it? Some young people think about joining for years before actually doing so. Obviously many who do not join think about the possibility, but particular combination of factors does not occur, or there are countervailing ones. By contrast, some have not considered it at all until their world disintegrates and they see no other option. Many of the same factors that set the scene or are part of the more specific situation of the young person are often the ones that crystallise into a particular moment of decision.\(^8\)

In the course of this research in both Sierra Leone and Liberia, poverty has constantly been cited as the reason and motivation for participation or making children vulnerable to recruitment. Poverty and the context of depressing socio-economic conditions, impoverished social amenities are certainly ‘pull factors’ motivating children to participate in armed conflicts -- as a simple survival necessity.

My mother was against my joining the soldiers in our town. But when she was killed by the rebels, I had to do something. Also we had no food, nothing to eat, but the soldiers always had more food. It was how I became part of the soldiers. Sama, Sierra Leone.\(^9\)

But the motivation or ‘pull factor’ of poverty is not a simple story. The very context of war and armed conflicts provides a range of motivating factors that ‘push’ children to join up. Access to AK47 rifles and being part of an armed group provides economic opportunities through looting and pillage at the war front. War becomes a source of personal enrichment and a means of empowerment through the barrel of the gun. Boys are converted into commanders, with power and influence. For the majority of the children, they were born into war, lived and grew up in situations of war and armed violence and, perhaps, had little or no hope of being liberated from the culture of violence.

These children therefore accept war as a ‘normal way of life’. The power of the AK 47 assault rifle transforms them from mere children into adults with power and ‘authority’ to kill or not. War causes schools to close, disrupts normal activities and destroys social amenities. Joining or being recruited in an armed faction therefore provides opportunities for protection of family members or ‘self-protection’ or the means to settle old family feuds.

It’s because of the war. When it’s the war, you don’t choose…Because if you have weapons, you can defend yourself, if you don’t have any, you are beaten, one kills you, and rapes you, even the boys (Christine, DRC).\(^10\)

In addition, the environment of war provides children with the opportunity to play out or dramatise scenes from violent Hollywood movies such as ‘Rambo’, ‘Terminator’, ‘Commando’ and ‘Missing in Action’. War becomes a real-life ‘play ground’ to act out adventure and misplaced heroism.\(^11\)

We therefore begin to see the emergence of a complex combination of factors that motivate or force children to join warring factions. In addition to the role played by peer pressure, children are deliberately manipulatd and deceived into joining armed groups with the promise of substantial financial payment or the opportunity to travel abroad, only to find themselves in rebel camps and forced to fight. Agents of warring factions also frequent refugee and displaced persons camps recruiting children through promises of financial rewards and travel abroad.

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\(^8\) R. Brett & I Specht, Young Soldiers 2004, p. 4.

\(^9\) Interview in Kenema, Eastern Sierra Leone on 12 July 2003.


\(^11\) Paul Richards (1996) was one of the first to document the impact of violent movies on children and the dramatisation of the Rambo movie hero.
Furthermore, Goodwin-Gill and Cohn (1994) uses the phrase ‘social ecologies’ to describe how a society or family interprets or values a conflict and how these interpretations influence children to enlist. These ‘social ecologies’ may include perceptions of how minority groups, ethnic communities, households and families have been marginalized or the need to redress long-running family feuds and historical disputes. A child soldier, about the same height as the AK 47 rifle he was carrying, told us that he voluntarily joined the rebel faction to ‘kick out the Mende government’ (Interview, March 2001). It is therefore important to understand the insidious manipulation of impressionable children by their communities. Those children who voluntarily joined, as was the case of this child soldier and thousands like him, are motivated by ‘patriotism’ and ethnic power domination. Identity brainwashing or indoctrination also plays a major part in the crucial decision to join or in the motivation to be part of an armed group.

However, it is important at this stage to engage critically with the controversial debate on voluntary and involuntary recruitment. Marie K stated in an interview in July 2003 that ‘I was abducted, raped and forced to fight by the RUF boys’. This statement is part of the general impression that children are mostly pressed and forced to join or are recruited involuntarily. Generally, there are two forms of recruitment, i.e. coercion/involuntary and voluntary. Coercive recruitment involves press-ganging, conscription, abduction and kidnapping. Volunteers are those who enlist for a variety of reasons including personal gain and what Paul Richards (1996) describes as the opportunity for the dramatology of the ‘Rambo’ mentality.

The recent study by Krijn Peters and Paul Richards (2000) on Sierra Leone argues, based on extensive interviews with child soldiers and underage combatants, that the motivations for enlisting or joining armed groups were mainly driven by economic opportunities provided by the civil war and the ‘empowerment’ of the gun for young people who were marginalized and excluded by patriarchal politics. They conclude that rather than perceiving child soldiers as traumatised victims, one should view them as rational and conscious in their decision to replace guns with lack of educational opportunities/resources. These children see war as the only ‘way out’ of a hopeless situation. This line of argument buys-into the much-criticised ‘greed and grievance’ debate peddled by Paul Collier (2000), which makes the case that ‘lootable’ economic resources and strategic minerals are contributors to causes of wars and armed conflicts in Africa.

If one were to accept the conclusions of Peters and Richards, then the logical approach to the reintegration and rehabilitation of ex-child soldiers and young combatants is to provide hope for the future by giving them access to education, training, economic opportunities and resources. However, practical experience of the reintegration of ex-child soldiers and young combatants in Mozambique, Liberia and Sierra Leone has not produced the desired effects. Most of these ex-young combatants and ex-child soldiers remain traumatised, alienated from family and society, and are still attracted to the culture of violence. This clearly shows that something is fundamentally wrong with the approach advanced, not only by Peters and Richards, but also by some intergovernmental institutions, International Non-Governmental Organisations (INGOs), Western donor governments and some childcare agencies.

An ILO study indicated that two-third of child soldiers in four African countries were volunteers. However, the study on both Liberia and Sierra Leone reveals that what may appear as ‘voluntary’ recruitment is only a form of lack of any other alternative. In effect, these children have no choice because being part of an armed group is the

only normal thing to do. To what extent then is this voluntary? Based on research findings from Kenema, Eastern Sierra Leone, five ex-combatants confirmed that because their parents were rebel fighters, they became involved in military and support roles for the RUF. For them, the idea of ‘voluntary’ and ‘involuntary’ recruitment was not an issue. All five ex-child soldiers however confirmed that if there were alternatives, they would have preferred to get away from the fighting and destruction.

This view is further corroborated by three ex-child combatants whose parents were part of the renegade Sierra Leone Army, the West Side Boys and the Armed Forces Revolutionary Council (AFRC). All three confirmed that they were constantly on the run with their parent; as such the very idea or concept of ‘voluntary’ or ‘involuntary’ recruitment was not an issue.

Based on the above analysis of the motivations for child soldiering, the voluntary recruitment was largely individual and group-based. Involuntary recruitment included abduction, manipulation and indoctrination, forced conscription or being pressed-ganged into fighting or joining armed groups of both regular and irregular forces. Whether children ‘voluntarily’ or ‘involuntarily’ joined or were recruited, this research found that the majority remained involved in active combat or support roles well into young adulthood. Some were, however, rescued by government forces and external peacekeeping forces such as the Economic Community of West African States (ECOMOG), the United Nations Observer Mission in Liberia (UNOMIL/UNMIL) and the United Nations Mission in Sierra Leone (UNAMSIL) and were handed over to childcare agencies. Others escaped from armed groups and tried to ‘reintegrate’ into society or reunite with their families.

**Beyond Uniform Categorisation and the Context of Child Soldiers**

Part of the difficulty and complexity associated with child soldiering is the tendency for uniform categorisation, i.e. all child soldiers are often treated as the same, irrespective of roles performed or the duration of active combat. The UN General Assembly’s expert study on the impact of armed conflict on children or the Machel Study (1996) formed the basis of the global response to child soldiering. This important study failed to distinguish between the different types of child soldiering. The failure has important policy and practical implications in terms of the critical understanding of the issues and the development of appropriate rehabilitation programmes.

Table 1: Categories of Child Soldiers

<table>
<thead>
<tr>
<th>A. Institutional Child Soldiers</th>
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</thead>
<tbody>
<tr>
<td>• Government/regular armies;</td>
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<tr>
<td>• Paramilitary forces;</td>
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<tr>
<td>• Pro-government Civil Defence Forces or Militias under quasi-government control</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Non-Institutional/Non-state Actors Child Soldiers</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Guerrilla or Insurgency rebel factions;</td>
</tr>
<tr>
<td>• Sub-national groups such as ethno-religious militias and sessionist factions;</td>
</tr>
<tr>
<td>• Anti-government Civil Militias and Defence Forces;</td>
</tr>
<tr>
<td>• Renegade Soldiers such as West Side Boys and AFRC.</td>
</tr>
</tbody>
</table>

What is emerging in war-torn societies are two broad classifications of child soldiers. The first distinguishes between child soldiers in conflict and non-conflict situations, and those within national armies (institutional child soldiers) and rebel factions (non-institutional child soldiers). The second differentiates between the use of child soldiers as direct combatants/front-line troops (active child soldiers) and support child soldiers, i.e. those playing support roles such as sex slaves, cooks, guards, spies, reconnaissance agents, mine sweepers, and weapons/loot carriers. However, evidence suggest that these distinctions are sometimes blurred in battle situations and do not hold permanently across the board, nor are they applicable in all cases. Yet, it is important to recognise these broad distinctions because they are relevant in determining the kind of social reintegration programmes developed for ex-child soldiers. For example, a front-line active child soldier, by all indications, needs different kinds of assistance for reintegration and rehabilitation than a support child soldier who is used as a cook or sex slave. The later category is often able to trace her/his family, is usually willing to return home, and is generally welcomed back into the community. Table 1 and Table 2

**Involuntary recruitment included abduction, manipulation and indoctrination, forced conscription or being pressed-ganged into fighting or joining armed groups of both regular and irregular forces.**
Historically, women have been presented as innocent and passive victims in situations of war and armed conflicts. However, in contemporary civil wars and armed conflicts, women and girls have played active roles as fighters and purveyors of violence. This research highlights the categorisation of child soldiers and the diverse roles performed by child soldiers.

### Table 2: Tasks Performed by Child Soldiers in Situations of Armed Conflict

#### A. Military Activities
- Fighters in active/direct combat activities (some full-time, others part-time, e.g., girl soldiers when pregnant or bearing a child);
- Intelligence operations such as spying, scouting or reconnaissance missions, acting as decoys, and sabotage missions;
- Protection and guard functions including manning military checkpoints and couriers services;
- Special Forces operations including advance guard and suicide missions;
- Training, drill and other military preparations

#### B. Support Functions
- Domestic tasks such as portering and cooking;
- Sexual slavery/Comfort 'wives' through 'Bush marriages'/AK 47 marriage/Jungle marriage;
- Forced labour carrying military supplies to war front and transporting war loot

Another important perspective is to consider why the preference for children in situations of armed conflict? Some military commanders and armed factions prefer the use of children based on the exigency of the war fighting imperatives. Their position is that children are easy to manipulate, obedient and easy to train, particularly when considering special operations or sabotage missions. The claim is that children tend to obey and carry out military orders, without question. In some situations, children have been forced to kill their parents or members of their families or clans as part of the 'initiation ceremony' and hence have no family to which to return. Through coercion and systematic torture, children are forced into owing crude loyalty to the hierarchies of armed groups with no possibility of returning to normal life.

Another key problem identified by this research is that the tendency towards uniform categorisation of child soldiers neglects girl soldier and young women combatants. Historically, women have been presented as innocent and passive victims in situations of war and armed conflicts. However, in contemporary civil wars and armed conflicts, women and girls have played active roles as fighters and purveyors of violence. From Rwanda to Sierra Leone, Liberia, DRC and Somalia, women and girl children are not docile and passive victims of war. The assumption that women are more supportive of peace is refuted by the involvement of women and girls in several violent civil wars in Africa.14 The general pattern is that the protracted nature of the conflicts and, in particular, the very high casualty figures amongst the male population tendentially increases the possibility of recruiting women and girls.

So what does this tell us about the traditional roles of children in Africa? We argue that the tasks being performed by child soldiers is the 'new face' of traditional child labour practices across much of Africa. Of the 620 million people living in sub-Saharan Africa, 51 percent are children (i.e., using the international legal definition) and an estimated 31 percent are economically active and/or involved in diverse child labour activities – child labour practices prohibited by international conventions (A. Keilland and M. Tovo, 2006: 1-11). A variety of reasons account for the prevalence of child labour practices including extreme poverty, the predominantly low level of industrialisation, and in particular, the limited level of mechanisation which creates increasing demand for manual labour, often requiring no training or supervision (A. Keilland and M. Tovo, ibid).

In Africa, child labour (including economic and out-of-school activities and domestic chores) is the norm rather than the exception. This is not to say that harmful aspects of child labour are accepted or condoned. What we therefore see emerging in situations of armed conflict is the extension of traditional child labour practices in Africa. The recruitment and use of child soldiers in Africa is the 'new face' of traditional child labour practices. However, given the context of war and the devastating impact of armed conflict on children, child soldiering according to the ILO constitutes one of the worst forms

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of child labour. During our field research in Liberia and Sierra Leone, and speaking to a large number of former commanders and ex-child soldiers, there was a general consensus that the diverse support roles performed by children, excluding sexual slavery, were accepted as the normal and expected domestic-economic-related activities performed by children.

International Mechanisms for the Protection of Children in Conflict Zones: Recruiting Child Soldiers – a War Crime

The plight of children in armed conflict, and in particular of child soldiers, has led to the adoption of international instruments to protect children. These include the Additional Protocols to the Four Geneva Conventions of 1949 (1977) which set 15 years as the minimum age for recruitment and use of children in armed conflict. This minimum standard applies to all recruiting parties, both government and non-state actors involved in international (inter-state) and internal armed conflicts.

The UN Convention on the Rights of the Child (1989) defines a child as any person under 18 years, but reaffirms the minimum age limit of 15 years set by the Additional Protocol to the Geneva Conventions, as the age for recruitment and participation in armed conflict. The framing of the 1989 Convention focuses on ‘State Parties’ and is therefore of limited relevance when it comes to internal civil wars driven by non-state actors and sub-national groups. The Rome Statute of the International Criminal Court (ICC) established in 1998 to try persons charged with committing war crimes, crimes against humanity and genocide, has made an important contribution in this area. It criminalises the conscription and enlistment into national armed forces of children under the age of 15. (Article 8 .b.xxvi). In addition, in situations of internal armed conflicts, conscripting or enlisting ‘children under 15 years into armed forces or groups or using them to participate actively in hostilities’ (Article 8. e.vii) is also criminalised by the Rome Statute. In effect, the use and participation of children in direct military combat or in activities such as spying and acting as decoys, or any other form of support function, are considered as war crimes against children in that Statue.

The International Labour Organisation (ILO) Worst Forms of Child Labour Convention 182 (1999), adopted in June 1999 and brought into force in November 2000, prohibits and aims at eliminating ‘the worse forms of child labour.’ This applies to all persons under the age of 18 years. Article 3a of that Convention specifically prohibits the ‘forced and compulsory recruitment of children for use in armed conflict’. In addition, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000), adopted by the UN General Assembly on 25 May 2000 and entered into force in February 2002, sets 18 years as the minimum age for direct participation in hostilities, for recruitment into armed groups, and for compulsory recruitment of youths by governments. Article 3 (2), however, allows volunteers to join national armies at age 16. However, in such cases, all state parties must deposit

WORKSHOP BREAKOUT SESSIONS: QUESTION 2

What are the problems inherent in the universalist approach to child protection?

RECOMMENDATIONS

- Based on the key principle that protection of children is a universal concept but that the practice is locally and/or culturally specific - a contextual reading of “the best interests of the child” principle is needed for each relevant state. In particular, remove age as a key definition in the universal principle and direct individual countries to construct their own definition of what constitutes a ‘child’.
- Developed states, universities, NGOs etc. should provide financial and other assistance to local NGOs in Africa working with children affected by conflict.
- In the development and drafting of new international law, lawyers need to work with anthropologists and other experts to understand local cultures and traditions.
- Develop, or draw on, existing centralized databases with names of relevant experts and information so that global expertise in its variety can be used in the development of international law etc.
- Ensure that International Law is localized.
- Enforce implementation mechanisms that enforce International Humanitarian Law (IHL).
- Ensure that local communities are involved in the design of those mechanisms.
- Eliminate doubts on hidden intentions and motives, conspiracy theory vis-à-vis IHL.
binding declarations at the time of ratification of the
Convention that outlines safeguards for such recruitment.
makes a slight departure from early international conven-
tions and standards protecting children by upgrading the
minimum age limit for recruitment or use of children in
armed conflict to 18 years, while imposing a minimum
volunteering age of 16 years. It is evident that the chal-
enges and impact of wars and violent armed conflicts in
the 1990s provided the stimulus for the UN Convention
of 2000.
At the continental level, the African Charter on the
Rights and Welfare of the Child (1990) is the only re-
regional treaty in the world that addresses the issue of child
soldiers.15 The Charter was adopted by the predecessor
of the African Union (AU), the Organisation of African
Unity (OAU) and came into force in November 1999.
The African Charter is important because it sets the upper
limit of a child’s age at 18 years without exception, and
prohibits the recruitment and use of children in armed
conflict. It is understandable why Africa has developed
and ratified international legal instruments protecting
children from the devastating effects of, and participation
in wars and armed conflicts. However, it is important
to state that this formal and legal definition of a child as
provided by the OAU has limited relevance to the socio-
cultural, traditional and environmental construction of
childhood prevalent across much of Africa.
Much has been made of the debate about the link be-
tween recruitment and use of children in armed conflicts
and wars. The Rome Statute of the ICC firmly establishes
the recruitment and use of children in armed conflict as
constituting a war crime. War crimes, by definition,
constitute all serious violations of customary or whenever
applicable, treaty rules belonging to the whole body of
international humanitarian law of armed conflict. War
Crimes must consist of the following:
1. ‘[A] serious infringement of an international rule,
must constitute a breach of a rule protecting im-
portant values, and the breach must involve grave
consequences for the victim’ (Cassese, 2003);
2. The rule violated must either belong to the corpus of
customary law or be part of an applicable treaty;
3. The violation must entail, under customary

15 Coalition to Stop the Use of Child Soldiers, June 2005, p. 8.
16 For detailed discussion, see A. Cassese (2003: pp. 47-9); H. Fujita
17 International Humanitarian Law includes: i. the law of Hague
including the Hague Conventions of 1899 and 1907; and, ii. Law
of Geneva including the Geneva Conventions of 1949 and the
18 UN, Report of Secretary General to 59th Session of General Assembly
on Children and Armed Conflict, 9th February 2005, p. 16.
recent development has been the establishment of a War Crimes Tribunal/Special Court in Sierra Leone which began its work in 2002. This Court made a landmark ruling affirming that the recruitment and use of child soldiers constitute war crimes. The international focus on the impact of war on children (see Phase I report) and the debate on child soldiering have led to the creation of international advocacy groups such as the London-based Coalition to Stop the Use of Child Soldiers, which has its own annual research guide on child soldiers – the Global Report. This annual report, the first of its kind launched in 2001, monitors the recruitment and use of child soldiers worldwide, and also their demobilisation, demilitarisation, and reintegration.¹⁹

From ‘Paper Protection’ to Enforcement: The First Prosecutions of Individuals charged with Recruiting and Using Child Soldiers

Intergovernmental organisations (IGOs) in every region of the world have committed their member states to the protection of children in conflict situations.²⁰ The sheer volume of declarations, protocols, resolutions, charters, treaties and conventions is enormous. So why are these international mechanisms not able to protect children in conflict zones? What is the relevance of these ‘paper protection’ instruments in the African conflict arenas where the majority of the warring factions and combatants are complete strangers to the laws of armed conflicts and customary international laws? Several problems are responsible for this.

First, we have discussed how the restrictive definition and construction of the meaning of ‘child’ and of ‘childhood’ is at odds with the context-specific socio-cultural construction of childhood in Africa. The different perceptions and understandings of childhood undermine the practical implementation of these international protection mechanisms. For example, the preamble to the African Charter on the Rights and Welfare of the Child [http://www1.umn.edu/humanrts/africa/af-child.htm] states that it is informed by the ‘historical background and values of the African civilisation’. Yet, interestingly, the Charter defines a child in Article 2 as any person under the age of 18 years.²¹ This Western-centric definition contradicts the construction of a ‘child’ and of ‘childhood’ across much of Africa. For instance, in African societies the distinction between the adolescence and young adulthood is blurred. How can the African Charter accommodate people who do not perceive themselves as belonging to the ‘child’ category, particularly when communities treat them as adults?

Second, the majority of the war-torn and post-conflict countries in Africa find it difficult to incorporate international treaties into the domestic national/municipal laws. It is generally assumed that when African states ratify these international conventions they agree to uphold certain fundamental rights, and the protection, of children. But the ratification of these treaties has not led to immediate enforcement powers in domestic national laws. This raises the controversial debate on the relationship between international law and domestic national law – the monism and dualism debate (A. Hust, 2000: 146-16; Y. Shany, 2005).

Conclusion

Across much of Africa, due to the rather ‘primitive’ defence of political sovereignty by states, state officials do not see international law as being applicable (or having enforcement powers) without first going through specific acts of legislative adoption that directly incorporates such treaties into domestic laws. Even among those states that have signed child protection conventions, the majority of

¹⁹ The Child Soldiers ‘industry’, part of the post-conflict reconstruction industry, is on the increase. The internet is littered with all kinds of child soldiers or war affected children-related websites. A simple ‘Google Search’ will reveal dozens of child soldiers websites and related materials. However, about one-third of the websites are devoted to fund raising campaigns and reintegration activities on child soldiers - in effect, a commercial and economic opportunity - profiting from the post-war reconstruction industry. See also H. Heckel (2005).

²⁰ The additional regional requirements protecting children include the African Charter of the Rights and Welfare of Children and similar conventions adopted by countries within the framework of Regional Economic Corporations (RECs), in particular, the ECOWAS, IGAD and SADC.

This problem has been noted in an experts’ meeting on the ‘national implementation of humanitarian law’ held from 6-8th March 2001 at San José, Costa Rica. The meeting was partly organised by the International Committee of the Red Cross (ICRC) available: http://www.icrc.org/Eng/siteeng0.nsf/5c1256b660060ee33 accessed 11th April 2006.

22 ‘This problem has been noted in an experts’ meeting on the ‘national implementation of humanitarian law’ held from 6-8th March 2001 at San José, Costa Rica. The meeting was partly organised by the International Committee of the Red Cross (ICRC) available: http://www.icrc.org/Eng/siteeng0.nsf/5c1256b660060ee33 accessed 11th April 2006.

The second opportunity is provided by the recent indictment and prosecution by the UN-backed ICC of a Congolese warlord accused of conscripting child soldiers in the DRC war. Thomas Lubanga Dyilo, leader of the Union des Patriotes Congolais is the first defendant arrested in March 2006 for trial by the ICC. Thomas Lubanga Dyilo was arrested by DRC authorities and transferred to the Hague under the provisions of the Rome Statute. Mr. Lubanga Dyilo is alleged to have been actively involved in conscripting children under the age of 15 to participate in active armed conflict – a war crime according to the Rome Statute. This first ever case was made possible because of the co-operation of the DRC government which referred the conflict situation in the country to the ICC and asked it to investigate possible war crimes with a view to prosecuting culprits.23

These landmark arrests and prosecution of both Charles Taylor and Lubanga Dyilo, at last confer enforcement powers to the international legal mechanisms that are supposed to protect children in conflict zones. The prosecution of warring factions and warlords (such as the Ugandan Lord’s Resistance Army’s (LRA) Joseph Konyi; the Janjaweed in Sudan, and RUF leaders in Sierra Leone) for war crimes relating to the recruitment and use of child soldiers, is only a matter of time. If this happens, then the limitations, placed on existing international conventions designed to protect children in conflict zones, will be overcome.

Bibliography


Indigenous Protections of Children in Armed Conflict: Observations from Sierra Leone and Liberia

Presented by Christine Tokar
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Good morning. I am speaking on the topic of Indigenous, “local”, protections of Children in armed conflict. I will discuss the basis of my perspectives, the indigenous protections measures that I observed, and the realities of their effectiveness in protecting children. And then, I will conclude with some opinions of what are some of the preventive measures that I believe contribute to the protection of children in armed conflict.

My discussion is guided by my observations and experiences while working for the International Federation of Red Cross and Red Crescent Societies in Sierra Leone and Liberia, during and post-war from 2000 to 2005, and in Tanzania, while working in the refugee operation on the Rwandan border post-genocide in 1994 and 1995. The examples I provide are based on my conversations with my colleagues and men, women and children that I encountered while working in these countries. I would like to emphasize that what I am expressing here are my own views from the field and not necessarily the views of the representatives of the Red Cross or Red Crescent Societies, or of the International Red Cross and Red Crescent Movement.

I arrived in Sierra Leone in 2000, while the war was still raging mainly in the northern and eastern parts of the country. Curfews and checkpoints punctuated movements through the country and in work and daily life. I worked as an advisor with the Red Cross societies on the ground, to help them develop a rehabilitation program for children affected by the war. Many, if not all, children and adults were impacted by the war in some way.

The Sierra Leone and Liberian Red Cross targeted those children who had a host of terrible experiences which included those who participated in the war, reluctantly or not, as child fighters; those who were subjected to violence in the war, such as, being raped and/or beaten;
How does one protect ones children against surprise attacks, bullets and rocket shells, brutalities and atrocities of mutilations, amputations, rapes, indiscriminate beatings, killing, and looting of ones home, behaviors that cross rational human taboos and cultural boundaries.

I will begin with experiences in the rural communities, since the war in Sierra Leone and Liberia was predominately fought in the rural areas and approximately 70 percent of the population resided there prior to the war. During the war, they became displaced many times from their rural homes to go to bush camps, or displaced camps, scattered around the country, or over the borders in neighbouring countries. They lived in these camps off and on for months and, in many cases, years. In many communities, they were unprepared for the war, not knowing its roots and causes. Generally, they did not know about the plans that were being strategized from the political bases in the capital and elsewhere in the country. The ferocity of conflict however, was being played out in their rural communities, rich in diamonds, fertile land and other resources. Only in later years, when the warring parties began to gain and lose ground closer to the capitals and the main cities, did full attention turn to solving the encroaching violence.

Rural life seemed simple on the one hand but very hard on the other. The land was worked, and rivers and ocean were fished with basic instruments, which resulted in long daily labour. These communities were governed by customary law as judged by their chiefs and elders, and had more sway than judicial law. Their ethnic backgrounds, secret societies for males and females, and religious faiths shaped their beliefs, traditions, customs, and practices. Very few children, particularly girls, ever get a chance to go to school. Very few clinics or schools are nearby. If one is ill, a visit to the local herbalist or shaman was far more likely, and education was learned via osmosis by working and observing the adults in their daily life.

I want to digress a moment to talk about the words, ‘child’ and ‘youth’. These are relative terms depending on the culture and setting they live. These terms are not necessarily age-based stages as we have come to know them in the Western world. The terms child and youth differ even from rural to city settings. In rural areas, there really is no adolescent period. In fact, age has little relevance even from rural to city settings. In rural areas, there really is no adolescent period. In fact, age has little relevance there and birth records are seldom kept. Once a girl grows her breasts and is ripe for child bearing, she is ready for initiation and a new life of marriage and is deemed an adult. Similarly for a boy who is strong enough and developed enough to do the hard labor of farm life or fishing. He, too, will pass an initiation, be given land, and be ready for marriage.
Life is short in Sierra Leone. It has one of the lowest life expectancies in the world today, 38 if one is male, and 42 if one is female. Infants have the greatest struggle; Sierra Leone has the notoriety of having the highest infant death rate in the world. In the cities, where boys and girls and their families may have more options and perhaps the means to send some or all of their children to school, an adolescent period may exist in which secondary education is completed. However, many children begin participating and contributing to the household responsibilities early including, cleaning, cooking, gathering water, obtaining firewood, selling water, cakes, or whatever commodities are available to raise money for their own school fees, the family’s collective or their own individual ‘daily bread’ or more apropos, their cup of rice.

When the violence and attacks encroached on these communities, the adults had little means to protect their children. First, the attack for many was a surprise. Depending upon the season, the older children may have been out on the farms overnight shielding the crops from night predators, or because they needed to harvest very early in the morning. This separation from adult protection makes these children vulnerable. This situation allowed fighting forces to take some of the children as their labourers, their ‘wives’ or sex slaves, or fighters. Those that resisted were usually killed. Others were enticed to join in the fighting with promises of power, wealth, and adventure.

In the event that the adults and community leaders heard rumours of an attack, they may have organized an informal force, inducting young boys or men, to defend their land and property. They may have organized hidden camps in the thick bush and sent their women, young children and old people there. The hiding may protect children for a time, but the violence to their family members and the resulting losses make them vulnerable to other challenges. In some cases, the leader of the community would be approached by the fighters of one side or another to assist them in mobilizing young men and boys. Many refused and were killed; some complied and were turned on by their own community. More often than not, communities experienced surprise attacks. Family members became scattered, children became separated and vulnerable to the fighters, amid the chaos, killing, looting, and burning.

If family members had the means, then one protective measure was to send the children away to a safer place within the country or outside. However, only a small percentage of people would have the means to send their children away.

There were other scenarios where youth willingly joined the armed forces. The reasons cited for joining was to escape from the drudgery of their life of poverty, the lure of adventure and greater means, the marginalization that they may have experienced in their communities, and the opportunities that the fighting forces offered them in terms of exacting vengeance. The backdrop for these perceptions was based on their experiences and/or perceptions of how their communities were governed. Customary law and the councils at the local levels, the traditional governance of these communities, sometimes practiced justice in arbitrary ways, open to being bought by money or other privileges. These practices created enmity between the chiefs and the influence peddlers and those subjected to punishments that were seen as extraordinarily harsh, unfair or corrupt. These feelings may be amplified if the youth came from a family that was poor. The poor often has even less of a voice in the community, especially if corrupt practices are a norm of governance.

Family arrangements can place children in vulnerable circumstances. Family life is more adult centered, more age reverent. If they lose their primary care giver such as
A father or mother, the norm is that the spouse will find another partner. In the remarried arrangements, particularly if they are with their mother coming into a new household where the father may have his own children, the mother’s children may have a much lower status, and potentially less privilege, opportunity, and means than what they may have had before. The father’s blood children may have greater priority for care and privileges, such as, schooling, and he may not have the means, especially if the mother cannot provide, to pay for the schooling of her children. The mother’s children may be subjected to more responsibilities than previously, and perhaps harsher punishment, if they act out in any way to disturb the equilibrium of their new living set up.

These household arrangements are common. Children may become the responsibility of other relatives, if their own family does not have the means. They must fit into the household’s gender and age hierarchy, and there may be ranking of children’s worth and value depending these factors. These circumstances are extremely challenging for children creating competition, resentment, feelings of rejection and abandonment. These feelings, poverty, marginalization, and perceived injustices can accumulate and fester. The fighting groups’ offer of freedom and power were sometimes just the match to entice the young person to join, and be seen as the way out from these trapped circumstances. However, once in, their desires for joining may be short-lived once the realities of what is required seep in (such as the violence that they must engage in, and the boundaries of human taboos that they must cross). By then, it is too late and there seems to be no way out. They become trapped by the fighter way of life and the fear of facing the demons of their acts, and revenge of others.

**Forms of Protection**

Fleeing was the main source of protection for the Rwandan children I met in Tanzania. Hiding worked for a time, but fleeing and constantly moving was their alternative in the violent chaos that engulfed their towns and countryside. They narrowly escaped with their lives, and not much else. While doing so they were exposed to the blood and guts, sounds and smells, of war and its aftermath. There was very little that their adults and families could do to protect them.

The following example illustrates the desperation faced by families in the Rwandan genocide. One day while working in our noisy, crowded, dusty, hot registration tent that was full of people waiting to register their missing children, a distraught man came in crying and totally beside himself. One or two of the workers came to him and tried to calm him down, and in the process he told his story. In his case, he and his wife tried to hide their children when they heard the shouting and yelling of men approaching. They did not have time to hide them. The men burst in, he pleaded with them to leave his family unharmed and take whatever they wanted. They ordered the females to one side of the room and males to the other. He asked the men to spare his family and take him instead. He was ordered to go with some of them to his neighbours, if he did not do as they said they threatened to harm the women and girls. He went with them to his neighbours, while some of the men stayed behind. He was then ordered to kill his neighbour. At first he refused but when he heard cries from his home he did the unimaginable to his neighbour and friend, while his neighbour’s family watched in horror, crying and screaming.

It did not stop there. He was taken back to his house only to find that all his family members were killed, and his wife and one daughter raped. He was sick, crazy, in shock. He could not protect his family. This tactic of armed conflict was outside the rules of war, beyond human taboos.

Negotiation and sacrifice for the greater good was another form of protection. In Sierra Leone, family members often tried to negotiate with the rebel fighters, and would sometimes sacrifice one of their children to save the rest. This was the experience of one of the girls interviewed. She was given over as a ‘wife’, but became enslaved to a fighter. She was a virgin, an obedient daughter. She escaped and went back home to her supposed refuge.
This man came looking for her and again her family was in fear and was willing to offer her up again. However, our staff intervened on her behalf, enabling her family to resist their demands.

In the case of Abdullai (not his real name), he was a follower of the mass of people who left his area during the chaos that overtook his community. There was no protection for him, as some of his family members were killed in the melee during Sierra Leone’s civil war. Children, adults and old people scattered, fled and hobbled to whatever safety they could find. He followed the flow of people, stayed with the fighting group, and then was later inducted into the ways of the fighting forces. He was seven years old. Many children in Sierra Leone ended up similarly as followers and worked in some capacity with the fighting forces. Abdullai climbed the ranks from being a boy spy, a boy fighter, to being a small boy unit commander. His bush name was ‘molest’.

The beginning of his turning point and his desire to leave the forces was when he recognized that his grandfather was one of the captives. Abdullai gave no signal that he recognized his grandfather. If he showed any weakness he might be forced to perpetrate torturous acts upon him. He silently constructed a plan later that evening to link up with his grandfather. However, that opportunity never came. His grandfather was humiliated, tortured and killed by others in the unit. He carried a great deal of guilt and shame as a result of this incident. He came into our program, and it took the staff a great deal of time to break through his pervasive hostility and sullenness. But his worker titled ‘Activist’ one day was there when he was ready to be released. She was with him for a long time on the soccer field when he finally broke down and cried and revealed his story. Much work was done with him and the community leaders to have him reconcile with the community and for him to forgive himself for his inability to save his grandfather. On New Year’s Day, after undergoing several rituals, Abdullai went to the cemetery, spoke with his ancestors, and poured libations for the forgiveness of his soul and for the soul of his grandfather and the many people whom he harmed or killed.

Some collective protection measures have been effective over time, but they still come with a deadly cost. The most notable was in Liberia when thousands of women engaged in a peaceful march in the midst of gun battle to appeal to the factions for the end of the war. They did so at great risk but felt that they had nothing to lose. In addition, the leaders of this mass group, asked to be at the table of the peace negotiations. They felt that the factions and the government peace negotiations were centered on the spoils of war; who will have power, how, and in what areas. They felt that the interests of civilians, particularly women and children, were not being represented. Even though they were refused access, they were undaunted, found their way to Ghana, and demanded to be present. They were again denied and so, they forced their way in, and were heard. These and other women played a significant role behind the scenes in peace-making and building in Liberia. In Sierra Leone, 5,000 strong demonstrators marched in protest against an ex-faction leader who was now part of the government after the Lome Peace Accord was signed. This was another proactive way civilians took matters into their hands to say no and express their desire for a better future.

So, the protective measures that I have presented were few, and not very effective in protecting children, and the latter ones mentioned were collective, proactive measures that came after much harm was done to children and to the population as a whole. Then how are children to be best protected from armed conflict? I believe the key is prevention.

The first is poverty eradication. Communities need the means to take care of the basics necessities in their life.

Education is also essential. Young people in the developing context need to be educated not only in the basics of reading and writing, but in the vocational areas as well. The G-8 countries of the world made a commitment with African nation leaders to ensure that all children of Africa would have a primary education by 2015. How are all of us working together to make this happen?

The other side of the equation is the role that foreigners play in these countries, as representatives of international agencies, foreign governments, corporations, as academics studying the issues, or as consumers of goods produced in these war-torn countries. Sometimes we can do more harm than good. To avoid the harm, it is important to recognize that our involvement in a project, or an academic study, affect lives in the short and long run. No matter how long we are involved, we need to make sure that the continuum of work and workers is seamless and in true partnership with the people on the ground.
Leadership and good governance are also important for the greater good of children. Corrupt practices do not only take away resources and money, but also bankrupt the moral goodness, hope, faith and trust of the people. Fair trade practices are also an issue. Consumers are increasingly becoming more aware of how their desires, practices, investments affect children and people in war-torn countries. Once consumers are aware of how their practices contribute to jeopardizing the lives of children, they are reluctant to engage in further such practice.

In conclusion, as we sit here today at the university and in our hotels, there are still many children in grave danger. We often say, never again to a holocaust, a genocide as we saw in Rwanda. Yet many wars and conflicts are still raging, still impacting children in Darfur, the Congo, Uganda and elsewhere. It is important to know that whatever work we are doing in this room, how we consume, affects children’s lives in the present and future. Our actions do make a difference in protecting children from the horrors of war and its consequences. However, it is our collective, concerted efforts in true partnership with our counterparts in war-torn areas that will have the greatest impact in protecting our world’s children from war, its horrors and aftermath. It is a commitment and not a project. Thank you.

The Role of Early Childhood Development Programs in Conflict and Post-Conflict Settings

Presented by Lisa Ruth Shulman
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Whether civil society is stable, disintegrating or rebuilding, children are the constant and most valuable resource representing the promise of every society’s future. As a representative for the World Forum Foundation Early Childhood Education Reconciliation Working Group at this most important conference, I am here to interject into this discussion the imperative nature of integrating early childhood education into the strategic planning, programming and financing that becomes the foundation of civil society building in every nation and community; especially those that are advancing toward rebuilding, reconciliation and peace.

Children exposed to conflict and war suffer deeply as they lose family through death and deprivation; and are often separated from extended family members, their communities, their very roots and homeland. With the breakdown of traditional values, the most devastating long-term impact on children is that violence comes to be seen and experienced as “normal”. Desensitization to violence, bomb blasts, gun fire, and exposure to violence through images, actions in the community, wall murals, use of symbols, and the experience of daily tensions such as check points - all become embedded in a child’s reality. Patterns of behavior are mostly set by eight years-of-age, and there is already ample evidence in the world around us of the adverse implications for children and the future of the societies they live in when the psycho-social, emotional and developmental needs of children are not addressed.

Children create their own explanations when they have no way to make sense of the experiences around them. This ferments societal cycles of violence, as ideas of hate and violence become entrenched in young minds. It has been noted how children are so deeply influenced by

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24 This presentation is drawn from the collective work of the World Forum Foundation/NIPPA Early Childhood Reconciliation Working Group. www.worldforumfoundation.org
their social reality, that they come to reflect the divisions around them from very young ages. They take on roles and sides in their play and in their social interactions long before their understanding of issues take hold. Exposure to violence also shapes children's attitudes. Fear and prejudice become the basis of their understanding of the world around them because their environments don't permit them to develop a sense of trust and safety. In some areas of the world, revenge killings and hatred are passed down and continue for generations. Additionally, there is significant evidence supporting the long-term trauma and depression in later years of children who have been traumatized by war and violence including changes in brain function, emotional, cognitive and behavioral problems associated with disruptive experiences in the earliest years of life.

There are many needs that should be met for war affected children in both conflict and post conflict settings which include: 1) a newly developed understanding of social reciprocation; 2) access to appropriate role models and social interactions; 3) development of an image of effective governance and humanitarian leadership; 4) environments that promote and encourage healthy attachments, a sense of belonging and community; 5) models of diversity acceptance, conflict resolution and non-violent relationships with the unfamiliar; and 6) safe spaces for the healing power of play.

Reconciliation program approaches and strategies within early childhood programs create places and spaces where the appropriate social modeling of healthy human interaction and relationship building reintroduce the process of trust through acceptance and tolerance among and between peers. In these programs the seeds are sown for children to replicate in their families and communities healthy collaboration, partnership, friendship and community building. Leaders of early childhood programs implement the modeling of humane policies, rejection of behaviors that are brutal or corrupt, and allow children to learn these values through engagement in activities and learning that are age appropriate and child focused. Children's participation in these settings serve as an opportunity to break through their silent observations, internalization of violence and destructive leadership models that are the hallmark of disintegrating and war-torn societies. Through play and other child-appropriate activities, children are permitted to have their voices

RECOMMENDATIONS

- An industry is emerging around child soldiers, generated by what is ‘sexy’ such that a real disjuncture exists between donor agencies (responding to ‘fashionable funding’ in project design) and on-the-ground needs as determined locally. This outcome is reflected in a number of ways including enormous waste in terms of duplication of efforts, unwelcome efforts (or inappropriately targeted efforts), efforts that fail to put in place ‘business’ infrastructure and the development of a basic needs assessment: therefore funding must be made available for this part of project.
- Sustainability needs to be built into plan design of child protection strategies.
- Co-operation between groups required to eliminate duplication and waste.
- Studies need to be done on failed projects, not only why they failed but also what the impact has been (as that in turn will affect future efforts).
- Fascination with trendy topic needs to be countered by (much less fashionable) projects geared towards preventing the usage of child-soldier.
- Local groups working already with impact of child-soldier phenomenon need to be consulted as resources (for needs assessment).
- Gender is central: girl soldiers have specific needs to be met and are way too often left out of the process of needs assessment and project design because they’re not seen as being in special need; women need to be brought into process as well in order to relate to these girls/young women, as well as to their children (often products of rape/sexual slavery).
- Shame is a gender specific problem that needs to be addressed – again, only local cultural understanding and processes can address.
- Leadership: look to local groups/people, men and women already engaged in process of reintegration and protection instead of politicians, parachuted-in (western or even African) ‘aid’ workers, consultants.
- More discussions/workshops linked ultimately to policy/project design need to take place where the problem is – (near or in) the conflict zone, not in North America and Europe.
- Set up safety nets and functional laws within refugee camps, and allow for gender differences.
- Improve access to children with more acceptable Security ID’s, permits, etc.
- Evaluate the nature of the conflict, whether tribal or state-like, to better assess response.
- Levels of protection for physical health, psychological health, must be better understood and enacted.

WORKSHOP BREAKOUT SESSIONS: QUESTION 3

What are the basic on-the-ground realities faced by those implementing child protection agreements in conflict zones?
Effective early childhood programs for peace target the facilitation of positive self-concepts for children and their caregivers. They integrate the inclusion of family and other support structures to provide children with continuity and help them grow in their abilities to promote trust and resolve conflicts within their families and communities.

Early childhood programs for peace need to be supported at both the national and community levels which may include programs in the planning for civil society, building at highest levels of government, so that programs that support children’s developmental needs have some level of funding and support. Community focus also needs to be at the core of the development of programs for children. As communities make sense of their collective experiences and determine their own strategies for healing, early childhood professionals can support these processes facilitating reflection and sharing around concerns for children. Community action plans can then be developed that will reach children through mothers, or where there are no mothers, community leaders. Projects can be based on local or other proven models that are participatory in approach and use life-giving stories and cycles of action and reflection that build on existing community strengths. Communities working together to share their dreams of the future in the present tense often use these as the foundation of an action plan. Experience has shown that even in communities in difficult circumstances, about sixty percent of children’s dreams can be realized without help from outside the community.

Erosion Of Indigenous Values And The Poverty Of International Legal Protection Of Children In Wars And Conflicts: An African Perspective

Presented by Obijiofor Aginam, Ph.D
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Contemporary human rights and other legal orthodoxy on the protection and promotion of human rights of the most vulnerable groups - women and children - in wars and conflicts are characterized by two appalling deficits. First, human rights treaties, including the most widely ratified conventions – the UN Convention on the Rights of the Child, and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) – have very weak enforcement mechanisms. Second, the discourse of human rights is generally caught in the tension between indigenous socio-cultural values and approaches in most

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25 Assistant Professor of Law, Carleton University, Ottawa, Canada; plenary remarks at the workshop on protecting children in conflict zones “Children and War: Impact, Protection, and Rehabilitation”, Gould School of Law, University of Southern California, Los Angeles, California, 14-15 January, 2006. I am grateful to Professor Andy Knight (Department of Political Science, University of Alberta) for inviting me to the workshop, and Prof. Linda Reif (Faculty of Law, University of Alberta) for her support.

26 The CEDAW and the Convention on Rights of the Child are among the widely ratified of all international human rights treaties. As of March 2000, CEDAW had been ratified by 165 States. As of January 2000, the Convention on the Rights of the Child had been ratified by all member states of the United Nations except Somalia and the United States.

non-Western, and Westernized human rights and other legal norms in an age of globalization.28 I shall focus my remarks largely on the second phenomenon.

Before doing this, it is important to make three important observations. First, 80% of wars and conflicts in Africa today: Sierra Leone, Angola, Liberia, Democratic Republic of Congo, Ivory Coast, and the Niger Delta region in Nigeria are largely conflicts over control of natural resources such as, diamonds, oil and gas, cocoa, and timber. Second, because the bulk of these resources are located in the densely populated and underdeveloped rural areas, conflicts often have a heavy toll on indigenous African family structures with a tendency to erode century-old values founded on communal life driven by extended family system or lineage ties. Third, in most of the conflicts over natural resources, because of Africa’s technological underdevelopment, powerful transnational corporations (TNCs) are often implicated.29


B: Codification Of Third World Approaches To Human Rights In The African Human Rights Charter

Africa, like the other developing regions of the world, is caught in a web of tensions between indigenous values and the influences of westernization. In the context of these tensions, the African Charter on Human and Peoples’ Rights 1981 (hereafter “African Charter”),30 by recognizing civil and political rights, social economic and cultural rights, duties of states, and duties of individuals, integrates the positive tenets of pre-colonial African values and philosophy into its provisions without compromising the value of human rights norms that are universally valid. In addition, the African Charter is the first and only regional/international human rights treaty to codify the so-called three generations of rights: civil and political rights (first generation); economic, social and cultural rights (second generation), and peoples’ or group rights (third generation).

Communal life, driven by membership of an extended family, other kinship and lineage ties, is the foundation of most African societies. The family is therefore the basis of society and the custodian of moral values. The African Charter recognizes the nature of communal life in various ways. Article 17(3) of the Charter provides that “the promotion and protection of morals and traditional

30 The Charter entered into force on 21 October 1986
the family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical and moral health.

African States parties to the Charter have a duty to “assist the family which is the custodian of morals and traditional values recognized by the community”.31 Article 18(3) creates an obligation on African States parties to the Charter to ensure the “protection of the rights of the woman and the child as stipulated in international declaration and conventions”.32 Although provisions such as Articles 17 and 18 of the African Charter have pitched “Third World” human rights scholars against “universalists”,33 it is simplistic, in my view, to categorize this important debate simply as “cultural relativism versus universal human rights”. To recast the debate in some ways, the relevant question is whether indigenous African values, as codified in the African Charter, could positively or progressively advance and enhance the effectiveness of legal protection of children in war and other armed conflicts in Africa.

This question is important particularly in the context of the nature of the war and conflict in Sierra Leone, for instance, where post-war massive psychological, social and other rehabilitation is critically needed for thousands of child soldiers and other child victims of war-time atrocities. Going by the provisions of the African Charter, the African family system would play an important role in any post-war rehabilitation of children traumatized by Sierra Leonean civil war. The concept of family in Africa differs markedly from the advanced Western societies. In Africa, an individual’s personhood is inexorably linked to membership of an extended family and other kinship ties. Both the individual and group aspects of personhood are interwoven and inseparable. As J.S. Mbiti, the famous African scholar philosophised,

“I am because we are; and because we are, therefore I am”.34

Comparing the regional human rights systems in Africa, Europe, and the Americas, Okere argued that the “African conception of man is not that of an isolated and abstract individual, but an integral member of a group animated by a spirit of solidarity”.35

African conception of personhood built on family and

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31 Article 18(2) African Charter
32 In the context of wars and conflicts, this provision offers a route to import all the relevant conventions that could protect children in wars and conflicts. Examples include the relevant provisions of the 4 Geneva Conventions of 12 August 1949 that could now be said to constitute customary international law and the Convention on Rights of the Child.
33 See Makau Murna, “The Banjul Charter”, supra note 3
34 John Mbiti, African Religions and Philosophy (1970) p141. This important tenet of African philosophical thought places the individual’s rights, joys, needs and sorrows within a social milieu that denies singular individuality
other indigenous values has crystallised into century-old social cohesion on which contemporary African societies are firmly anchored. In Southern Africa, the concept of *Ubuntu*, a philosophy of life, which in its most fundamentalist sense represents personhood, humanity, humanness, and morality; a metaphor that describes group solidarity where such group solidarity is central to the survival of communities with a scarcity of resources, where the fundamental belief is *moho kemotho ba hato ba bongwe/humuntu ngumuntu ngabantu* which, literally translated, means a person can only be a person through others. It is a basically humanistic orientation towards fellow beings, remains an integral part of social life and cohesion. *Ubuntu*-like philosophy exists in every African society; *ujuama* in Tanzania, *harambee* in Kenya, and many others. It is therefore extremely important that these indigenous values should be integrated into the international legal and human rights mechanisms and norms for the protection of children in wars and conflicts. It is also important that African states should not hide under “Africa values” to evade their obligations under international treaties that could protect children in war. Evidence that international humanitarian law can, if carefully managed, co-exists with African values in rehabilitating children traumatized by wars, is found in the United Nations Special Court for Sierra Leone. The Court, under Article 1 of its Statute, has the jurisdiction to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonan law including crimes against humanity, war crimes, and violations of common Article 3 of the Geneva Conventions and the Additional Protocol. But in punishing any juvenile offender between 15–18 years, the Court in Article 7 of its Statute can make care, guidance, and supervision orders; community service, counselling, foster care; educational and vocational training programs, demobilization, and re-integration programs. In all of these, the African extended family and other kinship ties should play critically important roles in rehabilitating war-traumatized children. As the New York-based Social Science Research Council (SSRC) rightly observed on research involving Children and Armed Conflict, little is known about the role of local normative systems in preventing the whole range of effects (including child soldiering) of conflicts on children. We do know that international standards of protection and rehabilitation to protect children are undermined when they do not resonate with local norms, even when the latter have eroded due to social changes accompanying conflict. Knowledge about local cultural understandings can help us devise more appropriate advocacy of international norms to protect children from conflict and to assist in their rehabilitation. Local ‘Geneva Conventions’ protecting children and the interface between local and international norms will be key subjects of investigation.

Because the utility of indigenous norms, especially their interface with international legal norms, is poorly researched and understood, it may well be that better legal protection for children in wars and conflicts could be devised by ”globalization-from-below” that effectively integrates these indigenous norms into the legalistic norms of international human rights law. These indigenous norms should also be adapted to prevent conflicts and wars as well as ameliorate the plight of children during war instead of being used to rehabilitate children after wars. They should be pro-active, precautionary, preventative, as opposed to being re-active and rehabilitative.


37 It is important to emphasize that *Ujuama* in Tanzania was not just about the so-called African socialism embraced by President Julius Nyerere which was adjudged mostly in the West as an economic disaster. There is more to *Ujuama* in terms of its fraternal bonding of people into sustainable sisterhood and brotherhood. For a discussion of *ujuama* as a concept of family and kinship in Tanzania, see G. Hyden, *Beyond Ujuama in Tanzania: Underdevelopment and an Uncaptured Possanity* (1980), cited and discussed by Mura, “The Banjul Charter and African Cultural Fingerprints”, op cit., p352


39 Available on SSRC www.ssrc.org website on program “Children and Armed Conflict”


with the mandate that all children have a right to know their identity, we have focused our efforts in using state-of-the-art genetic techniques to aid in the identification of trafficked and kidnapped children.

**Missing Children: Identification and Reunification**

*Presented by Dr. Michele Harvey-Blankenship*

*Resident, Department of Pediatrics, University of Alberta*

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

*(Article 8, Convention on the Rights of the Child)*

During times of conflict, children are more vulnerable than other segments of the population to be displaced from their families. Once separated, they have lost the care and protection of their families, leaving them more vulnerable to exploitation and abuse. Additionally, they often have to take on adult roles such as caring for and protecting siblings. Through coordinated efforts to identify these children, they can be reunited with their biological family or other caregivers who are willing to care for them. In this vein, and with the mandate that all children have a right to know their identity, we have focused our efforts in using state-of-the-art genetic techniques to aid in the identification of trafficked and kidnapped children.

What happens to the children who have been displaced at such a young age that the memory of their family is not strong? Or those who have no documentation of their identity? How can the identity of a child be confirmed if multiple families claim him/her as their own? How can we systematically and without doubt reunite children with their families when, for example during the civil war in Sierra Leone, thousands of children are separated from their families?

To address these questions, recent advances in molecular genetics have aided the investigations of missing children. To illustrate how these molecular tools can assist in the identification of missing children, a case study is presented:

In 1982, at the age of three months, Odir saw his mother shot during a military sweep in a remote village of El Salvador. His mother, who was partly deaf, did not hear the arrival of the soldiers. Many of the other inhabitants fled. The attack was part of a campaign to remove essential supports from the guerillas who had a stronghold on the area. During the sweep, Odir was taken from his mother’s side by a soldier and, along with other children from the village, brought to a military camp twenty miles away. An announcement was made to the local community that children were available to those who wanted them. Families took some of the children in good faith, and others remained in the military camps. The H family, who had two daughters and no sons, took Odir and raised him as their own. Until recently, he believed that his biological family was dead.

At the end of the civil war in El Salvador, it is estimated 75,000 people suffered violations of their human rights including extrajudicial executions, torture and “disappearances”. Among these thousands were children and over five hundred children have been documented as “disappeared”. *Asociacion Pro-Busqueda* has been dedicated to investigating these disappearances and reuniting identified children with their biological family.

In the genetic laboratory, we received two blood samples from *Asociacion Pro-Busqueda* - one from Odir and one from another boy. Based on paper trails and personal testimonies, it was hypothesized that these two children were brothers. To test this hypothesis, mitochondrial DNA sequencing was the most obvious approach.

Mitochondrial DNA is particularly powerful in identification of distant relatives because it is maternally inherited (see Fig. 1). Children will inherit mitochondrial DNA from their mother but not from their father. In human rights investigations, where large groups of the population have disappeared or have been murdered, mitochondrial DNA is particularly useful as an investigation tool because distant relatives - grandmothers, great aunts, cousins - can be used to identify an individual.

We extracted DNA, both nuclear and mitochondrial, from the two blood samples and sequenced a section of each mitochondrial genome. The sequences of Odir’s blood sample matched perfectly to the blood sample of the alleged brother. From this information alone, we could not conclude that the two children were from the...
same biological family. The frequency of the mitochondrial DNA in the population determines how certain one can be regarding the genetic identity being biological or by chance. In the case of Odir, the same sequence was seen in a family that was not maternally related. We then had to rely on additional techniques using nuclear DNA. 

Nuclear DNA is inherited from both parents - one of each pair of chromosomes is inherited from the mother and the other from the father. Nuclear DNA is particularly useful for cases in which one or both parents are available. Both of Odir’s parents could not donate a blood sample - his mother was dead and his father was not known. Fortunately, Odir’s mother survived the two bullets that hit her and she conceived another child. A third blood sample from Odir’s alleged sister (known sister to the boy already being compared) allowed us to compare nuclear DNA from the three children. By the end of our analysis, and in combination with the mitochondrial DNA sequence analysis, we could conclude that there was a 1 in 20 million chance that Odir and the other two children were not from the same biological family.

Stealing, kidnapping, and trafficking children during times of unrest have become commonplace. Although the Convention of the Rights of the Child explicitly states that every child has the right to identity and that the state should protect identity, many states have clearly fallen short of their obligation. Prevention of such atrocities would be most effective, we rely on the accuracy of molecular biology to repair the trauma. In an effort to assist in the investigation of disappeared children, we incorporate genetic techniques to provide an otherwise unprecedented accuracy to identification. Through these identifications, children are able to understand who they are, know their family, and move forward into their future with the confidence that identity provides. Additionally, the children may also receive the protection and care that would have otherwise been lacking.

"Meeting my family has been so good, because they are part of my life, they complete my history, and they are very important for my future. There was something lacking in my life. Now I have found the part of my identity that was missing, the part that completes my person, and enables me to understand my future more clearly, and where I am going."

—Carmen Lombardo, on being reunited with her biological family, July 2002
The military government’s dependence on the flow of arms from the former Soviet Union did nothing but encourage the escalation of the conflict and victimization of children as child soldiers.

**The Prospects of Protection of Children: The Case of Ethiopia and Eritrea**

*Presented by Dr. Kassu Gebremariam*

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**Introduction**

At the dawn of the 21st century, the secession of Eritrea from Ethiopia and the coming into being of a mutually acceptable compromise between the Ethiopian People’s Revolutionary Democratic Front (EPRDF) and the Eritrean People’s Liberation Front (EPLF) was considered an asset against costly civil wars and victimization of children as child soldiers.

Hundreds of thousands of youths were victimized during the protracted war that lasted between 1961 and 1991. Hundreds of thousands have been killed, traumatized, and forced to flee Ethiopia and Eritrea as refugees. As well, the creation of Eritrea as an independent state shattered the time-worn notion that the geographical borders African countries inherited from the former colonial powers were unalterable. It was assumed that the vision and alliances the EPRDF in Ethiopia and the EPLF in Eritrea forged during their common resistance against the military government of Colonel Mengistu Hailemariam, would best expedite peace, security, and economic development.

However, it soon became apparent that the EPRDF and the EPLF governments failed to provide guarantees against the use of child soldiers during the interstate war from 1998 to 2000. The countries were once again caught in a vicious circle of war and with the problem of child soldiers.

What is most noticeable is that the problem of child soldiers is now more pronounced and acute in Eritrea. Eritrea has 3.5 million people compared to Ethiopia’s 77.5 million. The inequitable distribution of population undermines Eritrea’s capability to thwart any potential aggression coming from Ethiopia, and is the principal factor for the victimization of Eritrea’s children as child soldiers.

What is primarily responsible for the perpetuity of the problem of child soldiers since the 1998 to 2000 Ethio-Eritrean war, is the absence of a reciprocal commitment to the agreements they made during and after the 1993 Eritrean independence. Successive reconciliatory initiatives and mediation efforts by the Organization of African Union (AU), the United Nations (UN), the European Union (EU), Canada and the United States (US) failed due to the importance each side attaches to military victory, central control and direction. Today an agreement is being worked out as a result of the active intervention of the UN, the European Union, and the US.

But any agreement that is signed by the current leaderships in the societies cannot bring a genuine settlement to avoid the recurrence of the recruitment of child soldiers. A genuine settlement to the issue can occur only when the majority of Ethiopians and Eritreans believe that the border agreement the EPRDF and EPFDJ sign would resolve all the remaining outstanding issues to the satisfaction of major political forces in Ethiopia and thus truly end the conflict. Yet, such conditions do not yet exist. In Ethiopia, major opposition groups perceive the 1993 referendum, which established Eritrea’s statehood as illegitimate and unfair because it failed to offer alternatives such as confederation or federation. A significant number of Ethiopian nationalists do not envision Eritrea living side by side with Ethiopia since Eritrea sets precedence to secession of various groups and violation of the colonially inherited boundaries Ethiopia maintains with Somalia.

Another obstacle related to child soldiers is that the EPRDF is perceived as a government dominated by the minority Tigrean elite that does not enjoy popular support. Tigrerans constitute 10 percent of the Ethiopian population, and, only a small fraction of the Ethiopian population appears to accept permanent co-existence with Eritrea. Therefore, a genuine settlement is impossible unless the majority of Ethiopians learn to accept Eritrea as a sovereign state and leave no ambiguity about its co-existence. Hence, peace or at least any negotiated agreement that takes place at present has to be premised on 1) the conviction of the majority of Ethiopians of the legitimacy of the sovereignty of Eritrea, and 2) their willingness not to subvert the agreement even if changing circumstances make it possible. Thus, a close examination of the interstate war provides the context for the problem of child soldiers which will prolong, and fuel, the conditions for recruitment unless an agreement is reached.

This study is divided into three parts: an outline of the legacies of the thirty years civil war, appreciation of the
1998 to 2000 Ethio-Eritrean war, barriers posed by the current context to the resolution of the problem of child soldiers, and what can be done to protect children.

The first section discusses the legacies of the thirty years civil war and the impact they had on the abuses and victimization of children as child soldiers. The second and third sections of the study examine why the rosy scenarios for banishment of the problem receded to the background under the leaderships of the EPRDF and EPFDJ and what factors pose formidable obstacles to resolving the problem. The final section assesses what factors are responsible for sustenance of the issue and addresses whether the problem will be different from the past and present, and offers insights on what we can do about it.

II. Lessons Unlearned: Legacies of The Thirty Years War

It is not possible to produce an accurate estimate for the number of innocent children and people killed in Ethiopia and Eritrea during The Thirty Years War (between September 1961 and May 1991). It undoubtedly exceeds one million leaving aside those killed by famine and settlement programs. A significant number of the urban youths were killed or traumatized as a result of the Red Terror of 1977/78. To suppress the urban insurgency of the Ethiopian People’s Revolutionary Party (EPRP) the military government killed a minimum of 10,000 youths and imprisoned as many as 100,000. The insecurity of children increased precipitously in the mid and late-1980s. Both the military government of Colonel Mengistu and major insurgent groups such as the Tigrean People’s Liberation Front (TPLF) and EPLF recruited children as soldiers by forceful and deceitful means, such as press-ganging or using food aid as bait.

In both the government’s army and insurgent groups, children were subjected to a range of abuses, including summary executions. Female child soldiers were subjected to rape and kidnapping by government soldiers as well as insurgents. The EPLF and the TPLF (a founder member of the Ethiopian People’s Revolutionary Democratic Front - EPRDF – in 1989) abused children in their fight against the military government. The military government followed a set of counter-insurgency strategies that created famines which victimized millions of children. The military government’s strategies included: systematic restriction of food supplies in insurgent areas; forcible relocation of the population; bombing market places; and use of indiscriminate violence that victimized children. One major consequence of such strategies was the creation of famine. For instance, the great famine of 1984-85 stands out most. This famine is estimated to have killed a minimum of 400,000 people in the northern provinces of the country like that of Tigray, Eritrea and Wello. Perhaps, children constitute between half to a quarter of this mortality. On the other hand, nobody knows the number of children the famines of 1973-75 and 1965/66 killed.

The military government’s failure to depart from the patrimonial and martial political culture through facilitation of a transfer of power to popularly elected government, countered the termination of victimization of children as child soldiers. The military government’s dependence on the flow of arms from the former Soviet Union did nothing but encourage the escalation of the conflict and victimization of children as child soldiers. These developments, along with the stoppage of the flow of arms from the former Soviet Union brought about the liquidation of...
the Ethiopian army, the demise of the military government, and the breakaway of Eritrea. Yet the seizure of power by the EPRDF in Ethiopia and the PFDJ in Eritrea did not enable the state to revitalize its authority, and lay the basis for the recurrence of the problem of child soldiers in both settings. Therefore, prospects for the rule of law and implementation of policies that are protective of children’s rights have receded to the background.

The 1988 Ethio-Eritrean War: No End in Sight for Child Soldiers?

The entrenchment of a patrimonial form of rule marked by the absence of autonomous associations and genuine reconciliation programs, hindered Ethiopia’s and Eritrea’s ability to institutionalize the peace process.

The interstate war between Ethiopia and Eritrea under the leadership of the PFDJ and EPRDF brought about a repetition of the crime against child soldiers. In Ethiopia, more than ever before, children younger than the de facto minimum age of 15 were conscripted into the Eritrean army. Out of a population of 3.6 million, Eritrea was forced to raise an army of 350,000 that confronted an Ethiopian army of more than 450,000. Eritrea built a trench 100 km long in the Badme area protected by tanks and thousands of mines planted in the field. The Eritrean Air Force bombed Makale (an Ethiopian city), which resulted in killing children and adults at the Ayder School. The Ethiopian Air Force bombed Asmara, destroying part of the Eritrean Air Force. Social and economic programs were made to take second priority to the strengthening of the armed forces. Press ganging, which mostly occurred in the rural parts of Eritrea, caused many young people to flee to neighboring countries such as Ethiopia, Djibouti, and Sudan. No exit visas were available. Semere Kidane, a student leader at Asmara University, was imprisoned without charge in a secret place as a result of his protest to the conscription policy of the PFDJ.

Eritrean parents were arrested and held incommunicado as a result of their children’s refusal to join the army. For instance, the wives of two former insurgent leaders during the 1974-1991 war with Ethiopia were arrested in June 2002. Citizens in the lower lands of Eritrea, the Gash-Barka and Northern red Sea zones, were forced to be drawn to Islamic politics due to their resistance to national service and the conscription of youngsters in the armed forces. The Eritrean-Islamic Jihad was able to increase its activity in the lowlands. The accounts of many runaway youth from Eritrea to Ethiopia attest to the violation of children's basic human rights. Some were shot dead when trying to run away and others lost their lives because of landmines (farms along the border between Ethiopia and Eritrea are unsafe since they are strewn with landmines). Tens of thousands lodged with relatives. The human cost of the conflict, especially for children and the disabled, is incalculable. It is estimated that around 70,000 people lost their lives.

An estimated 1 million people were displaced during the two years conflict. Millions of dollars worth of property perished. Much prime agricultural land went unplanted. International donors withdrew all funding with the exception of emergency assistance. Eritrea spent several hundred million dollars on weapons from suppliers and international arms dealers who insisted on cash in advance. Roughly, 500,000 people fled the fighting in central and western Eritrea. The need to feed, clothe, and shelter these displaced people placed severe financial constraints on the PFDJ’s regime. Economic growth fell from 9 percent in 2002 to a negative 1.2 percent. Today, approximately one-third of Eritrea’s population depends on foreign emergency assistance. The continued integration of as many as 75,000 Eritreans deported from Ethiopia, 103,000 long-term refugees from camps in Sudan, and a significant number of internally displaced persons continue to burden the economy.
What is regrettable is that the boundary dispute is not resolved. The countries are engaged in a cold war. Propaganda warfare and ongoing rhetoric are quite common.

III. Barriers Posed by the Current Context
The alleviation of the suffering and victimization of children calls for a conviction on the part of the current regimes in Ethiopia and Eritrea and the opposition to go beyond anything heretofore shown, and demonstrate willingness to adhere to agreements that respect the sovereignty of each country. The parties have to learn to live with de facto separation.

The right steps for resolution of the problem of child soldiers hinge on the adoption of policy measures built on: 1) real and permanent guarantees for Eritrea; 2) a state that has resolved its dispute secured over Badme, Zalambesa and the Irob territories; and 3) the reconciliation of the aspirations that underline these two outcomes. These difficult steps would have to be accomplished.

The major problem to be addressed is whether powerful groups within the Ethiopian society have to renounce aspirations that conflict with these goals. Obviously, the prospect for such an outcome is slim at this point in time. The uncertainty that remains perpetual in the context of Eritrea is that it does not have the capacity to prevent potential spoilers who are unwilling to become party to the conditions from successfully derailing them if agreements were to be made.

Third parties intervention by the OAU, the EU, IGAD, and the UN cannot be expected to impose and enforce an agreement that is unacceptable to the current leaderships of the countries, or to that of major opposition groups in Ethiopia. While both Ethiopia and Eritrea have the presence of the UN peacekeeping mission on the ground, they are engaged in war by proxies. Third parties’ intervention has not deterred and will not deter them from carrying out war by proxies. Both countries provide covert supports and military training for dissidents within each country. The Ethiopian government provides various forms of support to ARDUF, the Eritrean Liberation Front (ELF), and the Eritrean Liberation Army (Unified Organization). On the other hand, the Eritrean government supports the Oromo Liberation Front (OLF), Al-Ithad, the Ethiopian Patriotic Front, and others groups that are waging an armed opposition to the EPRDF’s rule.

Thus Ethiopia’s and Eritrea’s capacity to avoid domestic and interstate conflicts, which are central to avoidance of the problem of child soldiers, are undercut by the leadership’s unwillingness to negotiate a mutually acceptable compromise and because of a lack of mutual trust. Termination of the problem of child soldiers would therefore require Ethiopians and Eritreans to reach understandings and agreements that significant majorities in their societies are willing to live with. It also means that the leadership of both sides should be able to offer credible guarantees so that dissenters in their respective societies would not sabotage the agreements. The fundamental resolution of the problem of child soldiers, especially in the context of Eritrea, would be impossible unless the majority of the Ethiopian opposition conclude that Eritrea’s legitimacy is inherent in its sovereignty. The fulfillment of these conditions would lay the foundation for the implementation of policies that will make Ethiopia and Eritrea better, safer, and more fulfilling places in which to live. These are daunting tasks.

IV. What Can Be Done to Protect Children?
Whatever happens, whoever governs Ethiopia and Eritrea, the parties will have to realize that cessation of hostilities and resolution of their disagreements on the border issue and on the status of Eritrea as an independent state, are milestones that could lead to the alleviation of the problem of child soldiers.
It is a truism that Ethiopia and Eritrea have too much to lose from an armed confrontation. Both need to create the most propitious conditions for the protection of children through creation of good governance as a result of internal changes. There are no quick fixes to this problem. It is not easy to institute a democratic transition because of the formidable challenges to changing the internal features of the countries. The existing evidence attests to the fact that the current authoritarian regimes will resist being shunned aside and the likelihood for the countries to avert disintegration is open to question.

The opportunities that the post-Cold War world order afforded to institutionalization of political legitimacy, marked by the attachment to neoliberal agendas such as democratization and respect for human rights as conditions for provision of aid, have failed to change the relationship between state and society in both Eritrea and Ethiopia. The Eritrean leadership has denounced the neoliberal agenda while the Ethiopian leadership, fearful of losing its power, has resisted the pressures of liberalization and the accommodation of the demands of the opposition. The attempts of the EU and the US to facilitate the process of political liberalization were obstructed by the subordination of the state organizations to the parochial interests of Meles Zenawi of Ethiopia and Afework Isayas of Eritrea.

And yet, however difficult and morally indefensible it may seem to be, acceptance of the development of functional Ethio-Eritrean cooperation through the principles of coexistence is imperative.

Additionally, the emergence of a value consensus on the legitimacy of a constitutional framework in the immediate future has the potential to promote conditions that transcend political and social fragmentation. For instance, the imperial government of Haile Selassie had a stabilizing role in the 1960s despite its institutional weaknesses. This was precisely because the monarch’s legitimacy was seen as based on “consent” while maintaining the monopoly of force. For the most part, the rule of Emperor Haile Selassie did not have the problem of child soldiers despite its institutional weakness. Yet the chances for the institutionalization of a legitimate order in the context of contemporary Ethiopia and Eritrea remains remote. This is because of the authoritarian nature of the regimes in power. Unless the countries adopt a government of national unity as a short-term remedial measure they will fail short in combating the problem of child soldiers.

Adoption of a government of national unity as a short-term device would not enable the societies to internalize the values of loyal opposition, independent civil groups, as well as autonomous representative institutions. Achieving a government of national unity is only the first step toward the resolution of the problem of child soldiers. The process of consolidating the conditions for prevention of the problem of child soldiers in each country will be challenged by the persistence of fragmentation of the loyalty of citizens to non-state authority structures and the pervasiveness of politics plagued by interethnic-feuds and exclusivist ideologies that thwart the emergence of a nationally integrated elite. The development of parties based along transethnic and transreligious lines, and their expansion to the remotest regions of the countries, is desirable at this stage.

Short of the existence of transethnic and transreligious political parties the political consensus attained during a government of national unity will move into a new and potentially fractious stage over who will hold top positions in the new government. Those negotiations have the potential to blow apart the fragile hopes for the resolution of the problem of child soldiers. Equally important is the countries’ capability to improve the conditions of children and avoid the coming into being of institutions that
are usable by governments in both countries. Ethiopia and Eritrea cannot redress wrongs of the past without the existence of institutions able to collect taxes, enforce the law, and implement policies. Such institutions will enable both countries to act as responsible states. To protect children, we must do more to promote good governance and institution building.

But along with this, a vibrant civil society also constitutes a source of protection of children because it can check the arbitrary actions of leaders and insurgent groups. The Ethiopian and Eritrean leaderships must embrace adoption of policies to reactivate indigenous values, ideas, and institutions that promote protection of children. Ethiopia and Eritrea can create the conditions for the protection of the welfare and rights of children by acknowledging the most valuable lessons from their respective cultures regarding the cohesiveness of the family as a moral guide for children. This would involve an appreciation of the strengths in Ethiopian and Eritrean cultures in the first place. In both cultures, the ideal is not to be a "friend" to one's child, but to be a guide. Contrary to the western notion of individualism, the notion of identity in these cultures is to belong. Subservience of the individual to the collective continues as a central feature of their respective cultures. No person exists independently. Each child belongs to a family, a tribe, or wider group. The well-being of the community is tied to the security and good upbringing of its children.

The culture that perceives community elders as sources of moral authority serves best as role models in connection to what they do and what they say. Elders are assigned prominent roles because of the wisdom they have gained over the years and their personal knowledge of age-old wisdoms that have passed on from generation to generation. As an African philosopher aptly captures it: "What a child cannot see while standing on a stool, an elder can see while sitting." What has to be borne in mind is that these societies do not have a cadre of professional experts in child psychology and psychoanalysis. In settings such as Eritrea and Ethiopia, children learn much needed lessons from the stories that elders and parents pass on to them, such as stories of self-sacrifice and good character. The Eritrean as well as the Ethiopian cultures value history and tradition, and the elders are the transmission belts of this tradition. It therefore makes perfect sense for both Ethiopia and Eritrea to reactivate and cherish such rich traditions to protect, and provide clear moral structure, to their youths.

Conclusion

Altogether, this finding suggests that it is incumbent on both Ethiopia and Eritrea to institutionalize the peace process to tackle the problem of child soldiers. The history of the thirty years of civil war and that of the interstate war between independent Eritrea and Ethiopia attest to the fact that various conciliatory initiatives and compromises fell on deaf ears. This state of affairs has worsened the suffering of children in both Ethiopia and Eritrea. The countries are on the brink of another round of war. Persistence of the current status of their relationship would mean diversion of resources from construction and the reintegration of former child soldiers into civil society. Both sides spend several hundred million dollars on weapons from international dealers who insist on cash in advance.

The countries will be impelled by their closeness to one another to interact on a range of issues. These de facto relationships might be shaped into some agreed international framework. Ethiopia and Eritrea have to build brick by carefully sequenced brick, fully aware that mistakes they make in haste now can undermine their capacity to redress wrongs of the past, thus deepening...
their dependence on international handouts and the good will of foreign donors. There are no quick fixes or magic panaceas to their age-old problems. So both Ethiopia and Eritrea must be able to reorder their national priorities based on the specificities of their own realities, experiences, and needs. It would be dangerously mistaken if it is assumed that the countries can alleviate the problem of child soldiers without instituting good governance. This issue has to be appraised in the context the countries’ capacity to enhance their institutional strengths and provide secure environments for protection of children as well as their citizens. Improving conditions and ending the suffering and victimization of children from the scourge of poverty, diseases, illiteracy, and child labor are based on both sides acceptance of each other's legitimacy. Such a reciprocal commitment can expedite sustained economic development, good governance, and the rule of law.

Failure to develop a peaceful working relationship will reinforce suspicion, insecurity, bitter antagonism, and disintegration of the societies. Such factors would worsen the problems of child soldiers. Erosion of the problem of child soldiers and institutionalization of the peace process both involve stages of reconciliation and cooperation. The more immediate and pressing problems, among others, include: the transition from war to peace through demobilization of child soldiers', reintegration of dislocated populations', promotion of cross regional and cross ethnic togetherness, and institutionalization of good governance. It also makes perfect sense for the countries to reactivate their respective indigenous social capital bringing together community-based organizations to promote the safety and well-being of children.

It also makes perfect sense for the countries to reactivate their respective indigenous social capital bringing together community-based organizations to promote the safety and well-being of children. A change in the mindset of the majority of the Ethiopian opposition is imperative to bring about institutionalized coexistence. Ending the inter state war would require the decisive majorities’ acceptance of the statehood and independence of Eritrea and that country's relationship with that of Ethiopia is premised on the principles of coexistence. Such developments would mark a major stage in tackling the problem of child soldiers.
Protecting Children in Conflict Zones requires a multifaceted strategy and some imaginative thinking. International legal approaches for such protection, while important and indeed necessary, are certainly not sufficient, as was pointed out in this report.

The presentations by Dr. David Francis, Ms. Christine Tokar, Ms. Lisa Ruth Shulman, Dr. Obijiofor Aginam, Dr. Michele Harvey-Blankenship, and Dr. Kassu Gebremariam were instrumental in getting participants at the workshop in Los Angeles to think carefully about the measures that would be required to go beyond international legal mechanisms for child protection in conflict regions.

I would like to thank those paper presenters as well as the following individuals who acted as facilitators for the workshop breakout sessions: Professor Linda Reif, Dr. Ann McDougall, Ms. Hana Hasan and Wallis Kendal. A very special thanks go to Martin Lueders for his powerful and gripping photo-journalist presentation and to Sandra Bromley for taking on the task of official workshop photographer.

The workshop would not have taken place had it not been for the financial support of the Social Sciences and Humanities Research Council of Canada, the Canadian Consortium on Human Security, the University of Alberta, and the Gould School of Law at the University of Southern California. Heartfelt thanks to my dear friend and colleague, Professor Edwin (Rip) Smith of the Gould School of Law and his staff for welcoming us so warmly and for providing the excellent facilities in which the workshop was held.

Finally, I want to specially thank my research assistants, Sangeet Dhaliwal and Ioana Corabian, for their diligent work leading up, during and after the workshop, as well as Tara Mish (University of Alberta) for dealing with the financial aspects of running this workshop.

The next workshop will be held at the Kofi Annan International Peacekeeping Training Centre, in Accra, Ghana (August 28-30, 2006). For those who are interested in attending, please let us know early.

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