



ODUMUNC 39

Security Council

Child Soldiers

By: Ben Fifield



ODUMUNC 2016
Issue Brief for the UN Security Council



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Old Dominion University Model United Nations Society

Introduction: Child Soldiers and UN Security Council

In 2015 it is estimated that there are a minimum of 300,000 child soldiers in the world¹. They are recruited by states and On-State Armed Groups (NSAGs). 40 per cent of the state armed forces in the world permit children, as legally defined, to join their ranks, and many if not most NSAGs. These groups range from national armed forces, rebel groups, criminal syndicates and resistance forces. Children as young as 12 are routinely armed and sent to fight, commit war crimes, or used in supporting roles. They lose any hope of education. They often commit atrocities which make impossible for them return home without fear of retribution. Their lives are forever affected.

The issue has been previously debated throughout the UN system, but solutions are elusive and recruitment of child soldiers remains a serious problem worldwide. Only the UN Security Council can create enforceable international law. By elevating the issue on the Security Council docket, the international community makes clear its determination to suppress recruitment of child soldiers and deal with the consequences.



A life doomed? Armed by the Lord's Resistance Army (LRA) of Central African Public, South Sudan and Uganda. Photo: Getty.

Background

The International Labour Organization (ILO) in 1999 described forced participation in an armed conflict by minors is one of the worst forms of child labour and is a form of slavery thusly, the usage of child soldiers by violent groups is heavily condemned by many nations and in the attempt to prevent the usage of child soldiers many legislative pieces have been set in place.² These regulations have done much to provide context for the issue and the penalties that the recruiting organization might face, but international legislation has been ineffective in preventing the issue or providing support for former child soldiers.

The use of child soldiers is not exclusively used by non-state actors, as many nations use children in their official

¹Chatterjee, Siddharth. "For Child Soldiers, Every Day Is A Living Nightmare." Forbes. 9 December 2012.
<http://www.forbes.com/sites/realspin/2012/12/09/for-child-soldiers-every-day-is-a-living-nightmare/>

²"ILO." Child Labour and Armed Conflict (IPEC).
<http://www.ilo.org/ipec/areas/Armedconflict/lang-en/index.htm>



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armed forces, countries such as Chad, the Democratic People’s Republic of Congo, Rwanda, Sudan, Zimbabwe, Afghanistan, Myanmar and Syria. Nor is the problem associated exclusively with underdevelopment. The United States is routinely condemned in internationally for recruiting children of 17 to serve in its armed forces. The issue of child soldiers is in no way limited to these countries as child soldiers exist in many more countries.

participate in the conflict, but farther from the frontlines of war.



COUNTRY	WORLD RANKING	CATEGORY
SOMALIA	1	EXTREME
SYRIA	1	EXTREME
DR CONGO	3	EXTREME
SUDAN	3	EXTREME
AFGHANISTAN	5	EXTREME
COLOMBIA	6	EXTREME
CENTRAL AFRICAN REPUBLIC	7	EXTREME
MYANMAR	8	EXTREME
IRAQ	9	EXTREME
YEMEN	9	EXTREME

The following legislation exists to regulate the national government in its usage of minors in the military and auxiliary roles in armed conflicts. The 1989 *UN Convention on the Rights of the Child*³ states that the military recruiting a child under 18 is illegal and a war crime. Soldiers over 15 can be recruited under their own volition, but in a restricted sense so that they might

The *Cape Town Principles and Best Practices*⁴, adopted by the NGO Working Group on the Convention on the Rights of Children and UNICEF proposed that countries should integrate UN regulations on Children into their own domestic policies. A Child Soldier is defined as any person under age 18 who takes part of any kind of regular or irregular armed force or group in any capacity including: cooks, porters, messengers and those accompanying such groups, other than purely as family members. The definition includes girls recruited for sexual purposes and for forced

³ "Convention on the Rights of the Child." Convention on the Rights of the Child. 2 September 1990. <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁴ "Cape Town Principles and Best Practices." UNICEF. 27 April 1997. [http://www.unicef.org/emergencies/files/Cape_Town_Principles\(1\).pdf](http://www.unicef.org/emergencies/files/Cape_Town_Principles(1).pdf)



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marriage. It does not, therefore, only refer to a child who is carrying or has carried arms.”

Non-state actors are forbidden from recruiting people under 18 for any purpose, but for most non-state actors international regulation is ignored. So in order to prevent them from recruiting children into their organizations or to free existing child soldiers, the UN must adopt a different strategy.

So what happens to a child soldier when the conflict is over? Under UN regulation children are exempt from capital punishment and life term sentences. Exceptions to this regulation have been made, for example after Sierra Leone’s civil war at the request of Sierra Leone and the UNSC a special committee was formed to determine who to prosecute for war crimes during the conflict. The Secretary-General at the time Kofi Annan stated that while the prosecution should target those “most responsible” for the war crimes that occurred during the conflict, children from 15 to 18 were still prosecuted if they committed serious war crimes. However, the age of the offenders was taken into account when prosecution took place.

Not every child soldier is prosecuted by the ICJ or by special committee.⁵ Omar Khadr was born in Canada to Egyptian and Palestinian immigrants who later moved the family to Pakistan. Omar spent his childhood going back and forth from Canada to various Middle Eastern countries. Omar was recruited by the Taliban in Waziristan

in 2002. And after a firefight with the US forces, Omar was captured. During the firefight he threw grenades and fired a pistol at US troops before being shot in the chest. When US medics provided medical attention he repeatedly asked the soldiers to kill him, after losing consciousness he was flown to Bagram Airbase in Afghanistan.

During his time at Bagram Omar was interrogated, while the Canadian government was informed of his capture. However, when the Canadian consulate requested access to him they were denied by the US government who cited national security concerns. After video of Khadr was discovered assembling an improvised explosive device with an Al-Qaida leader while joking and smiling he was interrogated again using CIA protocols. The Canadian government requested that he not be transferred to Guantanamo Bay and if he was to be transferred for the US government to notify them. On October 28th, 2002 Omar was transferred to Guantanamo Bay. The Canadian government was not notified.

Omar was charged with murder in violation of the laws of war, attempted murder in violation of the laws of war, conspiracy, two counts of providing material support for terrorism and spying. Omar remained in Guantanamo Bay for over 10 years before he was given a plea bargain by a military tribunal which stated that he was to be deported back to Canada after one year to serve seven more years in Canada’s penal system. During his time in Guantanamo he was treated as an adult and faced torture, harsh interrogation and several other alleged human rights violations.

Child soldiers are a complicated issue, and because of this there are many

⁵ "Omar Khadr: A Timeline of Events." Toronto Sun. 29 September 2012.
<http://www.torontosun.com/2012/09/29/omar-khadr-a-timeline-of-events>



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complicated questions that must be asked. Can the children forced into armed conflicts be rehabilitated? Should the children that willingly join be accepted back into society? Is there a universal motivation for child soldiers? These issues can be approached in many ways, but it is simplest to approach the issue in a step by step form. How can we prevent children from becoming soldiers? What do we do about children that have become soldiers? What do we do with child soldiers after they have left the conflict?

Issues to be addressed

Definition of child soldiers? Two major definitional disputes affect international efforts to deal with child soldiers. One is the age of adulthood. This varies from country to country, and can range from 15 to 21 for boys, and 13 to 21 for girls, depending on the state, its laws, and traditions. In the United States, for example, 17 year old children are allowed to join the armed forces. A related issue concerns the military in which they serve. In some countries, recruitment of child soldiers is a legal problem when it concerns Non-State Armed Groups (NSAGs) such as insurgencies, ethnic militias, rebels and terrorists. When state armed forces recruit under-age personnel, they are protected by domestic law.

Humanitarian or military responses? Child soldiers emerged as an international humanitarian issue. Advocacy groups sought to stop governments and Non-State Armed Groups (NSAGs) from recruiting under age

soldiers. They stress that child soldiers are victims, even when they commit crimes. As children, they cannot be held legally responsible for their acts, although their commanders can be prosecuted as war criminals. Some states, especially those engaged in military conflict with NSAGs, maintain that solutions to child soldier issues must include military defeat of the groups that recruit them. Only by crushing such groups, they insist, will recruitment stop. Some of these countries, such as Colombia, India, Myanmar and Philippines, have been fighting these groups for as long as fifty years.

Where will the money come from? Any intervention, whether it takes the form of authorizing a study by the UN Secretary-General, humanitarian action or military responses requires financing. Very little is possible without. Deciding where the funding will come from, which governments pay the most and which the least, and who controls the spending, is a major problem for this, as for all issues facing the UN system. Countries tend to want results, not responsibilities, and the most affected countries often can spend the least.

Who will enforce compliance? Compliance with new measures is difficult because all UN member states are sovereign. UN resolutions usually can only request them to act. Controversial measures, which states vote against, usually are ignored by states opposed. Especially for controversial child soldier situations, some enforcement may be essential. For this reason, the issue has been presented to the UN Security Council, the only UN body able to make and enforce



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international law. But this means demands and risks for outside actors, which they may not be willing to accept.

Especially for Non-State Armed Groups.

Child soldiers are often associated with NSAGs, but these groups are outside the UN system. How to reach them? One approach that has shown effectiveness in some situations is to negotiate directly with the groups. A Geneva-based Non-Government Organization (NGO), Geneva Call, had negotiated dozens of agreements with NSAGs to respect international humanitarian norms. States affected by such groups can be ambivalent, preferring a political or even military solution. Many groups, however, are very strong or elusive, resisting all such efforts to control their freedom of action.



UN Security Council, New York

Alternatives for UN action

Authorize a study by the UN Secretary-General to establish priorities, definitions and solutions for the issue. The terms of the

study would have to be specified, including whether it would be written by independent experts recruited by the Secretary-General (which would insure independence, but also make the results unpredictable), experts chosen by governments (an in-between approach), or representatives of governments (the most predictable alternative for member states). Also to be determined is the scope or authority of the study, how its recommendations will be received by the UN (are the recommendations binding or only suggestive), a production schedule and financing for the group to meet and travel if needed to affected areas.

Create an institutional mechanism to locate and help child soldiers, possibly including intelligence collection, a relief or rescue system, protected refuges, and asylum procedures. An institutional mechanism also would require oversight, to insure it works as hoped and long term financial commitments.

Intervene in specific conflicts with peacekeeping operations (PKOs). Especially when child soldiers cannot be easily reached, a protective force may be the only way to reach them. But this assumes child soldiers wish to be rescued. It also assumes all factions will welcome the peacekeeping role. The UN also can authorize a Chapter 7 Peace Enforcement mission. This would require specifying the conflict, winning approval of the home government, authorizing countries to intervene and establishing rules of operation, as well as financing.



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Create authority for international intervention in any conflict in which child soldiers are being recruited

Country Positions

African Union: The 54 states of the African Union take a strong interest in this issue, since it affects many of their member states, especially in North, East and Central Africa. Above all, the states of the African Union seek to end the conflicts where child soldiers are recruited. They prefer broad measures aimed at supporting them in conflicts with Non-State Armed Groups (NSAGs), the primary recruiters of child soldiers. Instead of focusing on child soldiers as such, they stress ending the conflicts that generate them. This means military assistance to afflicted governments, arms transfers where necessary, peacekeeping deployments from the UN, and financial assistance to assure child soldiers a new and secure start in life.

China and Russia: Strongly support creation of a norm prohibiting child soldiers, as well as a high age definitions to insure there is no confusion about military status. China is willing to spend on disarmament and armed groups associated with use of child soldiers and offers peacekeeping soldiers in affected conflicts. Russia is more hesitant about peacekeeping and international spending, but generally supportive.

European Union: the 28 countries of the European Union have been aggressive leaders on this issue. Many, such as France, Germany, Italy, and Sweden have placed the issue at the top of their foreign policies. They

and others insist on international right asylum for child soldiers, caught in impossible situations. Unable to return to their home communities—where they are often associated with atrocities and vulnerable to retribution—asylum offers them hope of escape for a new life. The EU rejects military solutions to recruitment of child soldiers and stresses humanitarian responses for victims, including child soldiers.

South and Southeast Asia: these regional also are heavily affected by Non-State Armed Groups (NSAGs) that forcibly recruit and deploy child soldiers. Like Many African countries, they seek primarily to solve the conflicts that generate child soldiers. Some also permit recruitment of soldiers as young as 16 in their militaries, a policy they defend for its long standing cultural and employment roots. By recruiting younger soldiers, they believe they keep them away from Non-State Actors. They do not want international interference in their prosecution of civil wars, and reject peacekeeping. But they welcome financial assistance for youths at risk, and military assistance to help fight groups that recruit child soldiers.

United States: Child soldiers is a tricky issue for the United States, which is opposed to forcible recruitment of child soldiers. But the United States is unwilling to risk its own personnel or spend heavily on the issue. The United States also finds itself in a contradictory situation, since it permits children of 17 to join the armed forces, an age defined as a child by international treaties and many UN member states. The



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United States says it does not allow 17 years olds in combat, but this exceptional approach undermines the credibility of international treaties and agreements and has been harshly criticized. The United States also refuses to ratify treaties in the U.S. Senate, which weakens its position and weakens the status of international agreements. It is more confrontable with non-treaty agreements, political statements and other measures.