

**Transnational Civil Society's Ability to Successfully
Influence State Actors on Human Rights Issues through
International Non-Governmental Organizations (INGOs):
A Case Study of the Coalition to Stop the Use of Child
Soldiers**

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ABSTRACT

The international dilemma of child soldiers is a humanitarian concern throughout the world. The Coalition to Stop the Use of Child Soldiers (CSUCS) began in 1998 and is currently the leading collaborative movement to address the issue. However, because of its emphasis on a universal 'Straight 18' approach and support of the Optional Protocol of the Convention on the Rights of a Child (CRC), the CSUCS ignores contextual realities that affect the implementation of the international legislation and the development of norms concerning child soldiers. This research project will examine the current international non-governmental organization (INGO) response to child soldiers – focusing on the CSUCS - and formulate suggestions for potential avenues to further INGO involvement with policies and projects. The argument is based on a neoliberal institutionalist platform that argues in favour of INGOs' ability to successfully influence actions taken by state actors to address human right issues. Highlighting the successful INGO influence on states during the International Campaign to Ban Landmines, I will present this example as a potential model for the Coalition to Stop the Use of Child Soldiers, and explore the feasibility of this model whilst making suggestions for more effective involvement of INGOs with regard to the issue of child soldiers.

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LIST OF ACRONYMS

CaAc- Children and Armed Conflict

CRC - Convention on the Rights of a Child

CSUCS – Coalition to Stop the Use of Child Soldiers

CCW - Conventional Weapons Convention

HRW – Human Rights Watch

INGOs – International Non-Governmental Organizations

ICC – International Criminal Court

ICBL – International Campaign to Ban Landmines

OAU – Organization of African Unity

UN – United Nations

UNHCR –United Nations High Commission on Refugees

UNICEF – United Nations International Children’s Fund

UK – United Kingdom

UPA – Uganda People’s Army

US – United States

CHAPTER ONE: INTRODUCTION

The international dilemma of child soldiers is a concern of governments, institutions and organisations throughout the world (Brett & McCallin 1998; Cohn & Goodwin 1994). That child soldiering is a serious problem is uncontested, but there is much debate about how to respond to this issue and about the possible role that transnational civil society – also known as global civil society - can play through the involvement of international non-governmental organisations (INGOs). Some realist theorists argue that transnational civil society and INGOs are unable to influence state actors to act against their interests (Puchala 2003; Rutherford 2000). Such theorists argue that states are unlikely to relinquish or actively regulate any potential pool of soldiers serving in their armed forces, even child soldiers. This view is, however, contested by neoliberal institutionalists who present the example of the International Campaign to Ban Landmines (ICBL) as proof that INGOs can influence states to act against their interests (Price 1998; Rutherford 2000). The successful example of the ICBL is helpful when reflecting on current efforts to combat child soldiering.

The Coalition to Stop the Use of Child Soldiers (CSUCS) was established in 1998 and is currently the leading collaborative movement focusing on this issue. It works in three areas to influence state actors – research and monitoring, advocacy and public education, and network and capacity-building – to bring about its goal to ‘end the recruitment and use of boys and girls as soldiers, to secure their demobilization and to promote their reintegration into their communities’ (CSUCS 1999). The CSUCS focuses on the creation of international law to implement its ultimate goal of stopping the use of children as soldiers. It campaigns ‘for all governments to adhere to international laws prohibiting the use of children under the age of 18 in armed conflict’ (CSUCS 1999). However, there are numerous difficulties in implementing international law including the lack of supportive domestic legislation, the current crisis of the state and lack of resources, and political and economic challenges that impede the translation of international law into domestic law (Francis 2007; Hart 2006; Honwana 2007). These issues have all hampered the CSUCS’s progress. There are examples of other campaigns which have managed to successfully take up similar issues and which can

provide some guidelines for those attempting to respond to the problem of child soldiering. An example here is that of the International Campaign to Ban Landmines (ICBL).

This thesis investigates both the approaches, processes and mechanisms used by international non-governmental organisations as agents of transnational civil society, and the CSUCS in particular, to address the issue of child soldiers. The CSUCS is the subject of investigation and the goals of this investigation are fourfold. Firstly, I will provide an overview of literature on the issue of child soldiers and the responses to this issue by international non-governmental organisations. Secondly, I will assess the approaches, processes and mechanisms used by the CSUCS to address the issue of child soldiers. Thirdly, I aim to discuss the example of the International Campaign to Ban Landmines (ICBL) in order to see how institutions and regimes can successfully influence state actors to act against security interests. Finally, I draw on the example of the ICBL to develop possible suggestions for non-governmental organisations aiming to address the issue of child soldiers in terms of their involvement in future policy development and program implementation.

To achieve these goals an extensive literature review is necessary. I begin by surveying the academic literature on the problem of child soldiers. In addition, I critically analyse NGO and government reports relating to this issue. Because this project looks critically at the potential influence of transnational civil society and the work of INGOs, I also review the reports created by the CSUCS and scrutinize the policies and programs they promote and implement. In addition, I analyse United Nations Resolutions, conventions, and international law pertaining to the issue of child soldiers. In order to draw on the experiences of the ICBL, I also overview literature related to this campaign. Through a discussion of the above literature, I hope to gauge the efficacy of INGO responses to child soldiering and to make some suggestions for INGOs on potential means of advocacy to promote policy change and programme implementation to lower the number of child soldiers internationally.

The findings of the investigation are organized into five chapters. The current chapter outlines the focus of this investigation and introduces the issues and actors to be discussed. Chapter two focuses on the background problem of child soldiers, the reasons behind the increase in use of child soldiers, the different international laws and standards created to address the problem, and the challenges associated with implementation of these. Chapter three describes and critiques the INGO response to child soldiers focusing primarily on the CSUCS and its promotion of a universal norm regarding child soldiers. Chapter four compares the campaigns of the CSUCS and the International Campaign to Ban Landmines (ICBL) and through that comparison provides suggestions to the CSUCS based on the previous critiques. Chapter five reviews the arguments made in this study and offers a comprehensive conclusion.

CHAPTER TWO: THE CURRENT INTERNATIONAL DILEMMA CONCERNING THE USE OF CHILD SOLDIERS

2.1 Introduction

In 1994 the well-known child rights campaigner, Graca Machel, was petitioned by the Secretary General of the United Nations to prepare a comprehensive report summarizing the impact of armed conflict on children (Machel 1996). This report was released two years later and included 24 case studies from conflicts spanning the prior 30 years (Machel 1996, p.11). Machel's conclusion indicates that governments and rebel armies alike participate in the use of children as soldiers typically employing adolescents between the ages of 15 and 18, but sometimes even recruiting much younger children. While in earlier times children were used in non-combative supportive roles to the army, serving as 'cooks, porters, messengers [and] spies', the use of children as combatants, as well as labourers, is increasing (Machel 1996, p.11).

The CSUCS's (2001) *Global Report on Child Soldiers* estimated that there were more than 300 000 children under the age of 18 serving either as combatants or labourers in over thirty conflicts worldwide. According to the CSUCS, the problem is most critical in Africa, where there is the greatest number of child soldiers and 'where children as young as nine have been involved in armed conflicts' (CSUCS 2008). The continent of Africa accounts for 120 000 or 40 percent of the worldwide total of child soldiers (Francis 2007). Children have been used as combatants in numerous countries throughout Sub-Saharan Africa, including Sierra Leone, Liberia, Mozambique, Sudan, Uganda, Democratic Republic of Congo, Angola, Rwanda, Somalia, Ivory Coast and Burundi (Honwana 2006).

The use of children as combatants involves a whole host of abhorrent practices, as evident in this description from Tiefenbrum (2007, p.1) – child soldiers are frequently:

... abducted from their own homes tortured, brutally indoctrinated, forced to become intoxicated with mind-altering drugs, threatened with death and or dismemberment if they do not fight, forced to return to their own village to witness or participate in the death or disfigurement

of their own family members, required to kill friends who don't obey the commanders, and made to watch the punishment of other child soldiers who attempt in vain to escape. Some children who try to escape are reportedly boiled alive, and the other child soldiers are forced to eat the human flesh as part of their training.

Even when not recruited into child soldiering, children are drastically affected by the wars in their midst (Wessells 2006). For example, during the conflict in Angola, more than 500,000 children died and tens of thousands were orphaned or separated from family (Honwana 2006, p.11). Children involved in armed conflict – directly as combatants or indirectly as labourers – are frequently killed or injured whilst fulfilling their duties (CSUCS 2008). Furthermore, war affects children indirectly, through the decline in the number of productive farmers resulting in malnutrition, through the deterioration of healthcare services, and through the destruction of school buildings (Honwana 2006; Wessells 2006).

In order to understand the current situation of child soldiers, an overview of the changing nature of warfare and the effects this change has on children is provided below. Following this, I describe various international laws relating to child soldiers highlighting the many challenges facing attempts to translate international laws into domestic laws and discussing the inability of international laws to adequately address context-specific variables.

2.2 The Changing Nature of Warfare and its Effect on Children

Children have been used to support warfare for centuries (Machel 1996; Rosen 2007; Honwana 2006; Hick 2001). For example, children were used in the Middle Ages during the Crusades, they were used in France under Napoleon, and children participated in the Chinese Cultural Revolution as Red Guards (Honwana 2006). Rosen (2007, p.296) argues that the widespread use of children throughout history is often obscured by human rights advocates who focus on the contemporary increase in child exploitation in the form of child soldiering. Controversially, Rosen (2007) suggests that the current humanitarian effort to put a stop to the use of child soldiers is simply 'a political construct used to support legal and political agendas' rather than stemming

from real concern about human rights abuses. However, most historians, politicians, and human rights advocates agree that a drastic shift has occurred both in the new context of war, with the distinction between combatant and civilian becoming increasingly blurred in contemporary combat, and with a marked increase in the use of children as combatants. Fox (2005, p.28) argues that while the use of child soldiers is not new, 'in the post Cold War era it has reached proportions – both in terms of scope and extremes – that stretch far beyond any previous occurrence in human history'.

An increasing number of wars are being fought on African soil; however, they are not traditional wars occurring between nations. Instead they are wars fought within nations, usually called 'civil wars' but also described as 'militia wars' or 'intra-national wars' (Allen 1999; Ottaway 1999; Hick 2001). In a discussion of contemporary conflict in Africa, Ottaway (1999) argues that during the Cold War the rival power blocs imposed an artificial, tenuous stability on the continent by propping up the corrupt leaders of client states. This resulted in the entrenchment of authoritarian regimes, which in turn provided a 'fertile breeding ground for armed opposition movements' (Ottaway 1999, p.14). In the post Cold War political atmosphere, where the world powers no longer prop up their leaders of choice, it is easier for militias (non-state sponsored armies) to challenge state governments internally. In addition, militias are also covertly used by states themselves to respond to threats or to enforce legislation (Allen 1999, p.371). The rise of the influence of armed militias within African countries threatens state monopolies on violence and changes the dynamic of warfare and conflict resolution alike.

Hick (2001) highlights four root causes of contemporary civil wars. Firstly, free trade and direct foreign transnational corporation investment or incursion open up economic opportunities for non-state actors. Secondly, national economies have been weakened through forced structural adjustment programs. Thirdly, diverging per capita incomes within countries cause discontent within struggling societies and offer a quick means to obtain wealth through theft or exploitation; and finally, there has been an increase of weapons sales as stockpiles of weapons are sold to state and non-state actors alike. Hick (2001) contends that Machel's 1996 report accords with his argument by

concluding that current wars are being fought over national resources such as diamonds and oil and have multiple and complex links to the economies of richer countries: 'Global businesses, some legal, some illegal, have spawned international complicity that makes war not just possible, but highly profitable' (Hick 2001, p.110).

Many contemporary African conflicts involve the targeting of innocent civilian populations in sporadic acts of violence. According to Honwana (2006, p.32), 'over 90% of the casualties in the new wars are civilian and the number of refugees and displaced persons per conflict has risen steadily'. Civil wars, where individual actors or 'big men' fight to gain economically rather than politically, often involve subversive tactics and unclear aims.

Theorists writing about the political economy of war argue that wars and warlordism arise from contexts of economic disparity where war offers job opportunities to 'the rapidly growing numbers of poorly educated unemployed youth' (Allen 1999, p.372). In general, children suffer more in civil wars as these wars often escape the influence of international law and policy. Militias, which often exist outside of the sphere of influence of international law, exploit the vulnerability of children and use many of the conditions of war-torn and impoverished communities to their advantage. In addition, militias can make themselves attractive to children by offering employment, training, and even healthcare services not provided by their societies.

Today the extent of youth involvement in conflict is much greater than before. Drawing upon case studies which she conducted in Mozambique and Angola, Honwana (2006, p.27) concludes her book *Child Soldiers in Africa*:

The scale of the contemporary problem is unprecedented, both in the numbers of young people involved and in the degree of their participation. Indeed the magnitude of children's involvement in war is such that the international community has begun to take actions to address the problem.

2.3 International Laws and Standards

As pointed out by Honwana (2006), the International community has taken actions to address the dilemma of child soldiers. To date there are four international laws; two international courts, three international sets of principles and two separate standards set by prominent international actors which address the dilemma of child soldiers. Despite their number, none of these laws are sufficient enough to deal with the complexities of the situations in which children are used for the purposes of war. In the following section, a review of current legislation will preface my argument for a shift in this legislation towards laws that heed the changing nature of warfare.

2.3.1 International Law

The four pieces of international legislation which currently exist to address child soldiers are the Additional Protocols to the Geneva Conventions (UNHCHR 1977); the Convention on the Rights of a Child (UNHCHR 1989); the Optional Protocol to the Convention on the Rights of a Child (UNHCHR 2000); and the Rome Statute of the International Criminal Court (ICC 1998).

The first specific reference made in international law concerning the involvement of children in armed conflict came in 1977 in the Additional Protocols to the four Geneva Conventions of 1949. The additional protocols set the minimum age for recruitment and use of any children in armed conflict at 15 years of age (Francis 2007). For a long time, this protocol was seen as adequate. However, in the late 1980s and early 1990s the use of child soldiers became more prevalent and obtained greater media coverage, particularly with the use of large numbers of child soldiers by Liberian militia leader Charles Taylor (Human Security Centre 2005).

In 1989, the United Nations Convention on the Rights of a Child (CRC) acknowledged rising international pressure to increase the minimum age of recruitment to 18 and publicly defined a child as anyone under the age of 18 (Francis 2007). However, it did

not raise the age of recruitment but instead reemphasized 15 as the minimum age limit allowed for recruitment and participation in conflict. The CRC is monitored by the Committee on the Rights of the Child, a body of independent experts that meets three times a year to compile reports from the signatory states two years after their initial agreement to the treaty and every five years hence. The Committee examines the reports provided and then makes recommendations and highlights concerns to the state parties involved. States are then expected to follow up on these recommendations.

Because the CRC was popular among the international community yet did not effectively establish 18 as the minimum age for recruitment and participation in military activities, human and child rights advocates decided that an Optional Protocol drafted by a working group appointed by the UNHCR (United Nations High Commission on Refugees) specifically targeting the issue of children under the age of 18 in combat would be the best method to attempt to get the 'Straight 18' approach into legislation.

The Optional Protocol seeks to ensure that state actors raise 'the minimum age for direct participation in hostilities to 18 years from the previous minimum age of 15 years specified in the Convention on the Rights of the Child and other legal instruments' (CSUCS & UNICEF 2003, p.4). With regard to the actions of non-state actors, the Optional Protocol prohibits all recruitment under the age of 18. There are seven articles in total in the Optional Protocol. Article 1 deals with the direct participation of children in conflict and effectively raises the age by which a person can participate in direct combat from 15 to 18. However, since there is no definition of 'direct participation' there is an ambiguity to the law. In the Guide to the Optional Protocol, CSUCS and United Nations International Children's Fund (UNICEF) (2003, p.14) indicate that this could include

not only active participation in combat but also military activities and direct support functions... [such as] scouting, spying, sabotage, and acting as decoys, couriers, porters, cooks or assistants at military checkpoints [as well as] the use of girls for sexual purposes or in forced marriage.

However, this definition is not included in the Optional Protocol itself. The ambiguity concerning the roles which children could play in indirect participation leads many to argue that the optional protocol employs 'compromise language' (CSUCS & UNICEF 2003, p.14). Recruitment was the biggest area of compromise and is addressed in Article 2 of the Optional Protocol of the CRC. In this article the age of compulsory/forced recruitment is raised to 18 and voluntary recruitment raised from 15 to 'beyond the age of 15' (CSUCS & UNICEF 2003, p.15). Article 3 of the Optional Protocol indicates that states which choose to recruit between the ages of 15 and 18 must

maintain safeguards to ensure, as a minimum, that (a) Such recruitment is genuinely voluntary (b) Such recruitment is done with the informed consent of the person's parents or legal guardians (c) Such persons are fully informed of the duties involved in such military service (d) Such persons provide reliable proof of age prior to acceptance into national military service (Article 3 in the Optional Protocol of the CRC as quoted in CSUCS & UNICEF 2003, p.15).

Article 4 of the Optional Protocol of the CRC sets up a distinction between state armed groups and non-state armed groups when it states that non-state armed groups cannot 'under any circumstances, recruit or use in hostilities persons under the age of 18 years' (CSUCS & UNICEF 2003, p.17). This is an interesting addition, however, given that non-state actors are not allowed to be signatories of the treaties, it seems a bit pointless. As the Guide to the Optional Protocol points out: 'According to Graca Machel in her book *The Impact of War on Children*, the fact that governments are not bound by the same strict standard applied to non-state actors may undermine the Optional Protocol's intent' (CSUCS & UNICEF 2003, p.17).

Article 5 attempts to recover from the compromises in Article 2 by supporting state actors in offering 'greater protection' to children, implying that states can and are encouraged to adopt 'Straight 18' approaches if they so choose. Article 6 addresses the monitoring and reporting requirements for each state that ratifies the Optional Protocol. States are required to monitor the use of child soldiers within their own boundaries and create reports for the Committee on the Rights of the Child – the same committee that accepts reports for the CRC. States must submit their first report within two years of

ratifying the treaty. It also requires that states reform and enforce domestic laws and procedures to effectively follow through with their commitments. Article 7 also addresses reporting and the cooperation needed to make implementation of the Optional Protocol successful. It includes the technicalities of financial assistance given and that which has been requested (CSUCS & UNICEF 2003).

2.3.2 International Courts

In 1998, two years after the publication of Machel's (1996) report, the Rome Statute of the International Criminal Court (ICC) was established to try people for committing war crimes. When countries agree to the Rome Statute they place themselves under the jurisdiction of the ICC that 'tries persons accused of the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes' (ICC 2008). Because of the ability to prosecute, the Rome Statute differs from all preceding international laws which depend on states for implementation. However, the ICC works closely with the United Nations Security Council, but three of the Security Council's permanent members – the US, Russia and China – have not ratified the Rome Statute. This excludes these countries from ICC jurisdiction and also implies their ability to veto certain cases.

To date the ICC has attempted to address the issue of child soldiers by focusing on those who recruit child soldiers under the age of 15. Since it came into effect July 2001, there has been only one ongoing trial – that of Thomas Lubanga, the leader of the Union des Patriotes Congolais (UPC) in the Democratic Republic of the Congo (Donovan 2006).

In addition to the International Criminal Court – which is a permanent structure – the United Nations also has the ability to set up Special Courts that can choose to pursue prosecution of offenders who actively violate the international laws discussed earlier. An example of this happened in June 2007 when the Special Court for Sierra Leone found three militia leaders guilty of war crimes and 'serious violations of international humanitarian law, including the recruitment and use of child soldiers' (CSUCS 2008).

These were the first convictions by a UN tribunal pertaining to child soldiers (CSUCS 2008).

While discussing the International Courts, the inconsistency that exists between the recruitment age permitted by the CRC and the age from which the International Courts will prosecute must be mentioned. International Courts accept the 'Straight 18' approach, but under International Law, children between the ages of fifteen and eighteen can be recruited to armies. Two questions arise from this inconsistency: First, what if a child legitimately recruited by an army voluntarily commits horrendous crimes? Should he or she not be held responsible? Second, does this discrepancy not leave children potentially more vulnerable if armies participating in horrendous crimes wise to the laws and begin requesting those who are safe under International law to commit the most horrendous crimes, since they are exempt from prosecution?. These possibilities are highlighted by Druml (2009, p.9) when he argues:

Although international criminal law accepts the 'Straight 18' approach when it comes to criminal responsibility, it hasn't yet accepted it for when it is illegal actually to serve in armed forces...In other words, minors above the age of fifteen can serve, and can join armed forces, but they cannot be found culpable for any crimes.

2.3.3. Principles

In addition to the international community as a whole mobilising to legally address the issue of child soldiers, a group of African policy makers also took action and developed the first regional treaty that addresses the issue of child soldiers – the African Charter on the Rights and Welfare of the Child published in 1990. The Charter was adopted by the Organisation of African Unity (OAU) and came into force in November 1999. Interestingly, although scholars such as Francis (2007) argue that the minimum age of 18 is an universal, often universal definition of children with no foundation in the African reality of initiation ceremonies and contextual, community declarations of adulthood; the African Charter decided to set the upper limit of a child's age at 18 without exception. In addition, the African Charter included stronger measures to ensure that state actors took 'all necessary measures' and not simply 'feasible ones' to

stop the recruitment and use of children as soldiers (Honwana 2006, p.35). In response to this contrast Francis (2007, p.219) states:

It is understandable that Africa should have developed and ratified international legal instruments protecting children from the devastating effects of, and participation in, wars and armed conflicts, even though the formal and legal definition of a child, as adopted by the OAU, has limited relevance to the socio-cultural, traditional and environmental construction of childhood prevalent across much of Africa.

Another set of principles dealing with child soldiering is the UNICEF-led Cape Town Principles, established in 1997, which reaffirm the age limit as 18 and create a new definition of a child soldier: 'Any person under 18 years of age who is part of any kind of regular or irregular armed force in any capacity' (Karishmah et.al 2006, p.10). Although it is not a legally binding agreement, it is frequently referenced in documentation associated with child soldiers (CSUCS 2001).

Finally, and most recently, an international conference was hosted in Paris in 2007 addressing children in war. This conference was attended by 58 countries along with key NGO actors and UN agencies. Two documents were created at this conference to overview an 18 month process to review the Cape Town Principles (CSUCS 2008).

2.3.4. Standards set by International Organisations

In addition to the efforts of states to create international laws and principles, two prominent non-state actors – the United Nations and the International Labour Organisation (ILO) – have also created practices and procedures regarding children in conflict.

As previously mentioned, Graca Machel wrote a UN report on children and armed conflict. A year later the UN Secretary General appointed a Special Representative for Children and Armed Conflict to serve as an advocate for children in conflict and to make suggestions to governments and organisations involved in promoting child welfare in conflict situations (Chikuhwa 2007). In addition, the ILO gave attention to

child soldiering in its publication of the Worst Forms of Child Labour Convention 182 adopted in June 1999.

2.4 The Challenge of Implementation

Despite the fact that utilising children as combatants violates international law on multiple levels, the problem of child soldiers continues. It is evident that there are numerous 'paper protections' currently in place to address the problem of child soldiers; however, there are also numerous challenges associated with the implementation of the various laws. In particular, there is a difficulty when executing a campaign that relies on actions taken by undemocratic and authoritarian states.

Francis (2007) argues that at present the most urgent challenges in the field do not require the promulgation of more international laws; rather, what is lacking is the necessary means for enforcing existing laws. He states that the international community is beginning to wake up to the challenge of enforcing its numerous 'paper protection' instruments for the protection of children (Francis 2007, p.224). Some criticise 'the legal and conceptual discrepancies [relating to the term] child soldiers' (Fox 2005, p.27). However, others locate the problem in states' inability to create concrete domestic policies from international law (Fox 2005, p.27; Francis 2007). Although I agree with Francis (2007) concerning the difficulty of enforcing laws, I would suggest that a change in the laws – particularly concerning age consistencies – would also be pertinent. However, Francis (2007) has a point when he argues that by simply advocating state ratification of international treaties, international non-governmental organisations ignore the process of implementation of the treaties and the complexities inherent in translation of international into domestic law (Francis 2007).

In general, international legislation is difficult to enforce and translate into domestic legislation. In the specific case of protecting child soldiers, only the Rome Statute has the inherent ability to prosecute based on the legislation created. The rest of the international laws and agreements rely on national governments for implementation. Because of the current crisis of the state and the myriad additional challenges the states

face, many of the states involved lack the desire or the resources to adequately stop the active recruitment of children and/or prosecute the perpetrators. As with many international agreements, signatories 'pay lip service to the implementation of the child protection treaties... largely due to their strategic self-interest, and enforce these standards incoherently and selectively' (Francis 2007, p.220). In addition, the inconsistencies between the Rome Statute and the CRC are a problem because prominent Western countries such as the United States (US), the United Kingdom (UK) and Australia continue to recruit before the age of 18, there is less incentive or moral pressure for struggling non-Western countries and militias to refrain from recruiting soldiers between the ages of 15 and 18, especially when a large proportion of their populations are under the age of 18 (Hart, 2006). As Hart (2006, p.21) contends: 'The potential dissonance between the projected image of care and protection of the young and actual practice is potentially compounded by the fact that recruitment efforts targeting schoolchildren continue apace'. Finally, as Honwana (2007) points out, there is a monitoring problem when states agree that soldiers who are recruited before the age of 18 will not be used on the battlefield before they legally become adults. Finally, in some African countries as well as other places characterised by great economic disparity and political instability, laws resting on the autonomy of states may be inapplicable (Honwana 2007). Where states do not have a monopoly on violence, laws cannot be enforced. Furthermore, the problem of child soldiering may not be prioritised where states are struggling with multiple internal problems such as internal conflict, poverty, malnutrition, unemployment and rapid urbanisation. In addition, because most of the international policies and laws are created to prevent children from participating in traditional warfare, they may be inappropriate in the context of the contemporary civil wars which are the dominant scenarios where child soldiers are utilised. As Hart (2006) points out, the CRC does not adequately acknowledge the contexts from which child soldiers emerge, namely contexts of 'global geopolitics, poor governance, free market economics, disease and environmental degradation' (Hart 2006, p.220).

The universal definition of a child used in much of the new legislation and the politics of ratification of international treaties is another reason cited for the failure to implement international treaties (Francis 2007). The Convention on the Rights of a

Child, the African Charter on the Rights and Welfare of the Child, the Cape Town Principles and the International Labour Conventions on the Worst Forms of Child Labour all identify 18 as the minimum age for involvement in armed conflict and define children as anyone under this minimum age. As mentioned earlier, the African Charter on the Rights and Welfare of the Child and the Cape Town Principles were both developed in Africa and both also use the 'Straight 18' approach, but Francis (2007, p.219) argues that the 'the elitist and Western-based composition of the participants at the 1997 Symposium limits the potential input of any "authentic" and practical definition/construction of childhood in Africa'.

In order to understand some of the challenges relating to the implementation of international law relating to child soldiering, it is necessary to carefully examine the way in which current discussions define a 'child' and a 'child soldier' as well as engage in a brief discussion concerning the agency of children engaging in warfare.

2.4.1. Definition of a Child

While there is fairly widespread agreement in the West that children are people under the age of 18 years, in many African contexts children are not defined in this way. Honwana (2006) questions the relevance of focusing international law on a universal definition of a child based on one's age. She argues that 'no single and universal concept of what it means to be a child exists' (Honwana 2006, p. 20). Universal definitions of a child do not correspond with local cultural definitions of a child and ignore the current crises faced in the home communities of the children, which include a young population, inadequate education and low employment (Francis 2007; De Berry 2001). In many communities, the arbitrary age of 18 could seem irrelevant when determining whether or not a person is fit to participate in warfare. In many traditional African societies the termination of childhood is not strictly dependent on age, but instead on community acceptance of an individual child's transition from childhood to adulthood, which is usually marked by a number of rituals and ceremonies that teach the child different lessons and help the community support the growth and development of the child (Honwana 2006). For this reason, Fox (2005, p.44) argues that 'it is a

misnomer in many parts of Africa to call a fourteen year old carrying an AK-47 a child soldier since local people may regard that young person as an adult’.

The discussion concerning the biological basis for distinguishing between an adult and a child must be addressed. It is true that there is a basis for this distinction in terms of moral and cognitive development; however, as Brocklehurst (2006, p.6) states, ‘children ...reach levels comparable with adults between the ages of twelve and fourteen. Druml (2009, p.1) agrees: ‘children are more malleable than adults’.

However, he also argues:

Anthropological and social anthropological and social work literature, ... suggests that children may have more agency over their conduct in conflict zones than international human rights and criminal law assumes” (Druml 2009, p.3).

Agency refers to the ability for someone to appropriately exert power and to make decisions and be held accountable for them. It is important to understand the degree of agency a child has when becoming a soldier in order to appropriately hold a child accountable for his or her actions. Currently, when adopting a universal definition of a child the assumption is that no person under the age of eighteen has the agency to make decisions regarding an occupation in soldiering; thus he or she cannot be held accountable for actions taken as a soldier - no matter the circumstance. Brocklehurst (2006) and Druml (2009), as quoted above, disagree with this understanding of a child’s agency. The problem here is that while degrees of agency may be subjective, international laws and treaties are meant to be objective. There is a practical reality to enforcing laws and treaties, and INGOs must take one stance on how to do this in order to create a norm and effect change. However, it is possible for international law to create a grey area between the ages of 15 and 18, where local laws, tribunals or truth and reconciliation commissions could rule individually whether or not the child can be judged culpable as an adult or innocent as a child.

Acknowledging local ways of defining childhood is important for attempts at reintegration and reconciliation. Although different cultures may not agree on the age, or even the indicators that describe the transition between childhood and adulthood; the

latter is often defined as ‘an achieved state in which one has required rational thought and sufficient knowledge to make good decisions’ (Brocklehurst 2006, p.3). Because this states is unique for each child, Honwana (2006) refers to the dual identity of a child soldier as both victim and offender, civilian and combatant, and argues for greater concern to be paid to the context in which child soldiers are first recruited and to which they are returned after wars are over. In many African contexts the ‘individuals who killed or saw people being killed are potential contaminators of the social body’ (Honwana 2006, p.6). For this reason, reintegration into society should not entail Western ‘psychotherapeutic approaches’, but instead should focus on traditional practices of healing and cleansing (Honwana 2006, p.6).

Using a contextual definition need not open the flood gates to considering all children as adults, nor does it justify the forced recruitment of children, but it does suggest the need for a case by case analysis of each conflict situation.

2.4.2. Definition of a Child Soldier

In addition to the challenges attendant upon defining a child, the question of how to define the term ‘child soldiers’ is also made difficult because there are many different categories of child soldiers. Francis (2007, p.215) argues that part of the problem with uniform categorization used in much international law is that ‘all child soldiers are often treated as the same, irrespective of how they were conscripted, what roles they performed, or the duration of active combat’. When classifying soldiers, a distinction is drawn between child soldiers involved in conflict situations (active combatants) and those involved in non-conflict situations (those playing support roles as ‘sex slaves, cooks, guards, spying and reconnaissance, mine sweepers, weapons and loot carriers’) (Francis 2007, p.215). In this way child soldiers are separated into combatants and child labourers.

Murphy (2003) furthers the distinction by creating four models of child soldiers in accordance with the manner in which they were recruited or became child soldiers: the coerced youth, the revolutionary, the delinquent, and the youth clientelism models. The

coerced youth model is a favourite of the media and features in popular films such as *Blood Diamond* (2006) and *Innocent Voices* (2005), depicting youths who were 'brutally coerced into military role and [are] thus passive victims of an insurgency movement' (Murphy 2003, p.64). A reality in Liberia and Sierra Leone, these are extreme cases of victims forced to be perpetrators. The second, revolutionary youth model 'views youth as rebelling against political and socioeconomic marginalization' (Murphy 2003, p.64). In contradistinction to the first model, in which a child is considered a complete victim who exercises no agency, in this model the social creativity of the youth is highlighted as he or she responds to the 'harsh conditions of failed state infrastructures as well as the economic opportunities of a revolutionary conflict' (Murphy 2003, p.64). The third, delinquent youth model, 'views child soldiers not as revolutionary idealists but as alienated opportunists exploiting the economic spoils of social turmoil' (Murphy 2003, p.64). Although this category appears to acknowledge a greater amount of child agency, the fact that a child under the age of 18 needs to respond to his or her economic surroundings by taking such drastic measures as to potentially kill indicates that the socio-economic structure in which the child exists has failed to provide for the child. Because of the widespread prevalence of inadequate socio-economic structures, Murphy (2003) goes on to describe the fourth model of child soldiers, which he calls the youth clientelism model. According to Murphy (2003, p.64) this model:

provides an analytical framework for considering how child soldiers manage their dependency and agency within an institutional structure of repressive patrimonialism in which their subordination to adults is based on a cruel mixture of brutality, personal benevolence, and reciprocity.

By considering a child soldier as more than simply a vulnerable, manipulated child, the focus is taken off the individual children and recruiters and placed on the socio-economic structure.

Murphy (2003) uses Max Weber's concept of patrimonialism to describe the dysfunctional relationship between states and the children who choose to become soldiers. Patrimonialism refers to the governmental structure that resembles a family structure and attitudes associated with that type of relationship: loyalty, patriarchy, and tradition. Thus Murphy (2003) argues that the states' failure in this role produces a

reaction in the children that could lead to their decisions to become involved in combat. Had the state been fully functioning in its patrimonial role, it would have provided for the children and alleviated adverse economic conditions whilst better providing for the security of its citizens.

As we have seen from this discussion of how to define children and child soldiers, one of the biggest problems with current legislation addressing the problem is that it rests on a universal view of children that sees all under-18s as children and regards children as 'immature and incapable of assuming responsibilities' (Honwana 2006, p.41). However, in certain contexts, those under the age of 18 may have considerable responsibility and may not be viewed as 'children'. This could be because as Brocklehurst (2006, p. 5) argues, 'perceptions of childhood and adulthood may vary with the (adult) priorities of society, particularly political priorities'. Furthermore, Hart (2006, p.220) makes the point that because children engaging in warfare are classified as 'vulnerable', Western critics of the use of child soldiers are able to present themselves as moral protectors of the vulnerable, while presenting African states and rebel groups as immoral exploiters of the innocent. The use of the 'Straight 18' approach tends to focus on the transgressions of poorer, Third World states (including, in particular, African states) and on rebel groups operating within these states. Western states are, for the most part, portrayed as innocent even though, as will be argued later, Western actors, such as arms manufacturers, do play a significant role in creating the context in which child soldiering can flourish (Stohl, R. 2002b).

2.5 Divergence between Universal Laws and Contextual Reality

There are numerous critiques concerning the applicability of high international standards in the context of the new war environment. One must consider the social, economic and political breakdown of the postcolonial state in Africa in order to understand the context in which child soldiering flourishes (Honwana 2006, p.29). While international debate about age limits and new legislation continues, the use of child soldiers continues unabated. There is a noticeable divergence between the universal laws created and ratified and the context in which the child soldiers live.

The debate around the definition of a child and the applicability of the 'Straight 18' approach is nested within a larger debate between advocates of universal and contextual approaches to addressing child soldiers. Questions may be asked about whether it is best to consider all under-18s as children or whether we ought to adopt different approaches depending on the particular situation of each conflict and to focus on addressing the context in which child soldiering flourishes rather than on pursuing and punishing those who recruit under-18s. In order to fully understand this debate, one must understand the push and pull factors that motivate a child to participate in conflict as a willing or coerced agent. De Berry (2001) identifies two contexts that contribute to potential environmental factors which affect child soldiers: the crisis of the state and local influences on children's participation in armed conflict. Concerning the crisis of the state she writes:

Throughout postcolonial Africa, it has been shown that a crisis of the state – a crisis so often manifest in ethnic conflicts over power and access to resources – leads to the proliferation of child soldiers not only because of the prevalence of civil conflicts but also because, in failing to bolster education and employment opportunities for young people, children are rendered particularly vulnerable to recruitment by rebel movements and are offered comparable opportunity, protection, and gains by being members of armed groups (De Berry 2001, p. 94).

She uses Uganda and the Uganda People's Army (UPA) as a case study to describe the type of atmosphere in which child soldiers flourish: military control over the state, autonomous children with little or no support or supervision, and widespread economic marginalisation in the communities (De Berry 2001, p. 98).

Honwana (2007) offers interesting insights into a contextual approach that could be used to address the issue of child soldiers. She argues that children affected by conflict do not constitute a homogeneous group of helpless victims but exercise an agency which has been shaped by their particular experiences and circumstances. Attempts to eradicate child soldiers therefore need to include larger strategies addressing poverty and inequality in societies. The task is to utilize a 'more nuanced perspective regarding the agency of child soldiers than that assumed by the Rome Statute' (Druml 2009, p.5). Druml (2009, p.5) goes on to describe such a perspective when he states:

On the one hand, these children are part of a collective whole, much like adults engaged in collective violence. In fact levels of coercion are more pronounced among groups of child soldiers owing to their youth and malleability. On the other hand, despite these powerful conformist impulses, the evidence reveals that some children play some role in their actions. These children are not like ordinary common criminals, but they are not completely hapless, either.

Fox (2005) response to Druml's (2009) call for a 'nuanced perspective' is a combination of the universalist and contextualist approaches to address the issue of child soldiers. While she highlights the inability of the universalist approach to address the nuances of specific situations such as the distinction between child labourer and combatant, she also argues that a wholesale adoption of a contextual approach would require considerable effort to determine whether a person under the age of 18 ought to be considered a 'child soldier' or a 'soldier child' (Fox 2005, p.43). The implication is that a soldier-child would possess more agency and thus be responsible for the atrocities he or she caused in wartime. On the contrary, the child-soldier possesses little or no agency and cannot be held responsible for the atrocities he or she committed. Brocklehurst (2006, p.11) agrees with this distinction as she writes, 'the most radical development in the legal concept of the child therefore has been the realization that the child has a degree of self-determination and autonomy, and can be assisted into making choices rather than being the passive object of concern. One obvious dilemma concerning the contextualist approach is identified by Fox when she highlights the fact that 'the contextualists have not yet worked out what rights and protection an under-18 'adult' would be entitled to, and which ones would no longer apply if he or she was to be granted adult status according to local custom' (Fox 2005, p.44).

In summary, Fox emphasises that the contextual approach's strength resides in the fact 'that child soldiers are understood within their own circumstances and environments, which is helpful for aid programs,' while the universalist approach can be 'best understood as necessary but only partial first steps in a long process' (Fox 2005, p.44). Although it would be difficult there are ways which one could combine them. One suggestion could be to lower the age of accountability to fifteen, instead of eighteen, in

international criminal courts universally, but allow for contextual rulings regarding people between the ages of fifteen and eighteen.

2.6 Conclusion

The drastic shift in warfare since the Cold War from interstate conflicts to civil wars has changed the setting of war which has, in turn, blurred the distinction between combatant and civilian and increased the use of children as soldiers. Since the 1940s there have been a plethora of international laws, principles and standards put in place to deal with this dilemma. However, the challenge of implementation remains. The translation of international law into domestic policy, the varying definitions of a child and the necessity to consider the contextual reality when creating universal laws are some of these challenges. To adequately encourage state actors to create domestic policies paralleling international law addressing the dilemma of child soldiers international players must address the macro crisis – poor governance, poverty, conflict, malnutrition, etc. – which affect state actors. In addition, since the children are fighting in local contexts, when creating a working definition of which combatants are considered to be ‘children’ and how these children’s situation should be addressed, international players ought to use contextual definitions based on local understandings of childhood and adulthood. If the divergence that exists between the universal laws and contextual reality could be transcended the multiple faceted problem of children acting as soldiers could be better addressed.

CHAPTER THREE: THE CSUCS'S STRATEGY TO ADDRESS THE ISSUE OF CHILD SOLDIERS

3.1 Introduction: The Coalition to Stop the Use of Child Soldiers (CSUCS)

In addition to individual state actors, there are numerous multi-state collaborations and non-state actors currently addressing the issue of child soldiers. The African Union, the United Nations and International Non-Governmental Organisations such as those forming part of the CSUCS also make efforts to change international humanitarian standards, ratify and implement treaties, as well as create and manage reintegration projects.

The CSUCS is a key network of INGOs advocating for the interests of child soldiers. Established in 1998, the CSUCS was created in response to Graca Machel's 1996 report on children in conflict. It was established through the collaborative efforts of members that now make up its current steering committee: Amnesty International, Defence for Children International, Human Rights Watch, *Terre des Hommes*, International Save the Children Alliance, Jesuit Refugee Service, and the Quaker United Nations Office-Geneva (CSUCS 2008). The overall goal of the CSUCS as stated in their literature is:

To promote the adoption and adherence to national, regional and international legal standards (including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict) prohibiting the military recruitment and use in hostilities of any person younger than eighteen years of age; and the recognition and enforcement of this standard by all armed groups, both governmental and non-governmental. (CSUCS 2008).

With networks in Africa, Asia, Europe, Latin America and the Middle East; as well as headquarters in London, it is a multinational collaborative and encompasses national, regional and international efforts to work towards the CSUCS's overall goal. It works toward this goal through efforts in advocacy and public education, research and monitoring, and network development and capacity building (CSUCS 2008). National coalitions in 35 countries throughout the world are made up of local and national non-

governmental organisations that work to promote the interests of child soldiers within specific countries. Every three years these coalitions help compile country specific data for the triennial *Child Soldiers Global Report* about the socio-political context of children in combat, the process of child recruitment, deployment of children, and other notable aspects of children in war such as demobilisation and recruitment programs. Regional coalitions work with a number of countries within a common area to challenge the issues unique to those areas. There are currently regional coalitions in the Great Lakes region of Africa, Southeast Asia, Latin America and the Middle East (CSUCS 2008).

The national and regional coalitions work intimately with the coalition headquarters not only on the publication of the Global Report, but also on the country information submitted to the UN Committee on the Rights of a Child which is supplied three times a year. This information helps the committee to achieve its stated goal of monitoring the progress in implementing the Convention on the Rights of the Child made by the governments whose operations it scrutinises (CSUCS 2008). Periodic reports are also created in areas of particular interest where children are believed to be in more immediate danger such as Israel, Palestine, and the Democratic Republic of Congo. In the arena of advocacy and public education, the CSUCS campaigns for the demobilisation of current child soldiers under the age of 18 and for state actors to accept the Optional Protocol to the CRC which raises the age at which soldiers may participate directly in armed conflict to 18. Finally, the CSUCS works at networking and capacity building to disseminate pertinent information regarding child soldiers to the public via the media and to promote various reintegration programs to assist former child soldiers (CSUCS 2008).

In less than a decade the CSUCS has made significant progress. It has been at the forefront of getting more than one hundred countries to adopt the Optional Protocol to the CRC. Three Child Soldier Global Reports and numerous additional publications have been produced with country-specific information and updates concerning the changing dynamics of children in combat. Thirty five national coalitions have been created as well as four regional coalitions (CSUCS 2008).

A special project of the CSUCS is the Disarmament, Demobilization, and Reintegration (DDR) project created and funded by the Diana, Princess of Wales Memorial Fund in 2001. The DDR project addresses the effects that soldiering has on children and attempts to strengthen the focus of the CSUCS on working with former child soldiers. The project collects weapons formerly used by child soldiers and in exchange for handing over weapons, the children gain access to programs and resources to help them reintegrate into the societies from which they have come (CSUCS 2008). Although there are DDR programmes in a number of the countries recovering from civil wars that utilised child soldiers, they remain underfunded and without adequate resources to make them successful. As the CSUCS indicates on their website: ‘Sustained long-term investment is needed if [DDR Programmes] are to be effective’ (CSUCS 2008).

Regarding policy, the CSUCS adopts the ‘Straight 18’ approach and works closely with the United Nations Committee on the Rights of a Child, which monitors governments’ implementation of the Convention on the Rights of the Child. It also strongly promotes the universal adoption of the Optional Protocol to the Convention on the Rights of a Child. Furthermore, it takes the limitation a step further and is critical even of the recruitment of children between the ages of 15 and 18 – a practice permitted by the Optional Protocol and common in many major Western countries including Canada, France, Germany, the United Kingdom, and the United States of America. Although the Optional Protocol does not allow for the use in combat of the recruited soldiers aged between 15 and 18, it allows for their recruitment and training. The CSUCS objects to this compromise position, instead favouring ‘a complete prohibition of all recruitment and use of under-18s for military purposes by any armed force’. The CSUCS’s argument against under-18 recruitment is twofold (CSUCS 2008). Firstly, children are exposed to the rough world of the military even when they are not directly involved in combat and are often exposed to both bullying and hazing activities as well as hazardous training activities. No children should be exposed to these conditions even when they are not combatants. Secondly, the CSUCS points out that recruiting under-18s is based upon the assumption that children under the age of 18 possess the autonomy to make binding decisions as to whether or not they will be involved in combat after the age of 18. The CSUCS questions this assumption.

3.2 The CSUCS and the Creation of a Universal Norm regarding Child Soldiers

One way to describe the CSUCS is to say that it is part of a transnational advocacy network sharing a common set of 'principled meanings, in this case about rights and obligations between political actors and human beings' (Carpenter 2007, p.101). INGOs, such as the CSUCS, help to create principles, norms, and rules regarding human rights through the various international campaigns in which they participate. In addition, they link with domestic civil society groups to help bring about change in human rights behaviour through implementation of these laws (Risse 2000). Composed of nongovernmental organisations, international organisations, governments and some key individuals, transnational advocacy networks lobby, set standards, monitor compliance, and shame norm violators. In particular, they work toward the 'construction and acceptance of specific problems as international issues in the first place' (Carpenter 2007, p.101). Price (1998) views the role of transnational civil society as an educator to state actors while Rutherford (2000) describes NGOs as agenda setters. Both emphasise the use of moral authority and authoritative knowledge in norm creation and development.

Price (1998) describes four pedagogical techniques used to generate new norms: the process of disseminating information, the creation of networks, the grafting of new norms onto old norms, and the insistence that states justify their positions on humanitarian concerns (Price 1998). What Price (1998) calls the process of disseminating information has been referred to by other authors as norm emergence, issue generation, or agenda setting (Sikkink 1998; Hamberg 2007; Rutherford 2000). Through disseminating information, non-state actors such as the CSUCS are able to get a specific issue on the international agenda. According to Carpenter (2007, p.113), the actors primarily responsible for this stage of norm creation are Western organisations that can maintain a web presence and communicate with numerous actors at once. He calls them 'the gatekeepers' who 'play the greatest role in shaping the issue pool in an advocacy arena' (Carpenter 2007, p.113).

After a norm emerges and is recognised by the international community, the next step is for it to be accepted by the international community. Acceptance comes through the latter three steps of norm development: networking, grafting, and pressuring states to justify the positions they have taken (Price 1998). Networking involves communication and cooperation between NGOs, governments and international organisations. Grafting – the way the issue at hand is framed so that it is accepted by the actors concerned – is then pursued by NGOs. NGOs must find a means to frame an issue by shaping the ways that issues are conceptualised and understood in a manner similar to other issues so that they can be identified as human rights issues (Price 1998). Finally, transnational advocacy groups demand state justification for positions on humanitarian concerns and in this way are able to shift the burden of proof from themselves to the target governments (Price 1998; Hamberg 2007). According to Sikkink (1998, p.518), after a norm has been accepted by numerous parties ‘norm cascade’ may occur. A norm cascades when a critical number of parties adopt the norm and it hits a ‘tipping point’, at which time it cascades and becomes almost universal in its adoption. Once this has happened, the ‘norm entrepreneurs’ – or key actors who promoted the norm most successfully – often gain recognition for their role (Carpenter 2007, p.113).

Many argue that the CSUCS has successfully developed an international norm concerning child soldiers. As the only international advocacy network solely addressing the issue of child soldiers, the CSUCS has successfully fulfilled its goal of promoting the Optional Protocol to the Convention on the Rights of a Child, along with the associated definition of a child soldier and the international call to prohibit the use of child soldiers and prosecute perpetrators. However, despite the fact that the norm has emerged and the issue of child soldiering has been brought to the forefront in human rights debates, the reality of child soldiers has not changed significantly. I argue that part of the reason for this lack of change is related to problems with the norm that was created by the CSUCS, each of which are discussed in some detail below. Firstly, the norm has been developed, but not successfully translated or ‘diffused’ into local societies (Hamburg 2007). Part of the reason for the inadequate diffusion of the norm relates to its use of the ‘Straight 18’ approach. The second problem with the norm is

that it emerges from processes that exclude local actors, thus ignoring crucial domestic actors and making it difficult to shift the burden of responsibility to the appropriate parties. Finally, the norm's effectiveness is undermined because insufficient attention has been given to economic factors such as the manufacturing of small arms.

3.2.1. Problem One: While the norm has been successfully developed, it has not been successfully translated or diffused into local societies

Concerning child soldiers, there have been problems with norm diffusion. Hamberg (2007, p.2) argues that, even though there is a strong norm against the use and recruitment of child soldiers in the Western/developed world, the number of child soldiers continues to increase. The diffusion process usually occurs during the grafting stage – where definitions are created based on previously accepted definitions; and during the process of demanding state actors' justifications for positions on humanitarian concerns – when transnational civil actors are able to shift the burden of proof from themselves to the state actors and non-state actors responsible (Price 1998). The reason why the norm developed by the CSUCS has not been successfully diffused is not, I argue, primarily attributable to the failure of INGOs to be morally persuasive. Rather, the problem resides in the current norm itself and its inability to be adapted to suit local contexts. Carpenter (2007, p.102) draws attention to the complex 'dynamics of norm emergence' which determine which norms are successful in changing the human rights agenda and influencing international attitudes and actions. From this perspective, the norm created by the CSUCS failed to diffuse effectively because it does not adequately fit the contextual reality in which child soldiers emerge; thus local actors have little interest in following it and feel little moral obligation to heed it. Hamberg (2007, p.5) supports my argument as he states: 'When attempting to explain the failure of diffusion of the child soldier norm, some analysts point out that Western conceptions of children and childhood are not shared universally by all cultures'. He also alludes to this issue when he argues that 'A reduction in the use of child soldiers is less likely if domestic opposition in favour of the norm is weak and where non-governmental rebel groups are the main users of child soldiers' (Hamberg 2007, p.6). However, Hamburg does not further develop this point in his argument and instead

proposes other processes by which INGO networks could work to successfully diffuse the current child soldier norm.

Rutherford (2000) states that there are two levels of agenda setting carried out by INGOs in this process: cognitive agenda setting and norm agenda setting. Cognitive agenda setting sets up the argument that the actions of certain state actors raise humanitarian concerns. Norm agenda setting is the process through which policies and laws aimed at proscribing state actions are outlined. Both processes are similar and involve three components: framing, schema, and priming (Rutherford 2000, p.75). Currently, the CSUCS has framed the child soldier norm in conformity with a universalistic or 'Straight 18' definition of a child. A norm surrounding child soldiers was established through both a cognitive and norm agenda setting process that appealed to this definition. The organisations strategically worked with other organisations and policy makers to promote the adoption of their norm. Finally, the CSUCS targeted (or 'primed') key actors through the reports given to the Office of the Special Representative of the Secretary General for Children and Armed Conflict (CaAC) and through the interaction that the CSUCS has with the CaAC.

The process the CSUCS followed for establishing the norm was effective and correct. In addition, one must take special note concerning the difficulty of disseminating a norm as well as creating a moral argument that concerns security issues and relies upon the actions of authoritarian and democratic governments. However, despite the difficulties of the task ahead of the CSUCS, the problem remains that the norm chosen has numerous flaws, many of which have already been highlighted, for example the lack of recognition for local complexities and for the economic context that impedes state actors' abilities to implement such a norm. As highlighted earlier, a consideration of these complexities suggests that it would be better for international organisations to adopt a contextual approach and work toward establishing a norm that takes into account the challenges that individual state actors face when attempting to implement the norm in domestic policy. This contextual approach is described by De Berry (2001) as entailing a more flexible definition of what constitutes a child by including additional variables to age and by incorporating local governments and communities

into a discussion concerning this definition of a child and, correspondingly, the definition of child soldiers. By perpetuating a universalistic approach, international non-governmental organisations give inadequate attention to local and global economic forces which undermine the international policies they help to create and implement. International non-governmental organisations need to consider a child's agency as well as the local influences on a child's decision to become a soldier. Frustration caused by the injustices faced by community or family, as well as economic disparity and social relations which favour aggressive and powerful male gender roles, all encourage soldiering as a viable option for children (Francis 2007; De Berry 2001).

By addressing these impeding forces, international non-governmental organisations might then be able to take the second step of addressing the conflict in a contextual framework alongside local actors and considering local influences that will affect the implementation of any law relating to child soldiers.

3.2.2. Problem Two: By focusing on legislation and processes that do not include local actors, the burden of responsibility could not be shifted to the appropriate parties as crucial domestic actors were ignored.

A norm that is insensitive to the particularity of the local situation and is developed without the input of local actors is bound to run into difficulties in the final stages of norm development (Price 1998). Hamberg (2007, p.4) states that it is particularly important to include domestic actors in the process of norm diffusion. 'Successful norm diffusion...requires a push from below as well from above'. This argument can also be extended to include norm development. Although it is true that the CSUCS has local affiliates in many of the states it is working with to stop the use of child soldiers, the local actors with whom state actors work are often not included in the discussions pertaining to the campaigns or to the 'the international legislative multilateral diplomacy processes where agreements and protocols are negotiated and signed' (Hamberg 2007, p.4).

Local actors' participation in the CSUCS is limited to following the directives given by the international steering committee. Although many local actors function as an important support system for the reintegration of child soldiers, few have any input into the legislation that affects their work. However, these debates do affect their work. As Druml (2009, p.3) points out:

...the Rome Statute's collectivization of innocence negates agency for children and thereby risks inhibiting accountability mechanisms from outside the criminal law, such as truth commissions or community service requirements, for children who commit atrocity.

By not considering the potential accountability of child soldiers, the complex realities of their lives are not heeded and the violence they commit remains unaddressed in the communities. Druml (2009, p.11) rightly argues that 'an absence of any accountability measure hinders the reintegration and rehabilitation of child soldiers'. This accountability narrative is identified by Brocklehurst (2006) as a popular one in non-Western frameworks of childhood. She states:

In the Western legal framework children have been seen as people without responsibility, for whom obligations, that is the observ[ation] of rights, are not applicable. Children, having no obligations to others, therefore hold a different claim to rights than do adults. In summary children have only rights. The obligations are those of society. This assumption is contradicted by many children's experiences (Brocklehurst 2006, pp.10-11).

Finally, in her interviews with practitioners involved in practically addressing the issue of child soldiers, Honwana (2006, p. 38) found that most of the people she spoke with in the field were not aware of the debates and when she mentioned them to people they responded that they 'would say that they would rather have the international community focus on ways to stop the recruitment of younger children under the age of 15 rather than start by raising the existing minimum age, which was not observed anyway'.

Militia groups are another category of local actors who have been excluded from the international legislation processes. The Optional Protocol intentionally frames the

requirement for the recruitment of children differently for militia groups and state actors. While Article 1 makes it permissible for state actors to recruit between the ages of 15 and 18; Article 4 makes it impermissible for non-state armed groups 'under any circumstances, [to] recruit or use in hostilities persons under the age of 18 years'. The reasoning here appears to be that state actors would be better able to ensure that those recruited under 18 would not be used in armed conflict and better able to regulate the recruitment of under-18s. However, in situations where the state is not able to provide adequate proof of age in the form of birth certificates, provide evidence that recruitment strategies are non-coercive, or offer special protection to persons under the age of 18, making the distinction between the rights of states concerning the use of child soldiers and the rights of non-state actors concerning the use of child soldiers is not justified.

Some have argued that this distinction works in the favour of powerful state actors like the US, UK and Australia, who actively engage in recruiting under-18s (De Berry 2001). With powerful state actors essentially excepted from the rule that the Optional Protocol is attempting to promote, the possibility of successfully shifting the burden of responsibility to other state actors and non-state actors who currently utilise child soldiers is undermined. When international treaties and international coalitions are seen as simply another platform for powerful state actors to participate in humanitarian issues which serve their interests or at least do not impede their interests, then norms that change behaviour will never be developed. Rosen (2007, p.300) notes that 'From the very beginning, political concerns trumped humanitarian ones as these states refused to accept a comprehensive ban on child soldiers'. Hart (2006, p.223) claims that humanitarian rhetoric can be a guise for political aims, aims which do not hold the interests of the children as the most important:

The language of humanitarian concern itself provides a useful cover for the pursuit of political and military aims – the deflection of potential criticism for domestic and foreign policy, the vilification of enemies, and the removal from the battlefield of adversaries who pose little threat militarily, but may be damaging to morale and public relations.

Some even argue that there are political implications concerning the 'Straight 18' definition of a child. Rosen (2007 p.304) argues from an anthropological point of view

that the 'humanitarian definition of childhood' is 'embedded in transnational politics, is not cross-culturally grounded, and is extremely limiting'. Brocklehurst (2006, p.10) agrees:

A Western and liberal model of childhood employed in the convention is identified for criticism. Debates over conceptions of children are however extremely complex beyond the evident differences in conceptions held across different cultures and jurisdictions.

This emphasizes the previous point that local actors should be involved in the development of the international norms. In summary, 'effective implementation of the CRC will be successful when it is considered less as a global charter and more as needing to be based in knowledge about the realities that frame children's lives' (De Berry 2001, p.92).

When criticizing the universal norm argument, a consideration should be given to the debate regarding the differences in focus between Northern and Southern INGOs. Currently, most INGOs are based in the North or Western World, as is the CSUCS. There is a common problem - not exclusive to the CSUCS - of Northern INGOs assuming universal definitions that do not incorporate local knowledge.

In their book, *Ethics in Action: The Ethical International Human Rights of Nongovernmental Organizations*, Bell and Coicaud (2007, p.4) state: 'the history of aid projects in the developing world is littered with blunders that could have been avoided with more detailed local knowledge'. Bell and Coicaud (2007) offer suggestions for ways in which Northern INGOs can address the problems associated with Northern INGOs giving aid to Southern recipients. Although there are several suggestions, three are applicable to the CSUCS. The first suggestion is to distinguish between short and long term ways of challenging local cultural norms that could compete with a universal human rights norm. Bell and Coicaud (2007, p.7) state that the best way of doing this as described by Bonny Ibhawoh is to distinguish between norms that are systemic in the forms of 'errors of omission', and those that are done by individuals described as 'errors of commission', addressing the latter immediately, and the former through slow systems change. The second suggestion is to compromise on the human rights norm 'assuming that some change is better than none' (Bell &

Coicaud, 2007, p.7). One example of this was given by Bell describing how an INGO that favoured gender equity in local government compromised with competing patriarchal norms by not agreeing to thirty percent representation by women on local boards (Bell & Coicaud, 2007, p.7). Finally, the last suggestion given by Bell and Coicaud (2007, p.7) - heralded as 'perhaps the most culturally sensitive response' - is to 'allow for institutional learning in response to input from non-Western cultures'. In other words INGOs would allow for the norm to be developed with non-Western cultures (Bell & Coicaud, 2007, p.7).

The first two suggestions made by Bell and Coicaud (2007) are attempted by many Northern INGOs, and have been addressed by the CSUCS. The CSUCS challenges the local cultural norms that consider children as adults through local education programs as well as working with states to declare children's rights under the age of 18 (Duthie 2005). In contrast, the CSUCS follows the second suggestion of Bell and Coicaud (2007) concerning first world powerful countries, but not for others. An example of this inconsistent compromise occurs when the CSUCS allows states to sign the CRC without adhering to the Straight 18 approach. However, while Northern, more powerful states face no global consequences by not adhering to the Straight 18 approach, Southern states can face consequences connected to depletions in foreign aid. In this example, the Northern INGOs are not necessarily making the compromise for the Southern governments because they need time to change, but instead to the Northern governments because of the latter's power in the global system.

The third suggestion made by Bell and Coicaud (2007) is not taken by the CSUCS and is what this paper argues is necessary to make the CSUCS more effective in its goals and overall mission. If the CSUCS allowed the norm concerning child soldiers to be developed with non-Western cultures, they would invite new and unique ways to address the issue such as community based restorative justice practices and local truth and reconciliation commissions (Duthie 2005).

3.2.3. Problem Three: An effective norm would consider the economic factors and would specifically demand action by those who profit from the use of child soldiers.

In addition to the conception of a child, there are other factors to which the CSUCS pays inadequate attention, largely connected to new technologies which empower children to be as effective as adults in wars. There is a supply of child soldiers because there is a demand (Hamberg 2007, p.6). One explanation for this demand is the utility of children as soldiers. Children are currently useful in battle because they are not only obedient and easily manipulated to do the bidding of commanding officers but also effective killing machines when armed with light weapons and small arms (Hick 2001; Farr 2004, Stohl, R. 2002a). In the past weapons were too heavy and complicated for a child to operate as effectively as an adult. However, today children can handle M16s or AK-47 assault rifles easily, in addition to being able to utilise hand grenades, landmines, and other explosives (Honwana 2006, p. 31).

The current norm surrounding child soldiers does not effectively pave the way to address the international economic context that makes these types of weapons available to state actors and non-state actors alike, boosting the utility of children as soldiers and thereby perpetuating the cycle of children as soldiers. In addition, there is a contradictory divergence that occurs in the Western world between the emergence of new technologies which enable smaller children to engage in warfare and the insistence on describing under-18s as children (Singer 2006). While children are being defined as more vulnerable and dependent human beings, they are also empowered in the context of non-traditional warfare to engage as adults and wield weapons easy enough for them to use.

Singer (2006, p.1) states that there are ‘three broad, and often interrelated, dynamics that led to both the emergence and the rapid growth of the child soldier phenomenon’. These are socioeconomic changes, technological developments and the changing contexts of war (Singer 2006, p.1). Some argue that conflicts in the developing world have been triggered or exacerbated by socioeconomic changes related to the controversial structural adjustment programs implemented in many African countries

(Callaghy 2001). According to Callaghy (2001, p.115) 'one of the primary results of structural adjustment has been rising levels of external debt'. While states are busy paying off debt they have less resources available to them to both implement international treaties and work towards preventing the use of children as soldiers. In addition to this problem, new warfare technology and the changing nature of warfare discussed earlier both provide a context in which child soldiers are likely to emerge. The norm established by the CSUCS does not highlight these factors when attempting to address the situation of child soldiers. Until the norm heeds the 'socio-economic disconnection and technological efficiency gains in small arms children [will continue to] represent an easy and low cost way to mobilize armed force' (Singer 2006, p.14).

3.3 Conclusion

The CSUCS has successfully managed to draw up and promote a norm relating to the problem of child soldiering. It has managed to push for this issue to be addressed in international legislation and to receive increasing attention in the international arena. However, CSUCS activities have not managed to effectively implant a humanitarian norm that would adequately prevent the use of children as soldiers. This is not, I argue, because the diffusion and implantation of such a norm is impossible, but rather because of specific shortcomings with the norm created. It is possible for international campaigns to create a humanitarian norm, develop the norm in collaboration with local actors, and diffuse it successfully through shifting the burden of proof to the responsible parties, thereby producing effective change. I now turn to the ICBL as one example of a successful grassroots campaign that not only diffused a norm that was in contrast to the interests of powerful state actors but also addressed the economic factors that perpetuated the continued use of landmines in war.

CHAPTER FOUR: LESSONS FROM THE ICBL

4.1 Introduction

Many of the difficulties experienced by the Coalition to Stop the Use of Child Soldiers (CSUCS) are not new to the INGO sector. Realists and neorealist theorists, such as Kenneth Waltz (1999), use this fact to argue that institutions cannot influence the state to act beyond its interests; thus the quest of the INGOs to get state actors to change – in the eyes of these theorists – is a fruitless one (Waltz 1999; Puchala 2003; Rutherford 2000). However, neoliberal institutionalists – of whom Keohane and Nye (2003) are prominent examples – take a different perspective and argue that INGOs can influence the states, even causing them to act against their interests as in the case of the International Campaign to Ban Landmines (ICBL) has demonstrated (see also Price 1998; Rutherford 2000). The growing international human rights regime – made up of institutions, international non-governmental organisations (INGOs) and their campaigns – can be a force for change in world politics (Puchala 2003).

Reviewing Neoliberal Institutionalism and the impact that transnational civil society can make on norm creation through the work of INGOs will establish a basis of comparison between two prominent INGOs working on humanitarian issues concerning war.

Contrary to Realists, Neoliberal Institutionalists believe that although state actors are still key sources of power within the global power structure, there are additional sources of power in the form of institutions and regimes. The emphasis that these theorists make is on the cooperation that exists between states and non-state actors, particularly through the work of institutions. One seminal work on this theory is Robert Keohane's (1984) *After Hegemony* that describes the world as being without hegemonic superpowers but with several regimes and institutions. Instead of competing for resources or advantages, states seek to maximize their interests through cooperative strategies proposed by institutions. Institutions create these strategies upon sets of formal or informal rules that prescribe a specific behavior to which states should adhere. In addition they can also 'constrain activity and shape expectations' of the state

actors (Keohane, 1988: 380). This theory provides a basis to see institutions as more than simply pawns of state actors, but instead as influential players in the global society.

Neoliberal Institutionalism is a platform by which to describe transnational civil society. While the world has been globalizing in the twentieth century two things have simultaneously occurred: the structural transformation of the nation state; and the development of transnational civil society action (Richter et al. 2006, pg.1). Both aspects of transnational civil society are important to fully understand the term transnational civil society, also known as global civil society. First, *transnationality* describes the power that has occurred beyond the scope of the nation state in the context of institutions, particularly INGOs. Second, *civil society* describes the institutions and organizations which developed rapidly since the Civil Rights Movement in the 1960s to address human rights and environmental issues (Richter et al, 2006., p.11). Bell and Coicaud (2007, p. 1) agree with both aspects when they describe INGOs as ‘generating a new type of political power, the purpose of which is to secure the vital interests of human beings on an international scale, regardless of state boundaries’.

INGOs, which are the focus of this research, are one aspect of transnational civil society. According to Richter et al (2006:14) ‘Some observers and analysts see in the involvement of INGOs in international politics the quintessential of international society’. Furthermore, the authors argue there are three components of INGOs. First there is a collaborative nature in the group, meaning that the group collaborates based on common interests to achieve a common goal. Second, INGOs focus on humanitarianism and because of this have a platform to work outside of the state system to address their issues. This particular focus on humanitarianism and the justification for it to be addressed globally began in the 19th century, but became widespread post-WWII to address the devastation of war worldwide. Finally, INGOs incorporate an element of social activism. This development has occurred mostly since the 1970s when social movements became more popular (Richter et al, 2006:13).

4.2 The International Campaign to Ban Landmines (ICBL)

For most of this thesis, the discussion has focused on one particular INGO: the CSUCS. At this point it is useful to examine another INGO, the ICBL, and to compare its approach with that of the CSUCS. Prior to the creation of the ICBL in 1991, there was only one international law addressing land mines: Protocol II of the Certain Conventional Weapons Convention (CCW); adopted in 1980 and put into force in 1983. In its wording, this convention prohibited the indiscriminate use of anti-personnel mines; however in reality the Convention had a number of shortcomings and blind spots. It didn't account for the fact that mines outlive their effectiveness; it wasn't applicable to conflicts within countries; it didn't prohibit the use of non-detectable mines; and it lacked implementation, monitoring and compliance mechanisms (Mekata 2000). Proof of the ineffectiveness is evident in the statistics concerning landmines in the early 1990s: 52 countries were manufacturing more than 340 types of anti-personnel mines; 5-10 million anti-personnel mines had probably been produced annually for the past 25 years; there existed an estimated 80 to 110 million mines in the world with 2.5 million new mines planted every year and only 80 thousand cleared annually. Finally, only 40 states had signed the convention. Those who chose not to sign included the major mine creator countries: Britain, Israel, Italy and the US; as well as mine infested countries: Afghanistan, Angola, Bosnia, Cambodia, and Mozambique (Mekata 2000).

The International Campaign to Ban Landmines began when two organisations (the Vietnam Veterans of America Foundation and Medico International) met in Washington D.C. in 1991 and decided to lobby for a revision of the CCW or call for new legislation surrounding landmines. After recruiting four additional organisations – Handicap International, Human Rights Watch, Mines Advisory Group, and Physicians for Human Rights – and appointing activist Jody Williams to be the coordinator, the organisation began to establish its goals. The first was to work towards an international ban on the use, production, stockpiling, sale, transfer, or export of anti-personnel mines. The second was to establish an international fund, administered by the UN, to promote and finance mine victim assistance programs and land-mine awareness,

clearance, and eradication programs worldwide. Finally, the third was to demand mandatory contributions to the international fund by countries responsible for the production and dissemination of anti-personnel mines. The initial strategy of the ICBL was to lobby governments based on the existing humanitarian law, such as Article 51 of Additional Protocol I to the Geneva Conventions of 1949 which prohibits 'indiscriminate attacks' and Protocol II to the CCW which prohibits the indiscriminate use of landmines (Mekata 2000).

The ICBL later began to campaign for new legislation. Their attempts, which will be discussed in more detail later, resulted in a new treaty – the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (usually known as the Mine Ban Treaty) which came into existence in 1997 (UNOG 1997). This treaty states that signatory states will not produce, use, stockpile anti-personnel landmines. Nor will signatory states assist other countries to use, stockpile or produce anti-personnel landmines. In addition, the signatory states agree to destroy all previously created anti-personnel landmines that may be in the states' arsenals (ICBL 2008). The Mine Ban Treaty brought about many changes to landmine policy and effectively changed the ways in which state actors viewed humanitarian concerns in conventional warfare.

The ICBL's Campaign resulted in 12 countries completely destroying their mine arsenals, and a decrease in the number of countries producing anti-personnel mines from 54 to 16. Furthermore, 11 major donor countries initiated nearly a 100 new mine action programs in 25 countries (Mekata 2000). The ICBL's Campaign was also commended for getting results quickly. Rutherford (2000, p.75) states that the Mine Ban Treaty was the 'quickest major international agreement ever to enter into force in history'. This speedy process was due to the transformation of the debate from one that focused on military and security issues to one that focused on humanitarian concerns. The involvement of INGOs as primary players, instead of secondary actors, created a more transparent and unconventional negotiation process when the Ottawa process took place after the Convention on Conventional Weapons was at a stalemate in banning landmines.

The structure of the ICBL is minimally bureaucratic. Because of this it can work in different arenas and utilize the four pedagogical techniques discussed earlier in order to set the agenda for states on human rights issues (Rutherford 2000; Price 1998).

Although the CSUCS has been very instrumental in attempting to change state action concerning child soldiers, its limited success to date may be attributable in part to a failure to employ similar techniques to those employed by the ICBL.

The achievements of this campaign suggests that INGO campaigns can indeed successfully change international norms (Mekata 2000). The manner in which the ICBL formulated its goals, as well as the context-sensitive institutional forms and mechanisms through which it realised these goals and succeeded in changing international and domestic laws, make it an example to other campaigns and worldwide movements. Although realists may argue that in this example transnational civil society did not relocate authority away from the states; the effective establishment of new norms regarding human rights confirms the affirmation that 'under certain conditions NGOs can contribute to creating international law' (Rutherford 2000, p.75). Examining the efforts of the CSUCS in comparison with the success story of the ICBL provides insights into how the CSUCS might best influence world politics through the mechanisms of transnational civil society.

4.3 Similarities between the ICBL and the CSUCS Concerning Issue, Structure, and Norm Development

There are similarities in terms of the problems the CSUCS and the ICBL address, the structure of each campaign, their overall objectives, and the process by which new norms were established. Both the ICBL and the CSUCS address war-related issues and petition state actors to act against their interests to forego the use of weapons and agents of war in the light of humanitarian concerns. Both are made up of extensive networks of INGOs and supportive parties which include some state actors. Both have the overall objective of ending human suffering through political and social

agreements. Finally, both work in a systematic way to create new norms relating to humanitarian concerns.

4.3.1 Issue and Structure

The ICBL and the CSUCS deal with addressing issues around war and petitioning state actors to potentially act against their security interests. Transnational civil society networks challenge state actors when they demand that the latter forego the use of weapons and agents of war in light of humanitarian concerns. Both issues are part of a larger question of global governance as both challenge state actors' autonomy and monopoly on violence (Sikkink 1998). Sikkink (1998, p.517) states that 'because international human rights norms question state rule over society and national sovereignty, human rights issues offer particularly potent challenges to the central logic of a system of sovereign states'. The ICBL campaigns to challenge state actors' use of landmines as a means to ensure state security (Price 1998). It equates the use of anti-personnel (AP) landmines to the use of chemical or biological weapons and has managed to effectively convince many states that their use of landmines was morally wrong. Similarly, the CSUCS campaigns against the use of children as soldiers, highlighting the moral issues that are involved in employing children in combat.

Both the ICBL and the CSUCS highlight issues that were previously addressed in international law, but not to a degree that brought about effective change. As mentioned above, prior to the creation of the ICBL there was only one international law specifically addressing landmines: Protocol II of the Certain Conventional Weapons Convention (CCW) (Mekata 2000; Rutherford 2000). While this convention explicitly prohibits the indiscriminate use of landmines; it has a number of shortcomings and blind spots. It does not account for the fact that mines outlive their effectiveness; it is not applicable to conflicts within countries; it does not prohibit the use of non-detectable mines; and it lacks implementation, monitoring and compliance mechanisms (Mekata 2000). The ICBL lobbied for legislation that would fill these gaps and was successful when the Mine Ban Treaty was signed. Similarly, the use of child soldiers was also addressed in international law prior to the CRC, but not in a manner which

brought about significant change. The increase in the number of international laws and treaties in response to the CSUCS was one of the contributions it made to addressing the issue of child soldiers.

Consisting of extensive networks of INGOs and supportive parties, the ICBL and the CSUCS have similar structures. Steering committees made up of key INGOs comprise the leadership structure of both the ICBL and CSUCS. The structure of both organisations is similar and they even share one member - Human Rights Watch. The ICBL and the CSUCS work with similar international institutions and organisations including local NGOs, the United Nations and the International Committee of the Red Cross (Rutherford 2000). The UN is involved with both campaigns and has published their own materials on AP landmines and child soldiers, drawing on the findings of the ICBL and CSUCS. Finally, regional organisations, such as the European Union and the African Union (as well as its predecessor, the Organisation for African Unity), were brought on board to support a total ban of landmines and child soldiers from a humanitarian perspective (Rutherford 2000; Mekata 2000).

4.3.2. Norm Development

The multilateral and multifaceted lobbying efforts of both organisations ‘produced a complex mosaic of mechanisms’ that led not only to a change in law, but also to a change in the processes by which laws are created (Hocking & Smith 1995, p. 321). As educators and agenda setters, both the ICBL and the CSUCS used moral authority and authoritative knowledge to help create a norm by disseminating information, creating networks, grafting new norms onto old norms, and demanding states’ justification for positions on humanitarian concerns (Rutherford 2000; Price 1998). In the process of disseminating facts about AP landmines, the ICBL taught states ‘about what is appropriate or useful’ (Price 1998, p. 621). The CSUCS also used moral authority to challenge the use of children in conflict by creating reports highlighting the atrocities perpetrated by children in warfare and frequently referring to Machel’s (1996) report which does the same. In both cases, the INGOs assumed a position of moral authority

and effectively used their knowledge to challenge state actors' views on anti-personnel landmines and child soldiers. Concerning landmines, Price (1998, p.623) states:

Indeed the statistics generated by the campaign, combined with personal testimony and graphic images of land mine victims, brought to the foreground an issue that became not only highly publicized but also had a galvanizing effect on recruiting converts to the cause among many of those exposed to the tragedies.

Norm agenda setting was a process adopted by both the ICBL and the CSUCS. After the ICBL effectively brought the issue of landmines into the media and thereby introduced it into public consciousness worldwide, it focused on norm agenda setting in an attempt to transform government policies on the use of landmines. The ICBL focused on humanitarian concerns instead of military utility (Rutherford 2000). The debate about landmines instigated by the ICBL took place among the wide array of actors participating in the discussion; although the real face-off was between those favouring a total ban, such as INGOs and signatory states, and those opposed to a total ban, such as the US, China, Russia. The ICBL used the media to highlight the underdog nature of NGOs challenging world powers and to focus on high profile pro-ban individuals such as Princess Diana, Nelson Mandela and Pope John Paul II (Rutherford 2000; Mekata 2000). Finally, the ICBL drew attention to the killing and mutilation of landmine victims in order to underscore the moral issues at stake and to stigmatise the weapons and anyone using them (Rutherford 2000). Similarly, the CSUCS highlighted the immorality of the use of children under eighteen as soldiers. Stories of particular child soldiers in different regions throughout the world explaining the situations in which they were forced to become soldiers and were at times even forced to inflict harm on community members and loved ones, as well as images of soldiers carrying automatic or semi-automatic weapons are used to stress the humanitarian concern. However, besides Graca Machel and actor Nicolas Cage, there have been few celebrities or prominent international figures who have specifically targeted the issue of child soldiers as a humanitarian action campaign.

In summary the mechanisms of the ICBL and the CSUCS effectively generated new international norms prohibiting the use of landmines and child soldiers through education and agenda setting. Some attribute these developments to the ability of

INGOs to invoke moral authority for their causes and to back this up with extensive knowledge of the issues in contention. Risse (2000, p.186) argues:

The influence of transnational civil society in the human rights area stems from the power of moral authority and legitimacy, on the one hand, and the accepted claim to authoritative knowledge, on the other.

The impact of transnational civil society cannot wholly depend on its ability to appeal to commonly-accepted moral standards when addressing global humanitarian issues. The 'authoritative claim to knowledge' gives transnational organisations credibility as well as a direct influence on the creation of norms in the form of international law, and a means to keep media attention on the issue (Risse 2000, p.186). For example, the ICBL focused on keeping a steady influx of information on the topic to 'keep the subject alive in newspaper and politics' and '[inform] international public opinion' (Mekata 2000, pp. 151, 153).

4.4 Differences Between the ICBL and the CSUCS Concerning Goals, Process and Economic Concerns

Despite the many similarities, there are crucial differences between the CSUCS and ICBL concerning their formation of goals, the processes through which these goals are grafted into norms, the processes of having these norms accepted by the international community and in their abilities to address economic concerns.

4.4.1 Goals

The first difference between the ICBL and the CSUSC concerns their goals. While the goals of the ICBL are clear and unwavering; the goals of the CSUCS have been ambiguous and compromised. Hamburg (2007, p.5) argues that this is because the norm established by the ICBL is 'unambiguous' while the CSUCS is attempting to establish a 'norm where cultural ambiguities exist'. While there is no difficulty determining whether something is a landmine or not, ambiguities exist relating to when a person is sufficiently mature to be able to become a soldier.

At the London Conference in 1993, the steering committee of the ICBL met for the first time to specifically establish goals and participate in a dialogue about potential strategies for individual country campaigns (Mekata 2000). The first goal established by the steering committee, was to work towards an international ban on the use, production, stockpiling, sale, transfer, or export of AP mines. The second was to establish an international fund, administered by the UN, to promote and finance mine victim assistance programs and land-mine awareness, clearance, and eradication programs worldwide. Finally, the third was to demand mandatory contributions to the international fund by countries responsible for the production and dissemination of anti-personnel mines (Mekata 2000).

From its inception, the ICBL took a multilateral approach to achieve its goals and focused primarily on supporting domestic campaigns within countries. Risse (2000, p. 186) states, 'transnational civil society does not operate solely within the frameworks provided by international organisations such as the UN. Rather, the effectiveness of human rights INGOs depends on their grounding in domestic civil societies'. Throughout the campaign, local actors were encouraged to utilize strategies unique to the individual country. Mekata (2000, p.148) describes the franchise-like nature of the campaigns: 'Participants acknowledged and welcomed the loose associational character of the ICBL network to maximize and respect the autonomy of national actions'.

In summary, there are two distinct differences between the goals of the ICBL compared to those of the CSUCS. First, the ICBL refused to compromise its goals from their inception. The CSUCS compromised its goals immediately by promoting legislation that was not in line with its goals and established goals that were not in line with the realities on the ground. Second, the ICBL gave plenty of consideration to the political economy of the problem when it set its goals, while the CSUCS did not.

From the moment the steering committee of the ICBL established its goals, they were not compromised. At one point during the review of the CCW at the Conference on Disarmament, powerful state actors sought to gain exceptions to the landmine norm. The United States and Britain wanted to establish a norm surrounding land mines that

allowed the use of smart land mines (those with self destructive or self-neutralizing devices so they lose effect after a set period of time) but prohibit the old types of mines. This proposal was opposed by the less wealthy countries (China, India, Russia) because of the large difference in the cost of smart mines (300\$ per mine) and conventional mines (3\$ per mine) (Mekata 2000). Because a consensus vote was needed for a resolution, the CCW conference adjourned without an agreement. When the review came to a close in May 1996 the only change had been ban of the use old mines, but no mention of smart mines (Mekata 2000). This was unacceptable to the ICBL; thus a new process to diligently pursue its goals from a different angle, called the Ottawa Process, was pursued by the ICBL to push again for a total ban.

The ICBL refused to compromise its goals and responded creatively when placed under pressure to compromise. However, in contrast, the CSUCS bases its pursuits on one overall goal that it compromises with its main pursuit of that goal. The CSUCS promotes the 'Straight 18' approach to recruitment in all of its literature and campaigning activities, adhering to this convention even while the Optional Protocol – the CSUCS's proclaimed legislation of choice – does not promote this approach. Thus, while encouraging a 'Straight 18' approach to recruitment, the CSUCS nonetheless contradicts itself by promoting the Optional Protocol and the 'Straight 18' approach simultaneously. Thus, the CSUCS has not come out as strongly and unambiguously against the use of under-18s in conflict when compared to the unwavering stance taken by the ICBL regarding the ban on landmines. It should be noted here that the problem may not so much be with the CSUCS's willingness to compromise, but rather with their initial decision to pursue a 'Straight 18' approach. Also, it is harder for the CSUCS to come up with a clear, unambiguous goal and to stick to it uncompromisingly, as the issue of child soldiers is much more murky and ambiguous than is the issue of landmines. Nevertheless, it is true to say that the CSUCS's campaign has been undermined by their willingness to compromise on their own stated goals and because these goals are not sufficiently responsive to the realities of the situation.

4.4.2 Grafting the Norms

The second difference between the ICBL and the CSUSC concerns the process each used to graft the norms they created. The ICBL created a norm that was successfully grafted on an old norm; thus, it was able to successfully convince state actors of their responsibility to accept and enforce the norm. The CSUSC chose a norm that was not grafted on a previous norm and consequently have not been able to diffuse the norm properly.

New norm development is particularly effective when it rests on previously accepted norms (Price 1998). The ICBL compared landmines to other atrocious weapons – such as chemical and biological weapons – and based its argument for the banning of landmines on the fact that these similar weapons had already been banned in the CCW. Furthermore, they billed landmines as indiscriminate weapons, a category that was prohibited Additional Protocol 1 to the Geneva Conventions of 1949 (Mekata 2000). Finally, the ICBL brought up the question of utility and effectively pitted it against humanitarian concerns, claiming the latter took precedence.

These successful mechanisms described by Price (1998) are very similar to the ‘spiral effect’ described by Chandler (2005). The spiral effect places emphasis on the role of information and the way in which new information is assimilated into society through five stages. First, domestic problems are publicised by transnational civil society (Chandler 2005). In the example of the ICBL, global civil society first began to pay significant attention to the issue of landmines in 1991 when the ICBL was created and the steering committee worked on recruiting additional members, gathering information about landmine use, and publishing articles in popular media to raise awareness (Mekata 2000). Second, the network lobbies for support from international bodies (Chandler 2005). The Steering Committee of the ICBL lobbied international bodies, such as the United Nations and additional national leaders such as the United States, to join and support their efforts (Mekata 2000). Third and fourth, the non-conforming states begin to make concessions in order to appease the international community and these concessions lead to the acceptance of new principles (Chandler 2005). Britain and

France surprised the world when they made concessions and agreed to sign the Mine Ban Treaty (Mekata 2000). Finally the principles accepted become internalized and become accepted as new social norms. (Chandler 2005). In this case the ICBL created a new norm concerning AP landmines that was accepted and implemented by many actors in the international community.

The creation of the norm concerning child soldiers is a novelty – there have been no previous attempt to prohibit the use of citizens under a certain age in conflicts. To some extent, the CSUCS has been trying to graft this norm onto existing norms, by working with labour organisations to get child soldiering considered as a form of child labour. The International Labour Organisation considers child soldiering in its 1999 publication of the Worst Forms of Child Labour Convention 182. However, the CSUCS has not been as effective in building upon existing norms to encourage states to agree not to use under-18s as soldiers. As mentioned earlier, this could be because the norm it is attempting to create is not in alignment with the realities of children in Third World countries. When creating the norm, the CSUCS should have considered the suggestion of Bell and Coicaud (2007, p.2) when they argued that, ‘moral theorizing that is sensitive to the actual constraints of practitioners can perhaps provide a sounded base for decision making than ad hoc adaptation to less than ideal circumstances’.

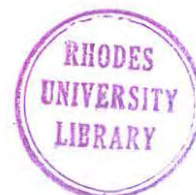
4.4.3 The Ottawa Process

The third difference between the ICBL and the CSUSC concerns the process each uses to promote widespread acceptance of the norm and to convince state actors to agree to the norm even when it is contrary to their interests. The ICBL utilized creative methods, working against the interests of many of the powerful state actors, all the while refusing to compromise its goals. On the contrary, the CSUCS has remained working within state dictated situations and has not challenged powerful state actors, instead remaining in a position controlled by powerful state actors.

The Ottawa Process is the best example of the creative measures the ICBL took to work with state actors who agreed with the Mine Ban Treaty. With the help from semi-

powerful state actors – such as Canada and Japan – the ICBL and challenged powerful state actors who were attempting to block the progress of the Mine Ban Treaty. The Ottawa Process is particularly unique because it was led by the ICBL but was attended and supported by state actors with the direct intent of placing moral pressure on those state actors in disagreement with the Mine Ban Treaty. The Ottawa Process was a reaction to the prior CCW conference which took place in September 1995. This 1995 meeting was attended by three hundred and fifty NGOs from thirty two different countries. However, because a consensus vote was needed for a resolution at the CCW conference, and larger countries (US, Britain, China) opposed a total ban, the CCW conference adjourned without an agreement. When the review came to a close in May 1996 the only change had been ban of the use conventional mines, but no mention of smart mines (Mekata 2000).

Dissatisfaction with the CCW conference led ICBL leaders to become more creative in their efforts. The initial action of what became known as the Ottawa process was instigated by leading Dutch anti-arms activist, Pieter van Rossem, who instigated a process bringing together the twenty countries who supported a total ban at the end of the CCW conference (Mekata 2000). During the first meeting of the ICBL and delegates from these countries, Bob Lawson, a delegate from the Canadian Campaign to Ban Landmines, offered to lead the initiative and shortly thereafter recruited the help of Canadian Foreign Minister Lloyd Axworthy. A large pro-ban conference called the International Strategic Conference Toward a Global Ban on Anti-personnel Mines was planned and hosted by Canada with the help of the UN Quaker office to take place in Ottawa on 3-5 October 1996. In attendance were fifty countries that came as full attendants and twenty four observer countries. Three new processes were introduced in setting up this conference. Firstly, countries were not given a formal invitation to come to the conference, instead they were asked to self select themselves as participants and attend only if they agreed with a text created by the Canadian government and circulated beforehand (Mekata 2000). Secondly, instead of using a consensus vote concerning the decision to vote for a resolution, they introduced a two-thirds vote to agree to the wording of the treaty (Rutherford 2000). Finally, a specific date was given on which the signing of the treaty would take place and this date was set



a year in advance. In calling for this treaty, Axworthy was leading the world in 'conducting treaty negotiations outside existing diplomatic fora' (Mekata 2000, p.160).

In between the time when Axworthy made his announcement and the date set for the signing of the total ban treaty, France and England announced that they would support the Ottawa process and sign the treaty. The US initially agreed to attend, but disagreed with the text and attempted to change the wording (Mekata 2000). The ICBL and allied countries refused to make the changes the US suggested and the wording of the final treaty remained that of a total ban (Rutherford 2000). On 3 December 1997, the Mine Ban Treaty was finally signed by 122 countries at a meeting in Ottawa attended by over two thousand four hundred delegates from over one hundred and fifty countries. Six days later the Nobel Peace Prize was given to Jody Williams and the ICBL. When describing the rationale for its choice, the Nobel Committee noted that the Ottawa Process could be used in the future to work on disarmament and peace procedures. The treaty came into force 1 March 1999 and the ICBL has since continued lobbying for increased support for the treaty. To date, 156 countries have ratified the Treaty. Despite the fact that US, China and Russia have yet to sign the treaty, the treaty can be hailed as a success because it did not yield to the powerful states and continues to maintain pressure on these countries without sacrificing their goals (Mekata 2000).

Unfortunately, nothing similar to the Ottawa process has been used concerning the CSUCS. Powerful state actors have not been given an ultimatum and have not been effectively shamed. Instead their efforts to undermine a total ban on under-18 soldiers have been validated because they have been able to claim they have signed all of the legislation proposed – including the Optional Protocol – despite the fact that they do not accept the overall goal of the CSUCS to prohibit the involvement of people under the age of 18 in armies. One of the means by which the CSUCS could gain support for their own Ottawa process would be to incorporate the help of Southern-based INGOs and their local knowledge. Ibhawoh (2007, pp 7-8) confronts the framework used by Northern-based INGOs – such as the CSUCS- when she states:

This framework is problematic because it assumes that the primary responsibility for human rights lie with Southern governments and

consequently pays insufficient attention to how the structures of globalization negatively affect human rights conditions in the South.

When creating and disseminating a norm, Northern-based INGOs must understand that the framework and processes used should consider both the immediate human rights abuses and structural inequality that perpetuates the human rights abuses.

4.4.4 Economic Concerns and Focus on Weapons and Weapons Production

The final difference between the ICBL and the CSUSC relates to their approach to the political economy of war. Wars would not be possible without international weapons sales and so the issue of weapon production needs to be considered by a campaign addressing any aspect of war (Hick 2001). It is important for any war-related campaign to consider the potential profit that comes from waging violent wars and the various economic interests that state and non-state actors have in perpetuating wars. As Hick (2001, p.108) points out: 'as part of freer trade, global corporations are profiting from the new wars by selling the weapons that are used'.

The ICBL addresses this link as it focuses on weapon production and sales and works towards a total ban not only on the use of landmines, but also on their production and sale. For example, the Mine Ban Treaty commits signatory states never '[t]o develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines' (UNOG 1997). This consideration of the economic and structural links helps the campaign to consider the many causal factors that allow wars to break out. Prevention of war is the best method, and one of the best methods of prevention is to prohibit the proliferation of weapons. In relation to the problem of child soldiers, Hick (2001, p.115) states that, 'Peace agreements and minimum age protocols will help lessen the problem, but they will not address the international structures that propagate and encourage the new wars in the first place.' The CSUCS does little to address weapons production or proliferation. While the link between weapons and child soldiers is addressed in the CSUCS's Disarmament, Demobilization, and Reintegration (DDR) programs; no aspect of its campaign addresses the role of the proliferation of small arms and light weapons in making child soldiering possible. Describing the

process by which guns come to be possessed by child soldiers, thereby empowering them to act as adults in war, De Berry (2001, p.99) states:

Given that the phenomenon of child soldiers can be seen as part of the contemporary nature of war, with the prevalence of civil conflict, it might be said that only a global monitoring of arms and effective conflict prevention will be enough (De Berry 2001, p.99).

Today small arms and light weapons are extremely accessible (Stohl, R. 2002a,b). Fishman (2002, p.37) calls them the 'T-shirts of the 21st century', referring to the ease at which they are acquired. Some of the weapons are left over from the push in production during the Cold War and their proliferation to help in the many proxy wars of that time. However, the rate of production of small arms continues to climb as smaller companies take advantage of the global market for these weapons (Fishman 2002, p.38). In addition, the industry's biggest grossing producers are 'four of the five permanent members of the Security Council – the US, the UK, France and Russia. Together these countries export eighty three percent of the world's arms' (Fishman 2002, p.38). A focus on the use of child soldiers to the neglect of the related issue of weapons production, entails condemning those who use child soldiers – mostly poor states and rebel groups – while not condemning the wealthy states whose weapons industries make child soldiering viable.

There are INGOs specifically addressing the issue of small arms production and proliferation – such as the International Action on Small Arms and the Control Arms Campaign. Some of these campaigns interact with some of the same INGOs involved in the CSUCS; however there has been little collaboration between these campaigns (Stohl, R. 2002a).

4.5 The Notable Success of the ICBL: Suggestions for the CSUCS

The ICBL has had several successes. It has made the negotiating process more transparent and secured an influential role for NGOs in the process of international negotiations. Commenting on the increased influence of INGOs, Canadian Foreign Minister Lloyd Axworthy, who played a prominent role in the Ottawa process, says:

One can no longer relegate NGOs to simple advisory or advocacy roles in this process. They are now part of the way decisions have to be made. They have been the voice saying that governments belong to the people's hopes, demands and ideals (cited in Mekata 2000, p.173).

The ICBL's actions have not gone without criticism, however. Some claim that the Ottawa Process undermined the UN processes and that it was Western-centric, focusing on the needs and wants of Western countries over those of other countries.

Nevertheless, it must be commended for effectively challenging powerful state actors, especially those on the Security Council. Considering the economic involvement of the world's most powerful states in perpetuating the humanitarian atrocities associated with war, directly challenging these powers appears to be a laudable achievement. This challenge and the door that it opens for additional challenges to powerful state actors is one of the reasons the ICBL was awarded a Nobel Peace Prize (Rutherford 2000; Mekata 2000).

The CSUCS faces some of the same challenges as the ICBL, but it must also deal with an additional challenge: campaigning for a change in individual as well as state actions. This is more difficult in many ways because it requires must action on the part of undemocratic and authoritarian states as well as militias. In addition, it is arguably much harder to campaign to end the use of child soldiers than to campaign for the banning of something inanimate, like landmines. However, acknowledging the difficulties, I still argue that the CSUCS could change behaviour of undemocratic and authoritarian states as well as non-state actors through norm creation by heeding the example of the ICBL and taking amore holistic approach.

Given the structural similarities between the two campaigns, I derive four suggestions for the better advancement of the CSUCS's objectives from a close study of the ICBL's successes. First, the CSUCS should reconsider the norm it is advocating, making it more responsive to context. Second, once a more contextually based norm is created, the CSUCS needs to form clear, unambiguous goals to guide its campaign and should not bow to pressure from powerful state actors who seek to compromise these goals. Third, to maintain pressure on state actors and non-state actors responsible for the

continued use of child soldiers, the CSUCS should develop creative measures to use its moral authority and authoritative knowledge to change the actions of those responsible. Finally, the CSUCS should liaise with campaigns addressing small arms proliferation and consider adding an element in their campaign specifically targeting the production of small arms that makes the use of child soldiers feasible.

4.5.1 Suggestion One: Establish a Universal Norm That Considers the Local Contexts of Child Soldiers

By perpetuating a universalistic approach, the CSUCS pays inadequate attention to the local and global economic forces which undermine the international policies they help to create and implement. Children's agency as well as the local influences affecting the decision to become a soldier need to be considered. One of the criticisms De Berry directs at the CRC concerns its inability to recognise local complexities:

if state parties, bolstered by global parties such as international advocates, human rights organizations and nongovernmental organisations are to move the CRC from its position of universal idealism to practical implementation, there must be consideration of how the CRC can engage with local contexts (De Berry 2001, p.102).

De Berry (2001, p.92) also states that 'effective implementation of the CRC will be successful when it is considered less as a global charter and more as needing to be based in knowledge about the realities that frame children's lives'.

The norm created by the ICBL relating to the use of landmines brought the humanitarian issue of landmines and their effects on the local community to the forefront of international politics. It fostered collaboration between its local offices and actors to pressure their leaders in the ways they best saw fit. The ICBL has a 'franchise approach' that allows for more sensitivity to specific contexts and that contrasts with the CSUCS's more centralized approach. This approach allows different local groups affiliated with the ICBL to pursue the general goals of the ICBL in their own way.

Fox (2005) argues that contextualist and universalist approaches can and ought to be combined. She states that a universal definition of a child is a necessary first step, but

only part of a longer process (Fox 2005, p.44). This universal norm should open doors for contextual approaches to follow in its wake, by addressing the global processes – such as the arms trade – that perpetuate the use of child soldiers. After the international community is held accountable, then state actors, particularly struggling state actors, can be held accountable for their involvement and responsible for their children. In doing so the international community can lessen the gap that exists between the ‘lives of thousands of children who take part in armed conflict and the standard set for their protection in the CRC’ (De Berry 2001, p.93). The greatest strength of the contextual approach is that children are ‘understood within their own circumstances, which is helpful for aid programs’ (Fox 2005, p.44). However, this does not mean that children should be considered adults under the age of eighteen, simply that other considerations are put into place when pushing for a universal norm and that the particular context of each conflict should be considered when deciding how best to address child soldiering. Ideally the universalist and contextualist approaches will be combined. Fox (2005, p.45) states:

If they are combined and cooperating and mindful of legal implications, the universalist and the contextualist approaches can be powerful weapons in the war against those who convince and coerce our world’s future adults into their own deadly games.

One suggestion she had was to create a distinction between a child soldier and a soldier child. The former refers to the cases when a child can be considered a victim that has been coerced into violence. The latter refers to a soldier under the age of eighteen who has chosen to be involved in war activities and should be held accountable. While a universal approach may be appropriate when drawing up some kinds of international law, the implementation of these laws needs to involve sensitivity to context. The norm propagated by the CSUCS should be reframed to better consider the challenges faced by local communities concerning the implementation of the norm. Currently the campaign focuses much its energy on fighting for a norm that is difficult to implement in countries that have a youthful population and where birth certificates and identity papers are rare. It would be helpful if the CSUCS broadened its focus and spent more time promoting programs offering assistance to war-torn countries in the form of education, foreign aid and employment. The issue of weapons production, which is

discussed elsewhere, is also relevant here as child soldiering is made possible by the widespread availability of small arms (Stohl, R. 2002a,b). The CSUCS needs to recognise that strong laws prohibiting the use of child soldiers are of little help if the context which gives rise to child soldiering remains under-addressed.

In creating norms that pay more attention to the socio-political context of child soldiers, the CSUCS will be better able to address the utility of child soldiers and to succeed in making them obsolete. Such norms would focus on promoting the rights of children – the right to food, security, healthcare, and education, etc – rather than on ensuring that children be prohibited from engaging in warfare.

4.5.2 Suggestion Two: Create Clear, Unambiguous Goals and Refuse to Compromise

Clear, unambiguous goals are necessary to promote an international norm. Once a norm that ensures children's rights prior to prohibiting children as soldiers has been established, clear and unambiguous goals need to be formulated. These goals should coincide with multiple levels of the norm and should help to graft the norm onto pre-existing norms. In order to create real change, powerful actors who produce the weapons used by child soldiers as well as state actors who have children acting as soldiers within their territories should be held accountable. It is better to have a norm that does not have the support of all powerful actors than it is to have a watered down norm that is accepted by all but does not produce sustainable change in the issue area it is attempting to affect.

Potential goals for an effective norm would be threefold. Firstly, the norm would promote the rights and human security of children. Secondly, the norm would address the weapons question and work to reduce the production and proliferation of small arms between countries. Thirdly, the norm would focus on rehabilitation programs.

It should be noted that there is a tension between promoting sensitivity to context and creating a universal norm. Because of the human element in addressing child soldiers, it is harder to create a universal norm concerning child soldiers than it is with landmines.

It is relatively easy to classify a weapon, but it is much harder to define a child. Children also have agency whereas weapons do not. However, even with these complexities, the CSCUS should be able to create concrete goals that would address the realities of the complex situation. Incorporating additional goals, instead of relying on one overarching goal, would be one way the CSUCS could promote an effective universal norm that considers local contexts. Education surrounding the rationale behind these goals is also necessary. If the CSUCS were to stop promoting the 'Straight 18' approach and instead sought to promote a prohibition of children acting as soldiers under the age of fifteen, it would need to clearly explain its rationale – reinforcing its ideal that no person under the age of eighteen should have to engage in combat, but that children can and do make occupational decisions in Third World countries which are supported by their communities. Furthermore, the CSUCS would need to make it clear that challenging the actors that enable the children to be used as soldiers – such as weapons producers – should also be challenged regarding their role in perpetuating child soldiers. . If the CSUCS chose not to compromise on its 'Straight 18' approach and instead found a way to be flexible and context-sensitive regarding its promotion of it, this flexibility should be in response to the particular contexts in which child soldiers are found, rather than in response to pressure from powerful international actors like the US to follow a cultural norm acceptable in Western contexts. Like the ICBL, the CSUCS should be very wary about attempts by powerful actors to put pressure on it to compromise its approach.

4.5.3 Suggestion Three: Change the Game and Introduce New Processes

Coinciding with the establishment of clear goals, new processes should be explored by the CSUCS. The CSUCS needs to find their equivalent to the Ottawa Process to gain acceptance of the norms it desires. If the CSUCS could find creative measures to challenge a state-centric process for establishing the new norms needed to prohibit children acting as soldiers, then it could potentially create new policies and treaties that empower states to rid armies of child soldiers. As mentioned earlier, this could be done through the engagement of Southern based INGOs and their leaders. A noteworthy feature of the Ottawa Process was the way in which it worked with willing states,

excluding – and shaming – states that were reluctant to ban landmines. The CSUCS could also consider new forms of collaboration with states and other actors who are committed to ending the use of child soldiers.

4.5.4 Suggestion Four: Pay More Attention to the Political Economy of Child Soldiering

It is important for humanitarian campaigns to be responsive to the factors which perpetuate the situations they are attempting to address. The CSUCS should make sure the economic situation in countries where child soldiers are used, is taken into consideration and should distinguish between more or less economically powerful state actors. Holding powerful state actors and private and state-supported military complexes accountable for their role in creating the conditions that allow for child soldiering to occur, is at least as important as holding the weaker actors who make use of child soldiers accountable.

The CSUCS ought to encourage countries to monitor the small arms trade and the access that children and armed groups have to weapons. Although it is difficult to campaign against the production of all the small arms and light weapons which are used by child soldiers, it would be feasible to campaign for the banning of weapons that are used more than others – such as AK-47s and M-16s.

By addressing these impeding forces, INGOs might then be able to take the second step of addressing the conflict in a contextual framework, working alongside local actors and considering local influences that will affect politics, education, and peace initiatives created to address the issue of child soldiers.

4.6 Conclusion

As highlighted in the example of the ICBL, INGOs can effectively change norms in society. Whether or not they challenge the sovereignty of the state is debated by realists, constructivists and neoliberal institutionalists; however, it is evident that the

international structure is changing and opening new avenues for INGO participation. Because of the similarities between the two campaigns, the CSUCS can learn from the ICBL and the Ottawa process. The CSCUS could be more responsive to local contexts by utilizing a franchise model working with local agencies to develop, as well as implement, the norms it promotes. In addition, by developing clear and unambiguous goals, the CSUCS can pursue its goals without compromising in response to pressure from powerful state actors. It may take creative measures to promote these goals and acquire the support of international and state actors. One potential creative measure would be to work more closely with the domestic civil society of norm-violating states, placing pressure and creating new norms through education and agenda setting. Finally, through addressing the weapons that perpetuate the problem of child soldiers, the CSUCS would put an equal amount of pressure on both the strong state actors who are often the producers of the weapons, and the weaker state actors who often employ child soldiers.

CHAPTER FIVE: CONCLUSION

Although the dilemma of child soldiers continues; state actors, the international community and INGO networks are committed to addressing the issue. To date there are a number of paper protections addressing the issue of child soldiers: four international laws, two international courts, three international sets of principles and two separate standards set by prominent international actors. However, implementation of these laws is difficult and often ineffective in changing the behaviour of those employing child soldiers; thus, the problem persists.

As the leading collaborative movement addressing this issue, the CSUCS researches, monitors, advocates, educates the public, and collaborates to end the recruitment and use of boys and girls as soldiers and to promote the reintegration of child soldiers into their communities. There are many successes attributed to the CSUCS, including the successful establishment of a new international norm concerning child soldiers. However, in this thesis, I argue that there are problems with the norm that the CSUCS has chosen to promote and that the goals pursued by the CSUCS are not sufficiently sensitive to the contexts in which child soldiering arises and pay insufficient attention to the broader political economy of child soldiering.

Many argue that the CSUCS successfully created a new international norm that utilizes a 'Straight 18' approach to the definition of a child. However, the norm that it developed has three major problems. First, it has not successfully been translated or 'diffused' into local societies because it does not take the contextual reality of the people into consideration. Second, the burden of responsibility has not been successfully shifted to the appropriate parties because of the lack of involvement of both state actors and militia members in developing the norm and the seemingly biased nature of the norm towards powerful state actors. Third, because insufficient attention has been given to economic factors such as the manufacturing of small arms, there is no demand for action by those who profit indirectly from the use of child soldiers. By addressing these issues in their goals and norm creation processes, the CSUCS could challenge powerful state actors that do not acquiesce to the 'Straight 18' approach.

The ICBL is a successful example of an international campaign that created a humanitarian norm, developed the norm in collaboration with local actors, and diffused it successfully through shifting the burden of proof to the responsible parties, thereby producing effective change. The ICBL is a good model for the CSCUS because of the similarities they share concerning the issue addressed, the structure of the organisation and the emphasis that both have on norm development. I have discussed the differences between the two networks concerning goals, process and economic concerns and have highlighted areas where the CSUCS could potentially learn from the ICBL. Creating clear, unambiguous and uncompromised goals which address the political economy of child soldiering will allow the CSCUS to better respond to the issue of child soldiers. In addition, the CSUCS could utilize creative processes to challenge all of the actors that enable the use of child soldiers – including powerful state actors and weapons producers.

In general, if a more context-sensitive approach were taken, the broader reasons for the increase in the use of children as soldiers could be taken into consideration so as to give state actors realistic action items to address the issue. For this reason, I have proposed that the CSUCS integrate a more contextual approach to addressing the use of children as soldiers. They could employ a franchise model similar to that of the ICBL to work with local actors to not only implement international standards, but also be involved in developing them. If local actors were considered in the development of a norm, the norm would be more readily diffused as pressure would become more possible from local and international actors promoting the norm. Just as the ICBL changed the way in which landmines are viewed and helped radically reduce their production and use, with some restructuring of its goals and norms, the CSUCS could more successfully address the use of children as soldiers.

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