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“Child Soldiers: Differences and Similarities of Their Use in African Nations Compared to the United States”

According to the United Nations Paris Principles, a child soldier is “Any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys, and girls used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.” (1993). No matter whether or not a child has taken implicit action on the battlefield, or is doing the laundry of the general, they are still considered to be a child soldier if they are in any way actively involved in the service of whichever ‘cause’ they are partaking in. International law states that it is unlawful to recruit or use anyone under the age of 15 in armed forces or armed groups. (Armed forces meaning official state militaries and armed groups being comprised of non-state entities.) However, as this international law has no tangible army at its disposal in order to enforce its demands, there is no true power to ensure that this law is upheld. In many areas in the world where the use of child soldiers is considered a problem, the only type of law enforcement present may be the militia groups or military who utilize child soldiers themselves. For example, areas like the

Central African Republic, long implicated of being accused with the use of child soldiers, has been recorded of having “14,000 children recruited into armed groups [in the Central African Republic] since the latest conflict started six years ago” (Child Soldiers International, 2018). Additionally, in its definition of a child soldier, the UN makes no clear distinction between the instances where child soldiers are coerced and forced into servitude versus the cases where children join these groups voluntarily. Contrary to popular, westernized narrative, it is more common for child soldiers to actually volunteer to join the armed forces and armed groups. It is not only African nations who are guilty of the use of child soldiers, but the United States is at fault as well. While it is true that there are distinct differences between the use of child soldiers in African nations and the United States, there are similarities as well that simply cannot be overlooked.

The most widely-ratified treaty in human history, the Convention on the Rights of the Child, was ratified by 196 countries. Interestingly enough, this most widely-ratified treaty in human history, and one that can be directly applied to cases of child soldiers, was ratified by various African nations, and yet not ratified by the United States of America. By the westernized narrative created to point the finger at African nations seemingly shirking their responsibility to protect their children, the United States needs to come to terms with the fact they have failed to take action on their part of the issue, at least in terms of legislation in this case. Regardless of the fact that the United States directs much of its scrutiny on the topic of child soldiers largely to African nations, African nations have, in fact, made greater strides in regard to legislation in attempt to control the use of child soldiers in armed conflicts in their country than the United States has. As noted by the National Lawyers Guild, “...African nations have made great

strides in outlawing child soldiers. The widely accepted U.N. sponsored Cape Town Principles establishes 18 as the minimum age for military recruitment. However, the United States has refused to sign. The Uniform Code of Military Justice (UCMJ), codified as federal law at 10 U.S.C., allows the recruitment of 17-year-old children. All 50 states provide “minority” legal status and protection for persons under 18.” (Rinaldi). Article 38, section 4 of the Convention on the Rights of the Child states that “In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.” (1989). Rightfully so, the Convention claims that it is the state’s responsibility to protect those stereotypically who are unable to protect themselves, children.

Additionally, the Convention on the Rights of the Child also states that “States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.” (1989). In the Paris Principles, the United Nations proclaimed that a child soldier was any person under the age of 18. In the Convention on the Rights of the Child, the United Nations is saying that states should “refrain” from recruiting anyone under the age of 15. In the same breath, however, the United Nations speak of a four year period from the ages of 15 to 18 where recruiting should prioritize the oldest of the potential recruits. If it is to be believed that a child is anyone under the age of 18, the age at which they are able to enlist in their state military, then how is recruitment at the age of 15 ethical at all? By

allowing military recruitment at the age of 15, yet claiming that the age of a child is anyone under the age of 18, the United Nations is contradicting themselves and the treaty that they created with the Convention on the Rights of the Child. If this is the case then it would be unfair to say that individual states are in violation of the Convention on the Rights of the Child if there is ambiguity on what is allowed on the international stage. Even though the international legislation is ambiguous in this case, the states still have their own responsibility when it comes to how they address or abide by these laws in one way or another.

With the aims of helping to enforce the treaty of the Convention on the Rights of the Child, the United Nations created OPAC, which is known formally as the Optional Protocol to the Convention on the Rights of the Child. In May of 2000, the UN adopted OPAC, but it was not entered into force until two years later in February of 2002. The main premise of OPAC is as follows: "Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security... (2002). OPAC has been ratified by 170 countries, signed by 10 countries, and 17 countries have taken no action on the document. The main reasons that countries are signing onto this treaty is to basically reaffirm the promises made on the Convention on the Rights of the Child; it is seen as a type of extra measure set in place to hold countries accountable to their word. The accountability sector of OPAC is the same as its mother treaty and the reporting is directly taken to the Committee on the Rights of the Child. Throughout this document, it attempts to address the ambiguity of the four-year period from 15-18 where the recruiting process takes place. OPAC argues

from the side that an individual over the age of 15 and under the age of 18 is within their rights to volunteer their services to the armed forces, but they stress that this decision must be extremely voluntary. If coerced in some way their services may as well be null and void, in violation of the eyes of international basic human rights.

Another stipulation in the argument for which age justifies the validity of a child is something that is taken for granted in most developed countries: a birth certificate. In many of these less-developed countries that use child soldiers in their conflicts, birth certificates are not all too common. If you don't know when a child was born, can you confirm that they are still a child? Obviously in the case of young children, it is typically easy enough to discern that they are, in fact, still in their childhood years. However, as they age it can become more difficult to decide the ages of some children. For example, there could be a 16-year old out there who passes for an 18-year-old. Some bodies simply mature faster than others, making them look older than they actually are. The same can be said for the opposite case; there are other bodies who can pass for years younger than their true age. If you do not know the age of the child, it is impossible to present an argument using the Convention on the Rights of the Child as you cannot discern whether they are younger than 15 or older than 18.

One way in which it is interesting to see how the United States reacts to these regulations on recruitment is in the cases of military personnel welcomed into high schools across the nation as they attempt to recruit high schoolers to join the armed forces post-graduation. While these military personnel are pursuing these high-schoolers in order to convince them to join the service once they turn 18, the process itself involves the recruitment of children. Although it is written into law in the United

States that recruitment is permissible at the age of 17, these recruiters at any given time could be sending the message of recruitment to high school freshmen who are only 14 years old. The bare minimum age for recruitment into the armed forces as written in international legislation in the Convention on the Rights of the Child, is 15 years old. This means that the United States military personnel are participating in recruitment that directly violates guidelines set forth by the United Nations for the world to follow and model their practices after. When comparing this recruitment method utilized by the United States military, it is not so different from the recruitment of a 14 year old in an African nation. It is unfair for western countries such as the United States to judge African nations for their ideologies more harshly than it's own government's methods.

This recruitment in high schools could serve as one of the reasons that the United States has failed to sign the Convention on the Rights of the Child and other related international documents. One argument that the United States could use to advocate for the recruitment of children to join the military during school would be that it is the best option for some in order to better themselves. For some, it could be the only opportunity to leave an impoverished community or unsafe living environment. For others, joining the armed forces may be the only way that they are able to get a college degree. These reasons for child recruitment in high schools are seen as valid in the eyes of the United States. However, these circumstances are not unique to the United States alone. Many children who volunteer for the armed forces and groups in African nations are volunteering for similar reasons as well. The child soldiers who volunteer willingly and legitimately want to serve that group are expressing their opinions. Especially those children who are choosing to join because of political affiliation within

the group who aspire to make a career out of their services. Section 1 of article 23 of the UDHR argues that “(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment” (1948). Once again, for the child soldiers who volunteered their services willingly and aspire to be members of these organizations; this is their free choice of employment. To deny them this choice is to violate their rights as human beings. Volunteering for these armed forces or groups could be their way to combat poverty, further their social status, and provide for their families. These reasons, not unlike the reasons that the teenagers from the United States volunteer, should be considered just as valid.

Additionally, the stereotype that all African children who are members of these military or armed groups are not all wielding machetes and committing mass-atrocities. “In contradistinction to often graphic media representations, significant numbers of children neither fight nor carry weapons. Even fewer become implicated in the systematic perpetration of acts of atrocity that potentially might fall within the scope of extraordinary international crimes” (Drumbl, 2012, p. 15). There are a variety of seemingly-harmless roles that children can fill within the confines of their service to their chosen cause. For some children who are serving within the armed forces, they have *chosen* to be there. There are children who volunteer themselves for roles such as cooking, cleaning, and errand-running. There are children amongst these, too, who see themselves turning this servitude into a lifelong career and are being compensated for their services. While there are certain groups of armed forces in African nations who use children in far more malicious manners, those cases are not indicative of the norm.

As the United States frowns upon African nation's use of child soldiers, there is documented history of its own past showing that the United States has placed children as young as ten years old on the battlefield. The Civil War was a time of major unrest in the United States, however, it does not take away from the fact that many teenagers were involved in the war zone. "Thousands of teenagers joined the army and fought in the war, even though many of them were under 18 years old and some were just over 10 years old. Among these brave soldiers was a 10-year-old boy from Newark, Ohio, whose name was John Clem" (Blazeski, 2018). John Clem was a drummer boy, assigned to the harmless occupation of being a Union mascot. However, there were several occasions where Clem was harmed because he got too close to the battle field and one instance, even, when he was recorded shooting a Confederate colonel. While this account of a child soldier from over a hundred years ago in the United States is not a direct reflection of the actions of child soldiers in African nations today, it is necessary that the facts be acknowledged of the United State's past when comparing the two. Nowadays, it can be argued that the United States Infringement upon the United Nations treaty is to a much lesser degree than the children in Africa who are being forced into servitude. However, it is important that the United States recognize, sign, and ratify the treaties involving the securement of the safety and rights of their own children, and the children of the world.

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