

# The International Community's Western Management of child soldiers: The case of Syria

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**UNIVERSIDAD IBEROAMERICANA PUEBLA**



**The International Community's Western Management of Child Soldiers: The  
case of Syria**

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## **The International Community's Western Management of Child Soldiers: The case of Syria**

### **Introduction**

The phenomenon of child soldiers has taken significance nowadays because of the constant increase in recruitment and enlistment of child soldiers in modern conflicts. Based on the foregoing, the two principal causes that can be highlighted are the ambiguity that exists under international law and the policies set by political and economic interests by the actors that have had inference in the phenomena. The argument that the work seeks to structure and deconstruct is: What have been the failures of the international community in its handling of child soldiers?

The following thesis is based on the post-colonialist theory. Therefore, the first chapter explains principal concepts as the ideological foundation of the research. The second chapter will focus on the international community development of policies, international law, and limitations of both subjects in managing child soldiers. The third chapter will explore the case of Syria regarding child soldiers, especially the intervention of international and local organisms. Lastly a proposal and a conclusion will be made.

First of all, a child soldier is defined according to the *Paris Principles on the Involvement of Children in Armed Conflict* (2007, p.8):

A child associated with an armed force or armed group refers to 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, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.

This definition introduces one of the narratives constructed around children and helps understand the Western conception of child soldiers, which this paper seeks to criticize and understand the structural causes of it.

The root of the problem ultimately is war. Despite the existence of the international legislation to protect children in conflict, many of these rules are omitted by non-state and state actors which causes many children to continue to be recruited or to participate in war. Similarly, this problem has not been stopped by the diverse number of actors, and unfortunately there is a steady increase in the recruitment of children into conflict. This phenomenon is neither current nor exclusive to the non-Western side. However, the international community has tried to frame it through a post-war discourse providing an alterity to confront and depoliticize causes and conflicts alien to the interests of the West. The ambiguity of international law has reproduced dichotomies that limit the recognition of child soldiers, which has diminished their opportunities in the post-war processes.

The paper seeks to analyze the post-colonialist treatment of child soldiers in non-Western countries. Therefore, the objective of the paper is to root out the structural causes of the phenomenon. These are related to historical implications that are reflected in the making of international law and policies of other international and non-state actors. As a result, they become fundamental issues for the field of International Relations. Therefore, the research formulates a critique about the mitigation efforts of the international community, instead of addressing the root causes of the problem. For this analysis the case of Syria will be addressed as an example of the treatment of child soldiers, as well as the inherence of the international community based on a post-colonialist discourse.

The objectives of the paper are:

- Identify the structural, international law and historical flaws by the international community management with child soldiers from a post-colonial perspective.

- Exemplifying the handling of child soldiers by the international community in Syria.
- Outline a structural proposal that provides a solution toward the child soldier phenomenon.

The study of child soldiers from the post-colonialist theory makes it possible to point out the structural limitations of the international community in securing the most vulnerable actors, namely children. Likewise, it allows to criticize the discourse and post-colonialist roots on which the international system is founded, which therefore affects its resolutions, management, and reintegration policies and plans for child soldiers. This is based on a cultural imposition, a Western discourse, and the economic, political, and geostrategic interests of hegemonic countries.

From the perspective of International Relations, war is the main structural cause for child soldiers. Indeed, it reflects the international system's failure to prevent and stop a war in order to protect civilians. This can be studied through its colonialist discourse. Moreover, it is controversial to reintegrate child soldiers into an area that remains in conflict and expect them to not return into the battlefield. This study allows us to question the foundations of the international system and community in practice.

## 1. Theoretical Framework

### 1.1 Postcolonialism in International Relations

Post-colonialism is a theory that in the field of International Relations introduces a multiplicity and diversity of perspectives, traditions, and approaches that raises questions about identity, culture, and power. Its purpose is to challenge the rationalist, humanist, and universalist views, especially the Eurocentric superiority (Guddle, 2021). The postcolonial discourse does not allude to the end of colonialism; instead, it tries to understand the knowledge produced in the first and third worlds that transcends the binary exclusion of the Third World (Mezzadra et al, 2008).

Ania Loomba (1998) states that the once colonized people and their descendants have caused the world to become postcolonial. The term "post" implies an aftermath that can have both an ideological and temporal sense of colonialism. It is best to interpret post-colonialism as the contestation of colonialism and its legacies. Post-colonialism does not follow a linear historical antecedent, but instead considers multiple views and actors, especially those who are often invisible due to hegemonic and Eurocentric views. The theory is based on post-structuralism and post-modernist views.

Post-colonialism is situated between two overlapping contexts. The first is decolonization and the questioning of the dominant definition of culture, race, language, and class. The second is the revolution within intellectual traditions, notably the form in which culture and linguistics are open to create subjectivities. This discourse is based on a hegemonic discourse of coercion. This creates an alterity named the Other which allows the West to integrate the continents that do not fit into the axis West/East (Loomba, 1998). Even though it is clearly represented in poetry, literature, philosophy, and political theory, it has deepened the debate around the Other, building an image that Orient and non-Western territories need the West (Huttunen, 2010).

The previous paragraph is based on exclusion, which is achieved through differentiation from other signs, as seen in Levi Strauss's continuation of Saussure's work. The principle of exclusion is the basis of contemporary society's discourse, which influences institutions, human actions, and society. Edward Said introduces Orientalism as a definition that highlights the representation of the Orient as the creation of the Other, which is importantly linked to Arab countries. Therefore, he criticizes that knowledge is never decolonial, as it is created by subjects embedded in a colonial past that influences power relations in language, literature, culture, and institutions (Loomba, 2015).

Post-colonialism analyzes the historical colonial practices in contemporary discourse and actions, specifically focusing on the political, economic, and cultural policies that countries implement. It criticizes the inequality between states and regions and shows an opposition to social classes and divisions stressing the effect of colonialism in the modern international system (McGlinchey et alts, 2022). Therefore, it explains the contemporary context of countries that are part of peripheries and Third World. Postcolonialism proposes to change the focus of Western theories to the “unheard voices” (Marchand y Meza, 2021).

The core of the theory states that prejudices, biases, ideas, and understandings that made and produced colonialism perdures in contemporary culture. Post-colonialism can be useful in the deconstruction of categories because it provides attention to the peripheries, and it is useful to understand and critique the ideological base of basic concepts of the International Relations discipline. Moreover, it challenges the Eurocentric approach and questions its selective interpretation (Huttunen, 2010). Postcolonialism points out the internalization of colonialism in racism, slavery, traditions, violence, identity and language (Mezzadra et alts, 2008).

One of the main authors that is part of postcolonialism is Chakravorty Spivak with his text: *Can the subaltern speak?*. In this text, he analyzes the condition of

binarism's production in the alterity of the Other, in which he implies that there are diverse Others. Spivak mentions that the category of Others has been captive by the elites or groups in power, so it means that the category of the Other is selective. The author questions that if the subaltern can speak, which subaltern could do it? (Marchand y Meza, 2021). For the case study, the question is asked: can a child soldier speak and how should they do it?

## **1.2 Childhood**

Childhood can be described as a socially constructed phenomenon that changes over time and takes on different forms with varying expectations and actions depending on the historical, societal and cultural context (Libel, 2017). There is not only one explanation as to who can be classified as a child. Moreover, childhood relies on recognition, representation and relationships based on Western ideals (Williams, 2020).

Firstly, the international legal age is very ambiguous since each organization and international institution has a different legal age to determine childhood. Furthermore, each country has its own set of laws that legally protect children and outline their rights and obligations. For instance, in some countries, military service may be allowed at a young age. From this perspective, there are significant cultural differences. Other factor to consider is that if the country has military interests, special categories are constructed, similar as what occurs in Western countries with the word youth. Additionally, the experience of girls and boys are very different, girls are expected to maintain their innocence longer than boys which causes their cultural age to last longer. However, the main issue is that the local conceptions are mostly subdue and not considered by Western powers (Huttunen, 2010).

The concept of children can be developed from different age base conceptualizations. However, this can be controversial as there are multiple cultural meanings that enroll rights, expectations, responsibilities, and accountability. Moreover, the Western conception of childhood created a representation that portrays infants as immature, innocent, and irrational. The protection adults need to

give children ends when they become independent, rational, and autonomous individuals (Huttunen, 2010). There is also the politics of age. The use of age categories by local, national, and international organizations has political purposes. It helps to develop the humanitarian discourse that children require international aid (Rosen, 2007)

Post-colonialism perceives childhood and youth as socially constructed concepts. The theory emphasizes those concepts have influence and imposition of Western norms and values which influences international conventions, treaties, and institutions. The constructed institution of childhood outlines and shapes the life and practices of children. Childhood in many African countries is structured around individuals who bear responsibility and protect their community. In contrast, Western values depoliticize children, as they are not expected to participate in political controversies. This is mentioned as it is believed that children do not have a constituted moral. However, this has been criticized since this apolitical sense is used to benefit the interests of the Western countries (Williams, 2020).

The evolution of the concept of childhood is very controversial because, as mentioned before, it is a socially constructed idea. The debates from this perspective started with Philippe Ariés, who questioned the assumption that childhood was universal. Instead, he claimed that childhood was a social construction in Europe between the XV and XVIII centuries. Thus, childhood is described as a Western socially constructed concept for a particular class, race and gender (Huttunen, 2010). For this reason, there cannot be a universal discourse or definition behind childhood. This same author criticizes contemporary perception where children's innocence needs to be protected and their welfare to be secured. Childhood has become a symbol of preparation for maturity (Huttunen, 2010).

Post-colonialists consider this vision of childhood as something that fulfils the interests of the dominant countries. Global norms and institutions describe childhood based on liberal political philosophy. However, it is question what childhood is if it is

so dependent on local meanings and practices, as well as has plural ways to understand it (Zarif, 2020).

Many international actions regarding infancy are based on the ideal of Western childhood. One of its first assumptions is that childhood is defined as an opposition to adulthood. The former should be described as a safe, happy, innocent, and carefree phase where children are protected, and the main objective is to preserve a child's innocence. However, the question is: who and when can determine the standard of an ideal childhood? The answer guides us to the cultural and historical needs of capitalist Western countries (Gunnarsson, 2008).

Childhood in other countries includes different types of practices. For instance, in Western discourse on childhood, it is considered an atrocity to separate families from the child. However, in some countries such as Sierra Leone, children above 16 live by themselves. On the other hand, military experience in African countries is considered an apprenticeship job and is seen as a skill that is passed down between generations (Jung-lee, 2009).

Paternalist and post-colonialist intentions can be internalized in the discourse of protection as well as setting standards in the expectations of childhood. Referring to the international system, its community should be the one to preserve childhood rights, implicitly granting the agencies of the international system permission to interfere in order to protect them. Assuming that children are represented as needy victims who are object of international aid implies that the international community has valid knowledge of what is in their best interest (Libel, 2017).

Regarding children, many traditions and practices from the Global South have been categorized as savage, and by doing so, they depoliticize children's tactical agency in their fight against colonial powers. However, based on local and cultural approaches, these "savage" practices can have another meaningful impact. For some children, their involvement in armed conflicts can imply that they become providers for their families, giving them a sense of respect and pride (Libel, 2017).

### 1.3 Tactical Agency

"Agency" is a term introduced by post-structuralism but also used in other theoretical approaches, such as post-colonialism. Stanford Encyclopedia of Philosophy (2015) defines it in a very general term as the capacity of exercise and manifest its capacity to make strategic and conscious decisions. The controversy that the international system has caused nowadays is a structure/agent dilemma where the structure represented by the international system has taken away the agency, the capacity to decide, from the various actors in it (Honwana, 2000).

*Routledge Handbook of Ethics and War: Just War Theory in the 21st Century* (2013, p.274) mentions that the action of child soldiers joining an army or participating in an armed conflict can have agency:

Maximizing their opportunities to help themselves and their families when faced with violent conflict ... creatively engaging with their situation and constructive managing their risk exploring representations of (ex)child soldiers, she concludes that they seem closer to "real" volunteerism than "coerced choice."

It is also mentioned that child soldiers could have agency if they decide to participate in conflict. In psychological studies, it has become clear that child soldiers often emphasize that joining the armed forces or warring groups was their own choice. Child soldiers can be considered as having the right to participate in the conflict as a way of survival because of structural causes such as poverty, conflict, and violence. However, it can be criticized how voluntary their agency is, considering the structural causes behind their context (Kaoma, 2017).

Children with agency become competent social actors with pertinent social skills to decide for their own lives becoming someone who does something in relation with other people that implies negotiation with social and cultural assumptions, constraints and processes. The social-cultural context that surrounds the tactical agency does influence the agent and its decision. This can be exemplified in "agency

describe as the individual capacity to act consciously and voluntarily in making purposive choices upon environment” (Williams, 2020, p. 32). Agency at the end includes having to obey certain norms and customs that are inherent in the structure, which implies that the agent is not immune to its context (Honwana, 2000).

Agency has been criticized for damaging children’s innocence and corrupting its morals. These ideals go against the Western discourse of purity and manipulation of children, where infancy is expected to comply with adults' orders and is not held responsible for their actions. It is important to mention that Western values point agency base on the individual, but how can we separate a child soldier from its structure? Therefore, the importance of the context is essential as it deeply influences their tactical agency (Williams, 2020).

Giddens in *Innocent and guilty: Child soldiers as interstitial and tactical agents* in (Honwana, 2000) introduces tactical agency. This author calls child soldiers’ agency a tactical agency in which child soldiers make strategic decisions based on optimizing their life opportunities. For child soldiers interactions are based on the conflicting environment where they live which means they could develop tactical agency to respond to these contextual areas. Besides, this tactical agency is bound to social conditions and no locus to act independently (Williams, 2020).

Tactical agency for child soldiers includes that their decisions become part of their identity. For instance, the moment they identify as soldiers, they gain a responsibility and identity of protecting their community as they become part of the Other fighting the Other (Honwana, 2020). Post-colonialism has created dichotomies, especially where one is the oppressor of the Other. The identities of child soldiers are often defined in opposition to the oppressor. For instance, Palestinian child soldiers’ identity is based mostly on its ongoing war with Israel. Thus, their decision is justified or conducted based on that constructed tactical agency. It can be said that it’s a manner of conscious liberation (Gunnarsson, 2008).

"Agency" can be criticized for fitting within the framework of liberalism. However, for the purpose of this thesis, the term "tactical agency" refers to the free

choice and capacity of child soldiers to make strategic decisions. It is important to use this concept carefully, avoiding a rationalist and Eurocentric approach. In this thesis, tactical agency is used from a post-colonial perspective, demonstrating that the colonialism of childhood can be challenged by understanding alternative ways in which children can think and act, particularly in the context of war where they are fighting against a dominant structure.

#### **1.4 Innocent Children**

The following concept has a major influence on the Western definition of childhood. The discourse implies that children should not be held accountable for their actions, as adults are responsible for them. This image ends up representing children as vulnerable victims. This previous conception leads to reductionist approaches to understanding children's motives for joining war. Furthermore, communities and cultures where children are from are seen as impediments to maintaining their innocence (Christ, 2020).

The Western conception has made the ideal of victim as innocent, helpless, and good before society. This has taken us to the concept of romanticization of childhood. During war, images have been constructed to victimize children as it reinforces it with concepts of war, poverty, hunger and even with mental health illnesses such as Post Traumatic Stress Disorder. However, the international community has not been constructing this kind of discourse for the children's best interest, but instead it has a political connotation to fulfill its economic interests (Huttunen, 2010).

Children born in countries where armed conflict is constant have had a different experience from the Western ideal of childhood. They have developed capacities to protect their best interest and well-being. These decisions also include the tactical agency of joining an armed group which involves becoming actors aware of their actions as well as defending a political cause and not just joining in a character of victim which dismisses their own individual experience. The victim and innocent label have built a reductive discourse of capacities. Additionally, the

experience of every child is different. For some they do not feel like victims or traumatized. They emphasize a choice in their decision to participate in an armed conflict as their right to protect their community (Zarif, 2020).

The crisis of child soldiers did not emerge with modern wars. Rather, debates about legitimacy and morality have affected the historical, political, economic, and social developments of childhood. Historically, child soldiers have existed. During WWI, their participation was praised. However, with the introduction of human rights discourses, the praise became questionable, and the construction shifted towards criminalizing the use of children during warfare. Furthermore, their roles in wars have broadened, including cooks, messengers, porters, and girls as wives or sexual partners. This enlarges the level of tactical agency in a child soldier (Williams, 2020).

### **1.5 War**

Post-colonialism criticizes war as a colonial element of the dynamics of the international system where the imperialist interests of the hegemonic Western countries conduct part of its external policies in their relationship with other countries. Post-colonialism points out that warfare is another historical manner to carry out colonialism which at the end embodies a narrative of nationalism, rationality, and power. War has become nowadays a more ideological type of warfare. Post-colonialists argue that colonialist intentions are represented in culture, politics, economics, and international relations, also known as soft power (Seth, 2013).

Global warfare is recognized as “de-historicized conceptualization and its need to mobilize exclusionary identity politics” (Härting, 2006). Contemporary war has become an example of a capitalist interest which is not only bound to territorial control but instead it has culture, ideology, and technology. (Härting, 2006, p.5). In addition, globalization has increased the spread of democratization and good values that justify nowadays wars and intervention (Chowdhury, 2006).

Western countries have collectively created a moral conception of “good wars” where the West countries are morally responsible of helping and saving the

weaker countries from rotten values. However, this has been a methodical way of hiding its imperialist causes. Therefore, it creates dichotomies which give the powerful the right to intervene, as can be seen in the First and Third world categories. Post-colonialism highlights that even though there has not been a formal war in a space lapse, warfare in modernity is reproduced in interventions and international aid (Chishti, 2014).

Additionally, war has become cultural and ideological where Western values are the ones searching to prevail as universal values. Post-colonialism studies contemporary colonialists' interactions in more areas than just war, for instance the relation between North and South. The narrative that Western countries have built has given them the opportunity to intervene. It is important to highlight that most modern military interventions are hiding a country's national interest. For example, the purpose is not to save the life of billions of children, as it is taking economic advantage of its natural resources (Laffew and Barkawi, 2006).

The contemporary humanitarian narrative places an immorality in the recruitment of child soldiers, especially insurgent groups. The humanitarian discourse has catalogued modern warfare as horrific and has signaled that it is an adult enterprise that exploits vulnerable children. It states that traditional wars were made for a good sense, but modern and international wars turn for the worse, notably these are mostly liberations movements, rebels, insurgents, local militia that occurs in the Third World. This implies that the humanitarian discourse has categorized the post-colonial movements as savage. Even though the Western countries were the ones recruiting child soldiers (Rosen, 2007).

War is recognized as a structural cause for child soldiers. Perhaps if war, conflict, and intervention were stopped, child soldiers would not even exist, nevertheless they still do. Furthermore, Post-colonialism critics international aid as an intervention and imposition of ideals and culture of the hegemonic countries. At the end the structural problem of war is reproduced again, but in an ideological form.

## 1.6 Rehabilitation and Reintegration

Rehabilitation is supposed to reintegrate child soldiers into society after a conflict. Huttunen (2010) mentions that rehabilitation implies the child returning to its role before war, but this is troublesome because many child soldiers do not have a “before” as conflict and war have been everything they know. Moreover, during an active participation in conflict, they may have become adults or become married while captive. Rehabilitation has limits.

The rehabilitation process also has different cognitive meanings depending on the international and local organizations treating the issue. Elizabeth Jareg in the text *Child, soldier, child soldier* (Huttunen, 2010, p. 33) defines rehabilitation as “a process of re-orientation, rest, recuperation, and reflection which needs to take place in a safe setting, in interaction with people who have received special training to facilitate the re-adjustment process, and reintegration as “the process of reuniting a child with his/her family and facilitating their community membership”. Both definitions imply the need of outsiders and are based on Western social values, which imposes a certain form on doing those processes (Williams, 2020).

Rehabilitation has two sides: one side involves the child soldiers, and the other involves the community. One of the main issues is that rehabilitation only works with the child soldier and expects the community to easily accept him or her back. However, this has brought cultural clashes because the expectations and cultural norms are not taken into consideration for the reintegration process. Some NGOs construct a discourse based on values, where they ignore the guilt and culpability of the child soldier, as well as the moral capacity of the community (Wessells, 2016).

It is worth mentioning that child soldiers have acquired a new identity, not as children but as soldiers. One of their main challenges is transitioning to a civilian identity with local meanings, rather than a warrior conception. It is crucial that this transition of identities is compatible and accepted by the local community, which is mostly ignored by the international system. Above that, some child soldiers in the

process of reintegration may not want to release a powerful identity to become a victim (Wessells, 2016).

The rehabilitation process has its limitations in imposing reintegration into communities where structural causes, such as poverty, hunger, and war, continue to affect the process. Additionally, the concept of rehabilitation can create dichotomies, as sometimes the values of the international system may not align with those of the local communities to which individuals are returning. This representation of the community as an obstacle can be used as an excuse for NGOs to remain involved (Huttunen, 2010).

## 2. International law: The Shield of Child Soldiers?

The international community's attempt to cope with the issue of child soldiers has relied on international law. However, this has been insufficient as international law has not been able to define who can be considered a child soldier, and it is outdated regarding gender issues. The role of international organizations such as United Nations and NGOs has been deficient as they have ignored the local context and culture in the making of policies and its application. The objective of this research is not to critique all the actions the international community has made about child soldiers but to analyze its flaws and successes to make a vigorous proposal that considers more variables for the development of adequate actions.

### 2.1 Child soldiers, Treaties and Westernization

The first convention that mentions children who serve as combatants was the 1949 *Geneva Conventions*. This is a compilation of four treaties that are considered law of war or international humanitarian law. The convention did not mention child soldiers yet or even define childhood, but the *Third and Fourth Geneva Conventions* deal with the issue of children who were combatants. This is shown by the *Fourth Geneva Convention* which excludes persons under 18 from the death penalty. However, in this convention, children who are combatants are judged with the same rights and obligations as adults and the convention does not ban the recruitment of child soldiers (Rosen, 2012).

In 1977 two amendments were added to the *Geneva Conventions* which are known as *Additional Protocol I* and *Additional Protocol II*. These address issues related to conduct before or during war and were the first attempt to directly recognize and address the issue of child soldiers. One of its limitations is that it offers different levels of protection depending on the type of child soldiers. The protocols distinguished between two types of child soldiers:

Additional Protocol I addressed international armed conflict (wars between sovereign states), while Additional Protocol II addressed non international

conflicts (civil wars, rebellions, and insurgencies). In addition, the Protocols created two categories of children: younger children (below age 15) and older children (between ages 15 and 18 (Rosen, 2012, p. 30).

The protection that these protocols provide for child soldiers depends on the nature of the conflict and their age. However, *the Additional Protocol I*, which was directed at state activities, was too mild to effectively ban recruitment. It only suggests the States should try not to put children in direct hostilities and to give children older than 15 certain priorities (Rosen, 2012).

It is criticized that the Protocol is less strict than what was planned. Originally the International Committee of the Red Cross (ICRC) proposed that States parties should “take all necessary measures in order that children under 15 shall not take part in hostilities and they shall refrain from recruiting them in their armed forces or accepting their voluntary enrollment” (Additional Protocols Commentary, 898, n. 2, in Rosen, 2012). However, “all necessary measures” was changed for all “feasible measures” and “the complete ban against participation” was changed for the “direct participation in hostilities”. This has generated several complications. For instance, direct participation in hostilities means an active form of combating and participation in war, which ignores other types of enrollments as can be fighters, cooks, minesweeper, porters, cleaners, spies or for sexual purposes (Rosen, 2012).

On the other hand, the protocols do not include the topics of voluntary enrollment. Rosen (2012) emphasizes that ambiguous language was used because States did not want to sign a binding document that would have affected their military interests. On the other hand, *Additional Protocol II* does forbid the recruitment of child combatants by rebels, insurgents, and non-state groups. This shows that States allowed the ban not for “taking care of children” but to benefit its military interest and to weaken non state armed groups.

*The Rome Statue* made by the International Criminal Court in the Hague in 2002 brought many developments in the case of child soldiers. For instance, the recruitment of children under 15 is now considered a war crime, as well as dictates

trial and imprisonment for people who recruit them. The Rome Statute declared: "Imposes an absolute ban on the conscription, enlistment, or use of children under the age of 15 by both nation-states and nonstate armed groups" (Rosen, 2012, p.32).

This is the closest attempt to establish universal standards for dealing with child soldiers, but it only focuses on recruitment and does not address other aspects of the child soldier phenomenon. It is noteworthy that the *Rome Statute* has not yet been signed by the main countries that deal with this issue, nor by major powers. Nevertheless, customary law is important in the case of child soldiers. The concept of customary law refers to "general practice of States even if it has not been written down in treaty form" (Rosen, 2012, p. 33). Many States respect and follow the Rome Statute regarding child soldiers' issues because of customary law, even if they are not part of the convention.

In 1997, during a symposium organized by United Nations and the NGO *Working Group on the Convention on the Rights of the Child*, many humanitarian and human rights groups adopted the *Cape Town Principles and Best Practices on the Prevention of Recruitment of Children into the Armed Forces and on Demobilization and Social Reintegration of Child Soldiers in Africa* (Cape Town Principles, 1987) (Rosen, 2012). This defined child soldiers as any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group with different capacities (Rosen, 2012). The definition is very important as it erases the barrier between direct and indirect participation in hostilities. Even more, it includes girls that have been recruited for marriage or sexual arrangements.

*The Convention on the Rights of the Child* created in 1989 opposes the recruitment of child soldiers. Nowadays this is part of customary law, which means it has universal recognition. In Article 38 it bans the recruitment of child soldiers and its direct enrollment in conflict activities (Nair, 2017).

Another form of legal arrangements dealing with-child soldiers is through the special tribunals. For instance, *The Special Court for Sierra Leone* was created in 2000 to judge war crimes experienced during the civil war in Sierra Leone. In this

court, at least 10,000 child soldiers were judged for their crimes. The United Nations allowed this court to have jurisdiction over child soldiers, particularly those between the ages of 15 and 18, who were treated as juvenile offenders and faced imprisonment. There was a debate about reintegration, as civil society organizations believed that the purpose should be to reintegrate child soldiers, whereas the community believed that this could not happen without the existence of punishment and justice. This type of tribunal with local jurisdiction has limits because of political interest in applying international law (Rangoolie, 2001).

*The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* has the objective to protect children from recruitment and participation in hostilities. This treaty was adopted on February 12, 2002. The Protocol banned the recruitment of child soldiers, as well as its direct participation. It promotes the creation of legislation to prohibit and criminalize the recruitment of children under 18. It is signed by 172 countries. Also, in 2010 appeared the Zero under 18 Campaign as an effort to universalize the convention (Office of the Special Representative of the Secretary-General for Children and Armed Conflict, s.fa)

In 2007, United Nations Children's Fund (UNICEF) organized a review of the *Cape Town Principles* that resulted in the *2007 Paris Principles and Guidelines on Children Associated with Armed Force and Armed Groups* (Rosen, 2012). The Paris Principle changes the focus on child soldiers in a child associated with an armed group or armed force which implies a broader spectrum on what can be considered a child soldier (Rosen, 2012). Paris Principles are still not considered part of international law; however, they still try to prevent children's participation in the military.

It is important to mention that there are other regional efforts to address child soldiers' issues, one of them is the *African Charter on the Rights and Welfare of the Child* which was adopted in 1999 by the African Union. This charter was a big step in child soldiering in the context of Africa. It made an effort to forbid child soldier

recruitment even depending on their age. The African Charter has been criticized for being silent regarding child soldiers' disarmament, demobilization, and reintegration (Odongo, 2019).

## **2.2 International Law: The False Hope of Child Soldiers**

The following section analyses the main critics regarding international law and child soldiers. For instance, international laws impose a universal definition of childhood and child soldier which clashes with local practices. International law also has problems regulating State's actions as the treaties are managed by voluntary signing. Furthermore, non-state groups are harder to be observed, as their operations and recruitment are beyond the limits of this legislation (Kononenko, 2016).

The first issue deals with the dialogue between the local and universal concept of childhood in international law. There is a cultural difference depending on the context. Kononenko (2016, p. 91) mentions that "childhood is to be understood as a social construction, based on conventions and not on the natural state". There is a universalist construction of childhood which implies being under 18, as a division between childhood and adulthood, and expects children to be innocent and vulnerable. International law has taken this construction as the base of the treaties. However, it is argued that this concept ignores children's cultural experience.

It is criticized that depending on the culture, the concept of childhood is defined differently, and, in some cases, it is not compatible with international law. For some communities, a child has certain obligations that need to be fulfilled from an early age as part of their role in the community. From a Western perspective, children do not have political rights, but for many communities, these political tasks are a natural tradition. For instance, they are communities where the practices for becoming an adult are made at 14 or 15 years (Honwana, 2011). Local practices are ignored when judging child soldiering, and the question will be: How can we judge somebody who was doing what he thought was an obligation? It is important to clarify that this statement is specifically focused on child soldiers in war.

Another aspect to be considered are controversies with some types of words. For instance, there is a difference between initiation and enlistment. For instance, the first one involves the voluntary or involuntary ritual of joining an armed group which forces any children that “wants” to belong to certain military organization to do activities to prove their loyalty to the group as it could be killing or other violent activities. It is important to highlight that for this initiation some children are abducted or forced to do it. Tactical agency in these cases is different from a conscious voluntary enlistment or initiation where the child is conscious of wanting to belong to a military organization. Furthermore, it is debatable what can be considered voluntary. The voluntary issue is relative, as a child soldier might show disposition to join an army while they are suffering from hunger, poverty, and violence, so it is relatively how guilty a child soldier can be charged for (Honwana, 2011).

In other words, following Honwana (2000, p. 83) international laws need to be reinterpreted in a manner where it benefits child soldiers.

Raising the minimum age for military involvement and clarifying the ambiguities inherent in the distinctions between voluntary and forced recruitment and between combat and noncombatant roles will certainly strengthen international laws protecting children from armed conflict, but alone they have little practical significance to the myriads of children in many areas of the globe where these laws are not understood or recognized.

The accountability and responsibility of child soldiers are debatable because they depend on their context, enrollment in activities, and level of participation in them.

The international system through international law has constructed an image of obstacles around the community. Normally the international community imposes Western values and therefore reintegration fails, as it clashes with the local practices and understanding. These controversies are shown when the values that sustain reintegration do not fit with the community perspective. There is a need through international law to recognize their tactical agency, as well as to identify local

knowledge and practices in order to make the reintegration process more enduring (Drumbl & Barret, 2019).

Although there has been an evolution in international law there are still inconsistencies between international humanitarian law and the international law of human rights because there is no agreement between an international age for defining childhood. It is also ignored the indirect involvement of children in violent conflicts as sex slaves, cooks, guards, spies, mine sweepers, carriers which at the end limits the protection on child soldiers in each branch of international law (Rosen, 2012).

The legal gaps related to the activities and level of participation of child soldiers remain under the States' determination which can end up being counterproductive for the children as States may do whatever is in its interests. Rome Statue brought the criminalization of child soldiering practice. However, the accountability for child soldiers is still a debate. Humanitarian law has been unable to secure and make itself understood in places where conflict is perennial, so harmonizing international and local understanding of norms related to childhood as well as the protection the community gives has not been fulfilled. (Rosen, 2012).

All the previous instruments are important steps in child soldier's advocacy. However, more instruments were created to address the issue of child soldiers such as The United Nations' Convention on the Rights of the Child. The issue with these new treaties is their accordance with international humanitarian law as instead of complementing each other, they generate controversies as they stipulate different definitions of child soldiers and types of accountabilities (Rosen, 2012).

Above all, international law has reinforced a Western discourse on child soldiers, creating an image of exoticized, decontextualized, essentialized, and Orientalized children that implies the need for humanitarian intervention. Moreover, it is constructing an image of the "Other" based on racial stereotypes which reflects structural violence in the own definition of child soldiers (Drumbl, 2012).

Another issue is the gender prejudices hidden within international law. Until 2007, when *Paris Principles* were formulated, girls were excluded to be recognize as child soldiers, which limited their access to justice and reconstruction. International law victimizes and feminizes the experience of girls as child soldiers, focusing more on their enrollment as sexual partners or wives rather than their participation as combatants. For instance, international law follows this logic, causing girl combatants to have less protection than boys and reinforcing a Western white perception of women and their needs while reproducing a logic of hierarchies (Sandhar, 2021)

## **2.2 NGOs: To Begin Again.**

Non-Governmental Organizations are an essential part of the situation of child soldiers, especially when state efforts have fallen short. Most of the work of these organizations is in the field of reintegration. Despite their accomplishments, they are still operating and reproducing the post-imperialist and Western logic.

David Rosen (2012, p. 36) describes the most important NGOs working with child soldiers as the following:

Among the most important of these organizations are the International Committee of the Red Cross Amnesty International, Human Rights Watch, International Save the Children Alliance, Jesuit Refugee Service, The Quaker United Nations Office, Terres des Hommes International Federation, Defense for Children International, and World Vision International. Except for the ICRC, these organizations also make up the Coalition to Stop the Use of Child Soldiers.

The Coalition to Stop the use of Child Soldiers was formed in May 1998 by non-governmental organizations focusing on ending the recruitment and participation of children under 18 in armed conflicts. This coalition unites national, regional, and international organizations and coalitions in Africa, Asia, Europe, Latin America, and the Middle East. One of its main goals is to assess the situation of child

soldiers in specific countries, as well as to provide recommendations and technical knowledge (Amnesty International, 2004).

Another important coalition is The Global Coalition for Reintegration, which includes States, UN agencies, the World Bank, civil society organizations and academia. It was created in September 2018. Its main goal is to propose innovative forms to assist in child reintegration programs (Office of the Special Representative of the Secretary-General for Children and Armed Conflict, s.f). The two previous coalitions are the most important collectives of NGOs working toward the child soldier phenomena. NGOs have influenced the international system in favor and benefit of child soldiers, specially uniting the local and international. However, in its field work of reintegration has reproduced Western ideals (Been, 2003).

NGOs have had an important role in international law. Various NGOs helped in the construction of the Convention on the Rights of the Child, especially in articles and procedures of action. This treaty is important as it gives NGOs a role in observing the implementation of the convention, as well as giving it the faculty to recommend to State parties. These organizations have pushed for more conventions that include the specific cases of child combatants, for example the *Optional Protocol to the Convention on the Rights of the Child*. The previous helped to bring more organization and technical knowledge to the protection of rights for child soldiers, especially broader the sphere of understating of child soldiers which included an improvement on education, health, employment, housing, and social services that affected child soldiers during reintegration (Been, 2003).

These NGOs introduce the gender perspective in giving girls weight in the conventions. Moreover, Rosen (2012) comments that NGOs have helped understand local practices, especially being a bridge between international and local knowledge. However, it is criticized that even though NGOs have contributed to mitigate the phenomenon of child soldiers, they are still reproducing a Western and privileged vision of childhood. Additionally, international organizations' budgets depend on Western countries which forces them to produce certain types of policies.

Furthermore, most of the countries where these organizations operate have limited resources, which gives NGOs more power than the country they are working in. Some NGOs have used this power to introduce policies that benefit their interests, especially in Africa, Middle East, and South Asia.

On the other hand, NGOs are mostly in charge of reintegration and rehabilitation. The lack of success of these activities rests on the Western logic endorsing these programs. NGOs have established limits and expectations in the form child soldiers should be reintegrated base in Western values. But most of them ignore culture, community, and traditions. For instance, the same model they did for African countries is used for Middle East even if it is not compatible. NGOs expect child soldiers to reintegrate into the civilian life. Though, how can it be expected a successful reintegration when conflict and war are still causing hunger, poverty, and violence (Williams, 2020).

NGOs do help in benefit of child soldiers, especially in providing technical knowledge and monitoring the application of law. However, NGOs are inserted into the international system constructed based on Western values, which means they operate with the same ideological base. This can be self-defeating for child soldiers. Moreover, sometimes NGOs take advantage of their budget to apply post-colonialism politics.

### **2.3 Why Can't The International System Protect Child Soldiers?**

The international community has tried to stop the child soldiers' phenomena by creating organizations, institutions, laws and more. However, this has not stopped the recruitment and voluntary decision of child soldiers to join military groups. This can be adjudicated to the international policies that are just mitigatory, but do not handle structural issues like war.

Warfare in postcolonial times has evolved. Western powers are not the only actors, private interests also motive war, especially for the obtention of natural resources. The logic of modern warfare has no limitations, cultural, or religious

justifications. It is the political and economic interests that influence wars. Child soldiers are constantly recruited based on capitalism and their utility. They represent a low-cost combatant with a shaping system of values and identity. Moreover, many child soldiers are easily approachable because of structural causes such as hunger, poverty, and violence (Gates & Reich, 2010).

Child soldiers are not a new phenomenon. However, war has changed in new dynamics. Most of these child soldiers are in the hands of non-state actors who challenge the Westphalia order (Cancelado, 2010). For instance, the tactical agency of child soldiers understands war as the only form to challenge the *status quo* and achieve freedom. Child soldiers are a new mode of intervention, especially in fragile states, where the international community has taken advantage of the discourse to intervene in name of childhood (Gates & Reich, 2010).

The structure of the international system is based on the interest of power, specially from the Western powers, as is United States or Europe. Even though the international system seems more democratic or inclusive, it creates dichotomies on who gets the authority to dictate the rules of the game which gives them control to dominate weaker states (Cancelado, 2010). Post-colonialism shows that the colonialist structure is still part of the international system, only in a different presentation as are the interventions, Eurocentric approaches, and policies. The colony era has just been modified into a modern and technologized era (Gates & Reich, 2010).

The international system is not able to stop the child soldier phenomenon as its own structure is the one who provokes it. War is the main cause of child soldiers, without it, they would not exist. The international community cannot stop war as it is based in the interest of the countries who dominate the system. Moreover, the protection of child soldiers is based on the necessity to weaken military activity and ensure population growth, not on the best interest of the children. (Gates & Reich, 2010)

Alicia Honwana (2011, p. 103) comments that the postcolonial state in Africa has allowed child soldiers to reproduce:

This crisis in the African postcolonial state creates the basic conditions in which phenomena such as child soldiering flourish. The crisis is also coupled with ethnic tensions over power sharing, identity, and access to resources. The incapacity of the state to respond to the situation and to provide for and protect its citizens is apparent. [...] Thus, the increasing development of armed conflicts into which youth and children are drawn is a direct symptom of such a crisis.

Most modern wars exist because of the interests of international powers; therefore, their own institutions are unlikely to stop them (Macmillan, 2009).

The problem for child soldiers is that the international system wants to take their agency away in the rehabilitation, reintegration, law, policies, institutions, and discourse because it is not convenient to have actors who are questioning the colonialist and imperial logic of action and knowledge. Warfare nowadays is a reproduction of post-colonialism interests. That is why the child soldier phenomena will continue despite international law, coalitions, international aid, NGOs, because child soldiers are a form for the international system to fulfill post colonialist and imperialist objectives. This leads us to the basic question: Why can't the international system protect child soldiers? The answer has to be that it is based on its post-colonial structure.

### **3. Syria: The Field for Child Soldiers**

In 2011 the Arab Spring sparks in Syria which will led to a series of intern disputes that will influence the present Syria. The long-term conflict and the shortage of combatants guide each part of the conflict to start recruiting civilians, especially children, who filled many roles as spies, cooks, combatants, guards, among enduring sexual exploitation and military punishments.

The Syrian Network for Human Rights (2021) issue its tenth annual report on violations against children in Syria which showed that the country has ratified The Convention on the Rights of the Child in 1993 and the two Optional Protocols to the Convention on the Rights of the Child. Besides, in the local legislature there are two bodies that protect the children: The Syrian Commission for Family Affairs (SCFA) and the National Child Protection Plan. However, every party involved in the conflict has violated the previous treaties in a systematic manner. The Syrian government announced the National Child Protection Plan in 2005 to handle sexual violence, provide protection to children and other issues. However, there was no proper mechanism to ensure protection of children in Syria (Noor, 2016).

The report indicates the death of 29,661 children between 2011 and 2021 in hands of the Syrian Regime, Russian forces, Islamic State, Hay'at Tahrir al Sham, Kurdish-led Syrian Democratic Forces, Syrian National Army, the United States Coalition, and other parts. The report estimates that there are approximately 1,374 child soldiers in the Syria regime forces. However, this data leaves behind the number of child soldiers that are part of non-state actors armies. Syrian child soldiers are even being recruited from Syrian refugee camps in other countries like Jordan (Reliefweb, 2021).

The following chapter explores the situation of child soldiers in Syria. It will focus on the causes for the recruitment of child soldiers in the country, as well as in

the reintegration and rehabilitation logic that international organizations follow, especially in the case of child soldiers recruited by non-state actors in Syria.

### 3.1 Background of Syria

The conflict in Syria, also known as the Syrian uprising, started in 2011 with a series of protest against the government of President Bashar al-Assad. He followed his father's footsteps, who instituted a dictatorship. Even though the Syrian population thought Bashar was going to modernize Syria as he was educated in UK and was near Western ideologies, he did the opposite. In 2010 the capacity of handling the Syrian population seem depleted as the Arab Spring began (Conci, s.f).

The Arab Spring in Syria started in the city of Daraa. Syria was the perfect scenario as the repressive government and the poor social conditions make the population long for a change in the regime. The manifestations were pacific at the beginning but with the repression of the Syrian regime, a violent conflict began. The president assured that democratic measures were going to be insured, but at the same time he displayed armed forces through various cities (Conci, s.f).

Antigovernment groups found several ways to acquire weapons. The lack of a stable government provided a chance for various groups to snatch away the political life of Syria. Even though there are various anti-government groups, the Human Rights Council divides Syria's non-state armed groups in four broad groups: the Syrian moderate nationalists, the Syrian Islamic armed groups, the Radical Jihadist groups and the Kurdish armed groups. The moderate groups are called *opposition* while the other three, the *rebels* are part of a political alternative in the government as the Free Syrian Army (FSA). Each part has control over a certain geographic area, so Syria's actual government is divided. War has lasted so long that there is a shortage of combatants and each part without exceptions has recruited child soldiers to solve the lack of soldiers (Conci, s.f).

### **3.2 Child Soldiers in Syria: Are We Safe?**

As mentioned in the introduction child soldiers in Syria were recruited by state forces and non-state actors. In the pre-civil war context, Syria manages to introduce ideologies that indoctrinates the scholar age children through the school system and state media in order to prepare children to fight in war. However, terrorist groups such as ISIS developed the same strategies to recruit child soldiers. It is important to mention that recruitment for Syrian children is easily made because of their limited quality of life (Almohammad, 2018).

For the recruitment of child soldiers in ISIS territories, it is normal for them to experience display of violence such as bomb explosions or daily torture. They have two main recruitment processes. The first one is predatory recruitment which includes the use of manipulation and charm to recruit children. The process includes selecting a recruit, gaining access, developing emotional trust, and providing ideological pre-schooling and agency development (Almohammad, 2018). The second step is the selection of the recruit, in which the recruiter targets children who have a scarce social situation. Therefore, schools and other social spaces such as mosques and orphanages serve as enlistment and training bases (Almohammad, 2018).

It is important to mention that most Muslim and opposition groups learned these strategies from government indoctrination, which were part of Western teaching and methods. The indoctrination and radicalization of Islam were produced by Western intervention in the Middle East for centuries. Although it is not the only cause, it helped create an anti-Western sentiment in the Middle East.

ISIS strategy is based on development of trust which implies generating emotional ties with the child. The recruiter forms ties and bond with children throughout social media, schools, and mosques. Syria's poverty is common as war continues to destroy the quality of life of its citizens. This promotes a smooth enrolment without much controversy, as part of the recruitment includes payment for the family's and the children's needs (Almohammad, 2018).

Recruitment strategies in Syria are used by all the parts involve. These strategies even though are used by the Islamic State were based on Western training. There are different types of recruitment. For instance, many of the Middle East parents visualize enlisting their children into insurgent groups as a form of resistance against Western intervention. The role of intervention of the parents determines the enrolment and embracing of the activities by the child. On the other hand, the material and economic appeal is important as the recruitment process includes improvement in the standard of living of the families as well as their children. The material appeal goes to simple things as toys or candies to healthcare and food (Anderson, 2016).

Psychology plays a key role in the recruitment of children. In the case of ISIS, they use psychology to give children a purpose. However, it is important to state that governments and other groups in Syria use these strategies as well. Terrorist groups do not provide life opportunities because they care for children; it involves their political interests. Even if children receive opportunities, these are paid for with work, which includes violent activities (Anderson, 2016).

Physical training is a mandatory part of recruitment, as children learn how to fight and defend themselves. They are also indoctrinated and exposed to provoke them to observe brutalization. Children are kept in line with Islamic values and isolated from external systems of belief, including families, so that as lone children they become more committed to the organization. Children play an important role in recruitment, as some who have committed to rebel groups are returned to their communities to influence more children (Anderson, 2016).

ISIS transforms the identity of children as part of the recruitment. First during the early stage of recruitment, the recruiter identifies the commitment of the child and measures its potential. ISIS' main tool is to indoctrinate children through schooling. However, there is difference in local training with Syrian children and Middle Eastern and North Africans children, as well as orphans. Each group has special training regarding its potential. For example, orphans are the ones selected

to carry out suicide attacks as they are less likely to develop family relations. (Almohammad, 2018).

As mentioned in the second chapter, structural causes such as poverty and violence facilitate recruitment, and Syria is not a stable state. In this case, it is important to question who will have the political obligations and rights over child soldiers if their own national regime is not the one to protect them. This is still a matter of debate. However, one thing is certain: the Syrian government and its local organizations, as well as United Nations agencies, are not ready to handle child soldiers on their own.

It is a controversial debate that most of the information about reintegration and rehabilitation is from children that were active in ISIS and other Islamic groups where the historic handling of child soldiers in Western coalitions and the own national Syrian regime is hard to be found. This thesis does not defend in any case terrorism nevertheless, if the international discourse is going to incriminate or disregard certain actions or crimes, this should be done to all parts, even the West. So, the Islamic causes should not be generalized in the international community for radicalization.

For some child soldiers joining a Jihadist group do that as a form to feel powerful against Western intervention and its own government, especially when they and their families have been tortured by them. It is important to mention that even though we are analyzing the example of the Islamic State, the Syrian regime has also applied some of these strategies. However, the international community has not condemned both acts in the same manner. For instance, it is common to consider the Muslim indoctrination to be worse than the use of children in State militia, as the first one breaks the Western-European discourse of childhood.

But child soldiers have been a part of both Muslim and Western countries. The Western discourse is based on values such as purity, forgiveness, and fragility; therefore, children in the West discourse have no tactical agency. The international discourse has constructed an alterity based on orientalism, so Muslim and Arab child

soldiers are constructed as savage. However, Western and European countries that do not follow their own Western logic and have child soldiers are not marked as savage. There is a cultural charge to this discourse.

Islam is not opposed to human rights or the welfare of children. Instead, it is careful to ensure that globalization and Western discourse do not interfere with the path designated by Allah. For example, both perspectives share common standards for children, such as education, healthcare, and a peaceful environment for development. Many Islamic countries have signed The Convention on the Rights of the Child, as it aligns with the Islamic perspective of prioritizing the best interests of the child. However, Muslim countries have not met these standards because the international system does not allow for it, as globalization, poverty, and inequality still dominate these countries. On the other hand, although Western and Islamic countries share similar perspectives, the latter struggles to implement them because cultural and religious aspects are not entirely compatible (Lubis, 2008).

Defining adulthood in the Islamic law varies depending on the country. but the Islamic law does not include children participating in conflicts, instead it promotes that they are provided education. Lubis (2008) states that if children are participating in war is not because of Islamic law, but instead the interpretation of people and the political interest of the Muslim countries. The author comments that Western countries have encouraged this phenomenon as they have supported military Muslim regimes that represent and practice Islam in a particular form. On the other hand, Western countries have used child soldiers which goes against their own values. Therefore, the practice of child soldiers is not restricted to the Global South since most Western countries have a militarized education option available for children. Harding and Kershner (2017) mention that military schools, especially in the United States should be considered recruitment of child soldiers because of all the characteristics it involves.

As established before, some countries such as the US can do almost anything with child soldiers as international law is very ambiguous. This is the case of Syria

as well, where the State has created its own concepts and mechanisms to judge and deal with child soldiers. Syrian armed forces have been proved to harm children, especially those who are part of the opposition.

The Syrian government has used the term “human shields” to describe its situation with child soldiers, in which child soldiers are used as guards and eye keepers of military materials. This term is used because the international community cannot link the activities children performed with the conventions protecting child soldiers, as they are technically not called “child soldiers”. However, even though they are not called child soldiers, the activities they performed are equivalent (Grover, 2013). The Syrian government has taken advantage of the ambiguous international law to treat child soldiers based on political interest. This is reflected in not only the terms they used, but as well as in the imprisonment conditions.

The Syrian Juvenile System does recognize child soldiers and gives them certain preferences; however, it is lacking international standards and local perceptions. Because of the benefits in its own national regime, a child soldier is judged the same way as an adult. International law and principles are mostly ignored as the minimum age for criminal responsibility was set at 10-years-old. Syrian Juvenile System treats youth between 10 and 18 years as adults depending on the crime (Van Niekerk, 2019). The previous has helped the Syrian regime to harm and debilitate the opposition.

It is argued that Syrian child soldiers’ rights should be composed by a “competent, independent, and impartial body to hear the matter; the right to privacy; the right to dignity; the presumption of innocence; the right to be informed of the charges and to remain silent; and the right to participate in the trial”. (Van Niekerk, 2019, p.32). Even though this work does not have the purpose to criticize the Syrian legislative system, the previous is based on persevering the innocence and purity of children which ignores local perceptions and pursues its own interests.

On the other hand, it is commented in Van Niekerk (2019) that the international community has denounce the Syrian legislative system as it hinders

reintegration and rehabilitation. However, the interest in denouncing is not because of their concern for child soldiers, but rather due to the military interests that international organizations have in weakening the Syrian regime, as well as combating terrorism and Islamic groups. The obstinacy in the process of reintegration in Syria by the international community is that it serves the imperialist and hegemonic interests of the West.

### **3.3 International Community: The Answer That Never Came to Syria**

Demobilization is not part of the Syrian legislature. However, NGOs, and United Nations oversee the process. The NGOs and United Nations try to reach the fighting parts to negotiate the handing over of child soldiers. In the case of Syria, the negotiations of United Nations have not been successful as the government has not been open about using child soldiers even when the evidence and data show otherwise (Pašagić, 2019).

The parts involved had agreed to demobilize child soldiers, but this was a temporary arrangement as they later resumed recruitment. Instead of trying to dialogue with the Syrian regime, the international community has stated that the main issue is the ISIL cubs, which are children recruited into the Islamic State (Conci, s.f). The previous statement shows that the necessity to demobilize and reintegrate child soldiers serves the military interests of the West.

In the reintegration process United Nations agencies have worked towards making children innocent so that they can fit into the reintegration and rehabilitation programs. The exercise requires that children be identified as victims instead of criminals (Passagic, 2019) However they are categorized as security threats. Again, this is based on Western interest. The main objective is that they stop serving the military interests of the Other.

It is important to state that this thesis does not support the recruitment of child soldiers from terrorist groups nor the activities they realized with them. However, the work seeks to understand and criticize how the discourse of Western ideals has

pushed child soldiers to enlist in army groups not only terrorist but also Western coalitions.

One of the main challenges of reintegration is the change of ideology and identity of the child soldier. It is mentioned that Syrian main strategy for reintegration is the transformation of identity with a particular group. For instance, from a terrorist group to a national group (Pašagić, 2019). Nevertheless, it is controversial to ask child soldiers to identify with the alterity even more when the Other is the opposition. This becomes harder to achieve when a child identifies as a member rather than a victim, as it alters the Western narrative surrounding child soldiers.

SOS Children Villages is an NGO that works in the reintegration of child soldiers in Syria and toils with “Interim Care Centres (ICCs), which are controlled environments that provides an opportunity for individual assessment. Their programs are likely to focus on establishing appropriate codes of conduct, re-establishing self-regulatory processes through rewarding group-oriented behaviors, and activities that promote security and trust” (Pašagić, 2019, p.119).

It is important to mention that these types of methods are based on Western ideals of childhood and may not align with local practices, which could lead to cultural clashes within the community. Furthermore, the effectiveness of these plans is measured by the reunification of families; however, many of these children are orphans and returning to their community may not always be the best choice (Pašagić, 2019).

Many of the NGOs, especially the ones who work with the Interim Care Centers, have identify the community as a limit for the reintegration of child soldiers, as its members become afraid that child soldiers may continue its violent behavior inside the practices of the community, so its members end up rejecting them. It is important to mention that the international community and United Nations expect that NGOs, and the communities do the reintegration process by themselves, but these organizations based their short-term actions on financial aid which mostly leads to failure (Pašagić, 2019).

Another facet that warrants consideration in the context of child soldier reintegration programs is the presence of education, vocational training, financial empowerment, and skill management components. Nevertheless, these programs often fall short in addressing the challenges that arise from attempting to reintegrate child soldiers into a society still grappling with conflict and war. The skills imparted by such programs may prove superficial and fail to account for the contextual needs of child soldiers. In particular, programs targeting former child soldiers who were part of terrorist groups frequently employ the term "deradicalization," which denotes a process of identity transformation. However, this approach is based on the principle of exclusion, which is a core element of reintegration programs (Pašagić, 2019).

The international community has stated that there is a necessity to save and heal children from brainwashing. Therefore, it uses social media photos and images that produce a discourse of vulnerability and depoliticization for Syrian child soldiers. These images reduce the reality of children, and backup the Western discourse of humanitarian intervention. It is controversial how the international community wants to eradicate the tactical agency of child soldiers, but reproduce the imperialist, hegemonic and Eurocentric approaches that support the creation and reproduction of war (Fehrenbach, & Rodogno, 2015).

Western countries have used social media, songs, concerts, and other cultural activities to reproduce the Western discourse that the Global South needs help, and these countries have an obligation to provide it. These countries tend to publish photos to reach the international community, especially where brutality is practiced to and by children. The controversy is that child soldiers are getting represented by Western powers which have political interests. This has ensured that the international community has a particular biased perspective of Syrian child soldiers and promotes a salvation mission upon them. However, the Western media does not show the involvement of the West in conflicts where child soldiers were "vulnerated" or the military strategies used in children. This reduces the reality of child soldiers in Syria and reproduces the imperialist and post-colonial discourse

where the Western countries are trying to hide their political and economic interests (Fehrenbach, & Rodogno, 2015).

## Conclusions

Summarizing, this work had the objective to identify the structural, international law and historical flaws by the international community management with child soldiers from a post-colonial perspective. The concepts, definitions, and perspectives that the international community uses to manage the child soldier phenomenon are totally based on Western values and ideals. The previous has caused cultural clashes in which the knowledge of local communities is ignored.

The Western perspective constructs childhood as innocent, pure, vulnerable, obedient, carefree, immature, irrational and happy phase. The reality is that childhood is a socially constructed value that changes depending on the context. Therefore, using Western values reduces the reality and ignores the local context of child soldiers. This has provoked the construction of an alterity in which child soldiers who do not follow Western logic are presented as brainwashed or savage.

The alterity has constructed international discourses and policies which has become dominant and affects the cultural reality of child soldiers. This alterity was constructed based on political and economic interests. Western countries have pursued this discourse as it develops the idea that child soldiers need to be rescued, which allows intervention and imperialism in Third World countries. The discourse has given the legitimacy to the international community to act in favor of child soldiers. However, this only feeds the interests of the West. Most of Western countries are in armed conflicts with Non-western countries, so in order to weaken their military structures they try to end the recruitment of child soldiers in Third World countries. West countries are not doing it because of the well-being of child soldiers, instead because in its convenient to their military interests.

Tactical agency is a concept used in this work to describe the capacities of child soldiers to make decisions based on their context, especially war. It is taken into consideration that for child soldiers' warfare is a way to challenge the hegemonic system and in some communities is part of their responsibilities and compromises towards it. So, this implies that child soldiers can have agency to decide if they join

an armed conflict or not. However, this can be questionable as child soldiers experience different structural causes such as poverty, hunger and war.

On the other hand, the international community has had a very important role in the making of international law. However, this has been ambiguous as it is based on Western ideals. For instance, an international age has not been agreed between the international community and various agencies. Furthermore, International law has condemned the recruitment of child soldiers by non-state groups, but recruitment made by the States is not prohibited in the same way. States still have certain advantages granted by the international community to recruit child soldiers. Additionally, girl child soldiers are also misrepresented by international law, as it only portrays them as cooks or wives, but it ignores the fact that most of them are combatants too.

NGOs, also play an important role as they reproduce Western logic in their reintegration and rehabilitation programs. In some cases, these programs are not applicable as returning to their previous state of childhood is not possible. For instance, they are married, adults or they were born in conflict and are not familiar with anything else. NGOs have also promoted child soldiers' rights, but from a Western perspective, so they end up reproducing imperialists and post-colonial interests.

The work seeks to criticize that even with the existence of programs, international law, institutions and policies, the child soldier's phenomenon still persists. The previous is based on the international system formation built on the interests of dominant and hegemonic powers. Therefore, the child soldier's phenomenon is not going to be over as war, which is the main cause for their existence, benefits the interests of the dominant powers. The international community has helped reproduce this logic which has internalized through its programs, discourses and policies. On the other hand, child soldiers visualize armed conflict as a manner to confront this hegemonic ideology and to try to change the domination of power.

The case of Syria exemplifies the fight between Western powers and non-state actors. For instance, it shows the post-colonial interests these countries have in Middle Eastern countries. This case is particularly interesting because the focus is on the recruitment of child soldiers by terrorist groups. However, the international community has ignored the recruitment by the Syrian State or the Western coalition in Syria. The Syrian legislative system does not follow international standards, and despite criticism from the international community, it limits reintegration and rehabilitation. However, the international community does not condemn the torture that child soldiers have experienced because of the Syrian legislative system.

The international system has condemned child soldiers in terrorist groups when most of their recruitment skills were taught by the Western system. Moreover, it is important to state that the international community created an alterity with child soldiers in Islamic countries, as Western countries can recruit child soldiers violating international law principles and having double standards in the enrolment of the international community in their territory. The international community should prohibit the recruitment of child soldiers, with the same severity to each country or actor. Moreover, Islam is not against the protection of childhood; instead, it proposes diverse mechanisms of protection.

The objective of this thesis is not to state that the child soldier's perspective is the absolute truth. Instead, present other manners to understand a phenomenon that the international community has tried to manage in their own logic. Moreover, to seek the flaws of the system and to visualize what the international system has failed in order to prevent it or improve. Therefore, the following proposals are made:

- Transform the name of “child soldiers” or “child associated with an armed force or armed group” to child combaters. The term combaters can also embody other causes than just State militia activities. Girls should be recognized in international law and be given a proper name as girl combaters when referring to them.

- The term "child combatants" should also include children who experience war, as they are vulnerable to becoming child soldiers, and international organizations should provide them with the same benefits and legislative protection. A child combatant will lose their title once the armed conflict in their community is over.
- International law should take into consideration the local perspectives in their making of international law and the construction of definitions, especially childhood.
- Modify the name "reintegration" to "intercultural formation". These programs and plans should be contextual to any territory, and their committees should include child soldiers as well as other actors. A committee will decide the best path for each child soldier. International organizations and communities should respect and act according to the culture of the territory. Moreover, the international community should not intervene in territories solely for the purpose of intercultural formation; instead, they should act as facilitators of skills and work together with the community.
- The international community should condemn the recruitment and use of child combatants in any activity during war, conflict and training with the same severity to every country.
- The international community should establish an intercultural dialogue including all parts of the phenomenon in order that Western and Orient countries can dialogue in the benefit of children. In these dialogues, proposals to policymaking should be made without any hierarchies. It should be a dialogue where the various cultures can share knowledge and find a common ground for the benefit of child soldiers.

The field of child soldiers still has a lot to cover, but it is important that the international community is capable of including other actors' perspectives into policymaking, especially the actors that are key to the problems. Moreover, it is important to emphasize the integration of other cultures and values to make

international law and programs effective. The international system should start being a system for all instead of just a few.

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