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## Participation under Fire: dilemmas of reintegrating child soldiers involved in South Sudan's armed conflict

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**ABSTRACT** The tension inherent in the juxtaposition of children's right to participation and to protection is most starkly manifested in the context of armed conflict. The possibility that children may not only choose to participate in military structures, but actually derive some benefits from such participation must be seriously considered. Failure to adequately address children's own motivations and wishes constitutes a denial of their participation rights. It also poses a threat to disarmament, demobilisation and reintegration (DDR) programmes seeking to facilitate child ex-combatants' transition to civilian life. Inspired by the new paradigm of social studies and the theory of legal pluralism, this article presents the findings of a study of participation rights as they apply to child soldiers. Using the child-focused DDR initiatives currently being implemented in South Sudan as a main case study, the author combines insights derived from an examination of local norms and universal legal standards with field research to elucidate the legal, cultural, moral and practical dilemmas of upholding child soldiers' right to participation. Analysis of these inter-related issues seeks to advance the view in favour of field-based investigations testing the current normative assumptions guiding both child advocacy and DDR policy.

### **Introduction: participation under fire**

The right to participation as established by the UN Convention on the Rights of the Child (CRC) and other international legal instruments is often regarded as largely aspirational and not yet fully realised (Alderson, 2008). An important dimension of the challenges involved in actualising children's participation rights pertains to the tension inherent in two of the general principles that constitute the cornerstones of the CRC – the best interests principle, established by Article 3, and the right to be heard and taken seriously, primarily associated with Article 12 (CRC, 2009). Efforts to establish measures and policies to protect children from harm and ensure their safety and welfare must be balanced against children's right to have their views and priorities given due weight. The tension inherent in the juxtaposition of children's right to protection and to participation is most starkly manifested in the context of armed conflict. The possibility that children may not only choose to participate in military structures, but actually derive some benefits from such participation, while controversial in child advocacy circles, must be seriously considered.

The elimination of child soldiering has been an international cause célèbre for over fifteen years. This current concern for the plight of child soldiers was sparked by Graça Machel's (1996) report *The Impact of Armed Conflict on Children*. Prompted by the findings of this report, UN Secretary-General Kofi Annan established the Office of the Special Representative for Children and Armed Conflict in September 1997. The UN and other international organisations have strived to establish and enforce a comprehensive assemblage of international norms, guidelines and frameworks against the military recruitment of children. The tensions evident in the various assumptions and principles undergirding the current normative framework of children's rights

merit urgent interrogation if approaches to under-age soldiering are to have any sustainable and meaningful impact on the lives of war-affected children, especially those in impoverished countries of the global south, such as South Sudan.

Despite improvements since the signing of the 2005 Comprehensive Peace Agreement (CPA) which brought an end to the two decades-long Second Sudanese Civil War, conditions for children remain grossly inadequate (OCHA, 2011). Efforts to reintegrate former child soldiers are faced with enormous difficulties in a country where over 80% of the population are illiterate (UNICEF, 2011), and where the army constitutes one of the few viable – and culturally acceptable – opportunities for economic and social advancement available to young men. Indeed, many of the children UNICEF and its partners remove from the ranks subsequently resort to joining a militia to provide some financial security for themselves and their families (Green, 2012). Difficult economic realities are compounded by the deeply conflicting views on children's participation in socio-political life evident in the cultural, legal, and institutional constructions of childhood prevalent in the newly independent nation.

Inspired by the new paradigm of childhood studies [1] articulated most explicitly by Allison James, Chris Jenks and Alan Prout (1998), and the theory of legal pluralism, this article presents some of the findings of a larger study of participation rights as they apply to child soldiers using the child-focused disarmament, demobilisation and reintegration (DDR) initiatives currently being implemented in South Sudan as a main case study. I combine insights derived from an examination of local norms and universal legal standards with research conducted during three field seasons (the summers of 2011 and 2012, and December to January of 2012 to 2013) in four South Sudanese towns (Juba, Yei, Magwi and Nimule). While the larger study draws on ethnographic and participatory research methods carried out with a range of local actors, the present article is more specifically framed as a contextual review which aims at elucidating the legal, cultural, moral and practical dilemmas of upholding child soldiers' right to participation. The findings of my overall project seek to contribute to the growing field of global studies of childhood, advancing the view in favour of field-based investigations testing the current normative assumptions guiding both child advocacy and DDR policy.

### **The Global Governance Architecture of Children's Rights and the Concept of Participation**

While the general principle of participation emerged in the late 1970s, it was not until the 1990s that child-focused organisations became interested in the participation of children. The recognition of children's social agency and active involvement in the construction and interpretation of their own lifespaces was largely stimulated by the 1989 UN Convention on the Rights of the Child (CRC), in which participation appears as a key theme alongside protection and provision (Santos Pais, 2000). To date, only two countries have not ratified the CRC – Somalia, which has no effective government, and the United States. Both Somalia [2] and the US are, nevertheless, signatories.[3] As the most widely ratified human rights treaty, the CRC represents an international consensus on children's rights.

Recognised as a fundamental human right of children, participation is considered to be relevant to the interpretation of all other articles of the CRC, as well as to their implementation. Furthermore, the case has been made that applied interventions that involve children as participants are more effective and sustainable. Participation is to be understood as a process, rather than an event (CRC, 2009). Specifically, the CRC General Comment No. 12 states that:

the concept of participation emphasises that including children should not be a momentary act, but the starting point for an intense exchange between children and adults on the development of policies, programmes and measures. (CRC, 2009, p. 7)

Article 12 of the CRC establishes the right of children to be heard, and for their views to be taken into account and to play some role in decision-making. In practical terms, it is unclear what giving a greater or lesser weight to a child's view entails exactly. At one end of the spectrum would be the option of hearing but disregarding what the child says; that is, giving no weight to the expressed view. At the other extreme would be the practice of giving maximum weight to children's views, which would amount to giving children the right to self-determination. A related and equally

important dimension of Article 12 is that it is afforded only to those children capable of expressing their views. The right is thus not possessed by all children, but only those above a minimum threshold of competence to give voice to their views. The principle of the evolving capacities of the child speaks of age and maturity, but does not impose an age-based determination of capability, since ability to understand does not necessarily increase with chronological age in a linear manner. Furthermore, ability to comprehend any specific issue is clearly relative to the issue in question. One must moreover recognise the particularities of each child, and bear in mind that any assessment of capability 'will depend greatly on how adults construct ... capability' (Smith, 2002, p. 136). It follows that children's capacities should be determined *en concreto*. This means that both child-specific features and context-related elements should be taken into account, and the assessment of the ability to form own views should be related to the particular decision in question (Thomas & O'Kane, 1998, p. 150).

The participatory rights of children are also addressed in regional instruments such as the 1990 African Charter on the Rights and Welfare of the Child (ACRWC), and the 1996 European Convention of the Exercise of Children's Rights (ECECR), further strengthening the view of children as participants in society. It is however worth noting that participation is not without critics, and there are those who argue that participatory approaches that fail to address issues of unequal distribution of power may simply serve to legitimate decisions taken *a priori* and reinforce, rather than overthrow, existing inequalities (Cooke & Kothari, 2001). While protection from harm and provision of needed resources have strongly resonated with humanitarian agencies and child welfare advocates (Bluebond-Langner & Korbin, 2007), the participation rights of children remain a complex and controversial topic. In practice, when children's involvement is sought, it is almost always in the form of social mobilisation rather than genuine participation. Social mobilisation merely seeks to elicit the agency of people to carry out a predetermined agenda. Participation, on the other hand, is thought to foster the long-term development of citizenship and a sense of local responsibility (Hart, 1997).

Furthermore, the principle of evolving capacities appears to have no bearing in the interpretation of some significant protection rights. In particular, Article 38 of the CRC declares, 'State Parties should take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take direct part in hostilities'. Similarly, recruitment of soldiers under the age of 15 is illegal under humanitarian law.[4] The CRC's Optional Protocol on the Involvement of Children in Armed Conflict does not establish 18 as a minimum age for voluntary recruitment into the armed forces – it does so only for *direct participation* in armed conflict. The African Charter on the Rights and Welfare of the Child is even more stringent, as it prohibits recruitment, voluntary or involuntary, of anyone under the age of 18.[5] These legal provisions are constructed as categorical proscriptions. They offer no space for consideration of children's own motivations, their ability to understand their own circumstances and express their own views regarding participation in military structures, or local cultural constructions of the roles suitable to children according to their gender and age. It is thus unsurprising that the actualisation of these norms has been limited at best, as their implementation is complicated not only by cultural understandings of children's role in society often at odds with normative constructions, but also by conflicting legal provisions seeking to regulate children's lives both in times of peace and periods of conflict. South Sudan, a newly independent African nation where efforts to promote sustainable peace and prosperity must contend with the aftermath of a decades-long conflict largely fought by young people, is a case in point.

### **Dilemmas of Legal Pluralism and Child Rights in South Sudan**

Since its 9 July 2011 independence, South Sudan has been experiencing a very fast and rather chaotic process of state-building. New ministries, departments, commissions, legislation and other official initiatives are being established – and re-established, named, renamed, cancelled, and replaced with other versions – as the new Government struggles to solidify its nascent legitimacy. Significant discrepancies are evident in the way children are treated in the various legal systems (customary, domestic, international and human rights) in existence in South Sudan. The applicable law in this country currently incorporates: (1) legislation enacted by the Southern Sudan Legislative

Assembly, which gives considerable prominence to customary law and traditional authority (Articles 5, 173); (2) legislation decreed by the Chair of the Sudan People's Liberation Movement (the political branch of the SPLA) before the CPA; and (3) international human rights treaties ratified by Sudan before South Sudan's secession.[6] These comprise of UN binding agreements, including the Covenant on Civil and Political Rights and that on Economic, Social and Cultural Rights, as well as the Convention on the Rights of the Child, although not the Convention on the Elimination of All Forms of Discrimination Against Women (Garms, 2009).

The UN's Integrated Disarmament, Demobilization and Reintegration Standards consider children recruited into armed groups to be the victims of an international crime. So does UNICEF, which has been working with the South Sudan DDR Commission since the CPA. Similarly, the Southern Sudan Child Act, signed into law in October 2008 (*Southern Sudan Gazette*, 2009), prohibits the recruitment and use of children in armed conflict, seeking to 'extend, promote, and protect the rights of children in South Sudan' (p. 11). Both the Government and the Sudan People's Liberation Army (SPLA), however, have long been favourable to the role of customary law and traditional justice mechanisms, whose principles and practices view the young as competent and capable while condoning the harsh treatment of children, including severe punishments – e.g. canning, flogging – contrary to universal human rights norms (Leonardi et al, 2010).

The conflicting views towards issues of vital importance for children's well-being – such as violence against children, child labour, the military use of children – evident in both legal frameworks and societal attitudes – merit focused attention. Article 17 of the Transitional Constitution which came into force in 2011 when South Sudan became an independent nation establishes that 'Every child has the right ... to be free from corporal punishment and cruel and inhuman treatment by any person including parents, school administrations and other institutions ...'. Customary law, on the other hand, still prescribes lashings as a suitable punishment for certain offences committed by children, and some local Chiefs' Courts reportedly follow the principle that 'anyone under eighteen can be flogged, but not imprisoned' (Leonardi et al, 2010, p. 59). The exact role that customary law is to play in South Sudan's new legal system is yet to be established.

Similarly problematic is Section 25 of the 2008 Child Act, which places the minimum age for paid employment of a child at 14 years; it also enumerates prohibited labour activities. One of the activities specifically prohibited by the Act is any 'herding which jeopardizes the interest of the child' (*Southern Sudan Gazette*, 2009, p. 22). Cattle-rearing, however, constitutes an important strategy throughout South Sudan, particularly in those regions where the hyper-arid climate is less conducive to agricultural production. Although traditional subsistence activities have taken a toll due to armed conflict and displacement, cattle remains a fundamental aspect of the social and economic social life of children who have gender- and age-based responsibilities in looking after herds (Ensor, forthcoming). Cattle also form the basis of economic exchanges and social interactions, such as paying the bride price necessary for marriage, and wealth is often determined by the number of cattle a family owns (Epstein, 2012), making children's participation in cattle-keeping a vital and welcome contribution, whose legal standing is now questioned by legislation such as the Child Act.

Local constructions of childhood are thus placed at odds with a new, inconsistently framed social order where acceptable practices for young people are narrowly circumscribed, compounding the challenges of reintegrating thousands of child soldiers into civilian society. Child-focused DDR programmes promoted by the Government, various UN agencies, and other aid organisations operating in the country currently underway are facing significant difficulties. An emphasis on victimhood, common to many child advocacy groups but so contrary to local perceptions of the young as capable actors, risks compromising reintegration efforts and amplifies, rather than dissipates, the potential threat posed by disenfranchised youth.

### **Children as Participants in South Sudan's War: child soldiers and war heroes**

Throughout post-colonial Africa, conflicts and other crises of states have led to the proliferation of child soldiers owing not only to the demographic prevalence of youth in the continent, but also to the dearth of educational and employment opportunities which make participation in rebel movements and other armed groups an attractive option for young people (De Berry, 2001, p. 94).

Child soldiers cannot, however, only be seen as victims of the wider political-economic context in which they live but must also be credited with agency and volition in the decisions that take them to fight. (Cairns, 1996, p. 131)

In effect, young people make the decision to participate in military life on the basis of their appraisal of their personal options, and their own and their family's safety. While the numerous legal instruments that encompass the normative framework of children's rights have the principle of the best interests of the child as their core objective, the very conceptualisation of what constitutes 'best interests' is often a matter of debate. Many child soldiers fight for causes they believe, often justifiably, to be in their best political and socio-economic interests. Clearly, child rights instruments do not exist, nor can they be effectively implemented, in a global vacuum. It is thus essential to examine the broader context in which children become combatants in contravention to Article 38 of the CRC and other legal provisions.

South Sudanese anthropologist Jok Madut Jok has argued that youth have been 'at the forefront in articulating the grievances of the South' (Madut Jok, 2005, p. 145) throughout South Sudan's recent history, including the anti-colonial campaigns, as well as during both rounds of the Civil War. The country suffered a protracted conflict for all but 11 years since 1956, when it became independent from the United Kingdom. The Government of Sudan and the Sudan People's Liberation Army (SPLA) signed a Comprehensive Peace Agreement (CPA) in January 2005, following more than twelve years of peace talks facilitated by the United States, the United Kingdom and Norway (Ensor, 2012). The CPA, which paved the way for South Sudanese independence, included an Action Plan for the release of under-age soldiers, although its provisions were not fully implemented owing perhaps to the enormous magnitude and complexity of the issue. While a better understanding of the historical and cultural background of child soldiering in South Sudan may not justify the practice from an international normative perspective, it does help understand its high prevalence and social acceptability in local contexts.

Young boys had traditionally been a source of soldiers in north-eastern African military history. The use of 'gun boys' – young, often slave boys who, starting as early as seven years of age, worked as gun bearers for individual soldiers as part of their military training until they became soldiers themselves – was also common among the commercial companies and armies formed to exploit the ivory and slave potential of the White Nile. The existence of these 'gun boys' has been documented since as early as 1870 (Johnson, 1989). Similarly, the SPLA has long had a policy of taking boys away from their homes for education and military training. During the protracted conflict, large camps were maintained where boys – some orphaned by the war, some having travelled with relatives and clan members – lived segregated from their adult counterparts. Several explanations have been advanced to elucidate this practice. These include the custom of sending young male students to complete their education in boarding schools distant from their family's rural homes, and the cattle camp culture whereby young boys are sent at a young age to cattle camps where they live apart from their families. Other explanations are linked to war-related changes in the age at which boys are considered social adults. Among some of the largest ethnic groups in South Sudan (e.g. the Nuer and the Dinka), the initiation of boys into adulthood is traditionally marked by facial scarification, with initiated young men expected to take on adult responsibilities. Initiation ceremonies had customarily targeted boys between the ages of 15 and 18 until the first part of the twentieth century (Johnson, 1992). In the 1970s and 1980s the age of the initiates decreased to 13 and 14, owing to fathers' fears that scarification would be proscribed on medical grounds, as the infections often resulting from the procedure might render young men temporarily unfit for military service and other duties (Human Rights Watch, 1994).

A combination of traditional practices and wartime imperatives caused child soldiering to become a widespread occurrence in South Sudan. In May 2002, 19 years into the Second Civil War, inter-agency assessments identified at least seventeen thousand children associated with armed groups, with many of them directly involved in fighting at the height of the conflict (Save the Children et al, 2002). The SPLA has reportedly released approximately three thousand children since the Peace Agreement was signed in 2005. Current working estimates put the number of under-aged soldiers in South Sudan at around two thousand, based on reports by demobilised children themselves. The SPLA does not have exact total figures, as exact ages are not always

recorded and data compiled from the various military bases are not always updated with sufficient regularity.

South Sudan's new Action Plan for the demobilisation of children was officially signed on 16 March 2012 by the country's Ministry of Defence, the UN peacekeeping force in South Sudan, the UN Mission in South Sudan, UNICEF and Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy (United Nations Mission in South Sudan, 2012). The so-called 'child DDR' programmes currently in effect seek to pave the way for young ex-combatants' social entrée to their former communities by providing them with a suitable foundation for reintegration into civilian life. Lack of progress bringing the DDR process to completion remains an underlying cause of insecurity and protection concerns in a country where the possession of weapons continues to be perceived as essential for protection and survival.

### Child-focused DDR in South Sudan

DDR is both an integral part of the CPA and one of the key priorities of the South Sudan Development Plan (2011-2013), expected to contribute to the more productive allocation of financial and human resources, as well as to assist in the broader peace-building process in the country. By the end of 2007, and as part of the Juba Declaration, all armed groups in South Sudan were integrated into the South Sudan National Armed Force (SSAF). The overall objective of the DDR policy and associated programme is to reduce the size of the SPLA/SSAF – including the release of all persons below 18 years of age – and assist the ex-combatants in returning to civilian life and creating sustainable livelihoods (Republic of South Sudan, 2011).

Children Associated with Armed Forces and Groups (CAAFG) are identified as one of the four main sub-groups that shall receive specific attention [7] in the overall DDR process (Republic of South Sudan, 2011). Following the recommendation that under-aged soldiers be 'released' before the adults (Republic of South Sudan, 2011), a separate action plan was established by the SPLA and the UN on 13 March 2012. Guiding Principle J of this plan specifically stipulates that 'special provisions will be made for associated children during the formal DDR process, based on the best interests of the child' (p. 8). There is no elaboration on how the best interests of the children in question are to be assessed and by whom. The mandatory character of the process is delineated in Guiding Principle D, which establishes that 'ex-combatants who qualify for DDR shall be compulsorily nominated for the programme. It is the patriotic duty of selected individuals to comply with the nomination' (Republic of South Sudan, 2011).

Another important provision, Principle R, mandates that 'no ex-combatant demobilised under the previous of this DDR policy shall be allowed to return to the SPLA/SSAF or any other security forces' (Republic of South Sudan, 2011, p. 9). This proscription has been interpreted to apply to children as well as adults, precluding under-aged soldiers from re-joining the army once they have turned 18. It can be concluded that DDR programmes in South Sudan, including those targeting children, have been designed in a top-down manner devoid of public consultation. Given that demobilisation is mandatory, so-called 'sensitisation' workshops – which typically consist of DDR personnel visiting army facilities to stress the need to demobilise – appear to be tokenistic and potentially coercive.

As established by the policy paper on DDR, 'the overall success criteria for the DDR policy will be whether the ex-combatants establish some form of sustainable livelihood' (Republic of South Sudan, 2011, p. 10). In the case of under-aged soldiers, this is to be accomplished through a combination of psychosocial and educational support including vocational skills training, and monthly cash stipends given to the parents or caregivers equivalent to the amount paid to adults in their grade for a period of up to one year (p. 16). Demobilised child soldiers are given the opportunity to choose between going to school – a preferred option among the younger ones – or learning a trade. Older youth are encouraged to learn skills like carpentry, of increasing demand in rapidly growing towns. Programme implementation is hampered by limited funding as well as the unavailability of schools and other training facilities in most communities. Many ex-combatants are reportedly joining irregular militia groups after compulsory demobilisation. Indeed, one of UNICEF's greatest challenges is offering opportunities that deter the delisted children from re-joining another armed group as a way to secure some financial security for themselves and their

families. UNICEF has recommended strengthening the economic portion of the reintegration process, and some implementing partners are seeking to improve livelihoods by donating a goat to the demobilised children (Green, 2012). The extent to which these provisions will contribute to create sustainable and satisfactory conditions for those involved remains unclear. Numerous families are moving from villages to towns, and it is not always possible to trace them. In any case, follow-up ceases when children get older and age out of the programme, making long-term assessments impossible.

The advantages that these interventions confer on demobilised youth – e.g. monetary allowances, tools, training, and NGO connections – may be seen as rewarding a segment of the population while ignoring others who, having also suffered during the war, are not entitled to compensation. Civilian youth confronting limited opportunities for education and gainful employment may thus feel doubly marginalised. Many adult civilians also echoed this sentiment when I enquired about the potential for friction among the various stakeholders involved in reintegration processes. It is also worth noting that in South Sudan child soldiers are seen neither as vulnerable victims nor as perpetrators of wartime atrocities. Instead, they are popularly perceived as heroes, not only because of their contributions to the war efforts but because, in many cases, their army salaries constitute an important source of income on which many households rely for survival. Many had remained in touch with their families and travelled back and forth between their communities and the military bases where they were stationed, facilitating family tracing. The arrival of demobilised child soldiers in their communities is thus not always a welcome event, as it may signal a significant loss of livelihood, and the demotion of a community member from contributor to dependent.

### **The Way Forward: not just participants but protagonists**

Offering global approaches to the advancement of children's rights is of limited usefulness without adequate recognition of the local complexities in which normative frameworks are to be applied. Any intervention seeking to address the situation of child soldiers must be based on a thorough knowledge of the political, socio-cultural and economic conditions that prompt children to fight, including local power, gender and inter-generational dynamics.

As Jo De Berry forcefully argued over a decade ago,

to move the CRC from its position of universal idealism to practical implementation, there must be consideration of how the CRC can engage with local contexts. If Article 38 is fully operational, state parties can profit by creating and promoting conditions of peace based on the knowledge of how conflict affects local social relations. (De Berry, 2001, p. 102)

For children, as much as for their adult counterparts, taking up arms and participating in hostilities must be seen as embedded in the social environment and circumstances of a particular time and place. The opportunities afforded by carrying a weapon, such as the ability to defend themselves, to loot and acquire food, are compounded by the influence of children's peers and male relations who often seek to persuade them to fight. A recognition of the local social dynamics prevalent during conflict, but also in times of peace, is thus a necessary step in understanding and addressing child soldiers' motivations and aspirations (De Berry, 2001, p. 101). Those young South Sudanese for whom military service has been a socially formative period cannot easily revert to peacetime civilian roles, having never before navigated such circumstances in the first place. War and military life thus do not constitute 'states of exception', but rather 'social conditions' (Lubkemann, 2008), which have served as the primary backdrop for the social existence of several generations of South Sudanese.

In war-affected countries, both in Africa and elsewhere, much current humanitarian programming continues to ignore the child's voice, stemming from a common failure to represent children as simultaneously vulnerable and competent. It is worth bearing in mind that being vulnerable is not equivalent to being a victim, as exemplified by teenagers voluntarily recruited into the SPLA, who adamantly maintained their right and capacity to fight as adults (Galperin, 2002, p. 115). Adequately addressing child soldiers' agency and choice-making capabilities requires a proper recognition of their age-related vulnerabilities as well as their coping abilities and resilience. As the case of South Sudan illustrates, promoting the best interests of children in war and post-

conflict situations must include a balanced attention to both their protection and their participation rights. Given the fragile security situation in South Sudan, there is a risk of further destabilisation if the reintegration of ex-combatants is not linked more closely to wider strategies to promote viable livelihoods, national reconciliation, small arms control, and other human security related areas. Rather than uncritically stigmatising the participation of children in war efforts, child-inclusive policies and interventions would be best directed at strengthening peace-building, effective conflict prevention, and sustainable human development which would discourage young people from concluding that their best socio-economic and political interests can only be achieved through recourse to violence.

## Notes

- [1] In spite of the name by which it is commonly known, this approach is not entirely new. In the 1970s, authors such as Hardman (1973) and Schildkrout (1978) encouraged anthropologists to study children as human beings in their own right.
- [2] Somalia signed the CRC on May 9, 2002, and announced its intention to ratify it.
- [3] In February 1995, then-US delegate to the United Nations Madeleine Albright signed the CRC on behalf of President Clinton. The treaty was signed 'subject to ratification,' meaning that the United States generally agrees with the treaty's provisions and will refrain from acts that would defeat the treaty's objectives but will examine those provisions thoroughly before ratifying the instrument.
- [4] Protocol II of 1977 to the 1949 Geneva Conventions, Article 4(3) (c): 'children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.'
- [5] The African Charter defines 'child' as a person below the age of 18 (Article II). The charter establishes that 'States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular from recruiting any child' (Article XXII[2]).
- [6] Article 26(3) of the Interim National Constitution and Article 20(4) (b) of the Interim Constitution of Southern Sudan provide that the rights set forth in international human rights treaties ratified by Sudan constitute an 'integral part' of the constitutional Bill of Rights.
- [7] The other three subgroups are: a) ex-combatants with physical disabilities; b) ex-combatants with psychosocial disabilities; and c) South Sudanese combatants in foreign armed groups.

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