Book Reviews


1. Introduction

As inspiration for his manifesto on “the global quest to eradicate the use of child soldiers,” Roméo Dallaire draws from Antoine de Saint-Exupéry’s The Little Prince\(^1\) – the classic, illustrated novella apparently written for children yet treasured by adults. Dallaire’s muse makes a patent impression on They Fight Like Soldiers, They Die Like Children:\(^2\) war is an adult matter, and child soldiers who find themselves fighting in one are (in Dallaire’s largely autobiographical and partly fictional account) as bewildered as the Little Prince when confronted with the unintelligible preoccupations of grown-ups.

The parallels between the authors do not end with their books. For one, both men served in the military – de Saint-Exupéry in the French Air Force, Dallaire in the Canadian Army and, later, as force commander of the United Nations Assistance Mission for Rwanda (UNAMIR). The Little Prince’s author is also known to have travelled to the United States at the beginning of World War II to personally request American intervention after Germany occupied France. Dallaire, for his part, is widely renowned for having made repeated, urgent appeals to his UNAMIR superiors requesting authorization to thwart local militias set to mount large-scale attacks on members and sympathizers of the Tutsi ethnic group.

As documented in his memoir, Shake Hands with the Devil:\(^3\) and elsewhere, Dallaire ultimately defied UN orders to (after evacuating stranded foreigners to safety) retreat from Rwanda, and instead stayed at his post with a small yet determined band of mostly Canadian and Ghanaian soldiers to help defend as many civilians as they could – scant resources and manpower notwithstanding. Identified in

\(^1\) A. de Saint-Exupéry, The Little Prince (Gallimard, Paris, 1943).

\(^2\) Hereinafter They Fight Like Soldiers.

\(^3\) R. Dallaire, Shake Hands with the Devil: The Failure of Humanity in Rwanda (Random House, Toronto, ON, 2003).
laypersons’ chat as “Nick Nolte in Hotel Rwanda,”4 for governmental officials and non-governmental advocates alike, Dallaire personifies the international community’s glimmer of conscience, conviction and courage in the one hundred days starting on April 6, 1994, during which approximately eight hundred thousand people were killed in a genocidal massacre. In the years following the Rwandan Genocide – which triggered soul-searching and quibbling in political and legal quarters over the legitimacy of humanitarian intervention – Dallaire has lent his attention, idealism and notoriety to the growing use and recruitment, particularly in African countries,5 of child soldiers.

_They Fight Like Soldiers_ was referred to above as a manifesto, which is not intended as a pejorative descriptor. Despite its propagandistic connotations, ‘manifesto’ is defined simply as “a public declaration of policy and aims, especially one issued by a political party or candidate.”6 Dallaire, now a Canadian senator, has launched a public campaign, namely, “a plea to protect the imaginative growth of children everywhere . . .”7 Indeed, political aims are often promoted with statements that are inflated or deceptively open to multiple interpretations, and which, though appealing, can simplify the complexities they attempt to address. Though his own plea was not elaborated in a dubious or flagrantly misleading manner, Dallaire – in both the fictional and non-fictional portions of the book – deploys narrative devices that, while elicit sympathy and support for the movement to end child soldiering in Africa, tend to obscure both the nature of the problem and its root causes.

Such devices, as discussed in Mark Drumbl’s _Reimagining Child Soldiers in International Law and Policy_,8 are deployed in the prevailing narrative told by human rights advocates, the UN and other international organizations, which foreground the innocence, vulnerability and incapacity of children in general and child soldiers in particular. In Drumbl’s words, such a narrative has been established within the “international legal imagination,”9 and, further, has mobilized the image of the child soldier as a “faultless passive victim.”10 This image, in turn, has shaped, and continues to influence, international law and policy on children in armed conflict. As discussed further in this review, such a conception of childhood and child soldiers validates a legal regime that draws a bright line between children and adults – a line which, as Drumbl explains in his carefully researched study, can

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5) Dallaire’s primary geographic region of interest in _They Fight Like Soldiers_ is the Great Lakes region of the African continent, which includes, among other states, Burundi, Rwanda, the Democratic Republic of Congo and Uganda.
7) _They Fight Like Soldiers_ at 16.
8) Hereinafter _Reimagining Child Soldiers_.
9) _Ibid._, at 9.
10) _Ibid._, at 7.
seem arbitrary for the purposes of determining accountability and administering transitional justice.

By contrast to Dallaire’s manifesto, then, Drumbl articulates a case for a more nuanced conception of child soldiers as individuated legal personalities who act with political, economic and social incentives as well as constraints. The prevailing image of the child soldier as faultless passive victim, accordingly, discounts the agency and, as discussed below, the resilience of child combatants. Furthermore, this image encourages, on both an institutional and individual level, humanitarian intervention that addresses the symptoms rather than the sources of conflict.

2. An Ode to Childhood

To quote from Robert Cover’s landmark essay, *Nomos and Narrative*: “No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning.”\(^{11}\) These narratives, Cover goes on to say, create our *nomos*, our world, and “[o]nce understood in the context of the narratives that give it meaning, law becomes not merely a system of rules to be observed, but a world in which we live.”\(^{12}\) This process – of storytelling and norm-building – is most apparent in the establishment and enforcement of international human rights instruments. Stories are told by representatives of international institutions to induce states to sign onto these instruments, and, in order to enforce them, stories are told by such representatives and other human rights advocates who monitor and report on their implementation. To the extent that a critical mass of states are publicly shamed into compliance, then a norm is said to have been built – a new world in which the international community is said to live.

As for the subject matter of Dallaire’s book, we do not currently live in a world that is free of child soldiers. While the statistics are understandably imprecise, it has been estimated there are 250,000 to 300,000 child soldiers around the globe, with the majority located on the African continent.\(^{13}\) As discussed in more detail below, human rights organizations, academics and other actors have documented the presence and experiences of child soldiers in both state armies (i.e., armed forces) and non-state militia (i.e., armed groups). Such reports have, for the most part, been focused on developing strategies for prevention – that is efforts to avert the recruitment of children into armed forces or groups – and protection – that is, chiefly, working to ‘release’ child soldiers from armed forces or groups and arrange for their return to family and community.

Though the subject of serious political and public attention, child soldiering is amenable to being treated with creative license, so to speak, on account of the

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\(^{12}\) Ibid., at 4–5.

\(^{13}\) Reimagining Child Soldiers at 26.
oxymoronic nature of the 'child soldier' and the emotional response that his or her existence can engender. Indeed, child soldiers have been cast as main characters in novels and former child combatants have told their stories in memoirs targeted at general audiences.\textsuperscript{14} Whether fictional or non-fictional, common themes emerge in such works – including those that reckon with the presumed vulnerability, innocence and credulity of children. As a matter of policy, such themes have apparently informed protection efforts embodied in “DDRR” programs – in which child soldiers are demobilized, disarmed, rehabilitated and then reintegrated into their communities\textsuperscript{15} – and, further, with respect to international criminal justice, are evident in moves to shield child soldiers from prosecution for any war crimes or crimes against humanity.\textsuperscript{16}

As detailed below, the prevailing narrative that sentimentalizes child soldiers does not fully take into account the context-specific and socio-economically constrained realities of children who are prime for being forcibly or voluntarily recruited into armed forces or groups on the African continent. The narrative, instead, overshadows the underlying causes of conflict, particularly in resource-rich African countries helmed by weak governments – causes which surely must be confronted directly in order to diminish child soldiering.

2.1. Awareness-Raising and Law Reform

The prevailing narrative deployed to garner support for the eradication of child soldiering emerged in the mid-to-late 1990s as a partial response to, among other conflicts, civil wars in Liberia and Sierra Leone that were notorious for the involvement of 'boy soldiers', a number of whom carried out brutal attacks on civilians and combatants. Such child soldiers were not only reportedly vicious in their attacks, but were themselves also subject to brutal treatment by their recruiters – who, particularly if members of rebel armed groups, were fed drugs and 'trained' using ruthless means, including disciplinary beatings and forced witnessing of and participation in killings of fellow troops or even family members. In response to such horrific reports, members of the international community established


\textsuperscript{15} Such programs have been an integral component of post-conflict reconstruction efforts, aimed at 'neutralizing' fighting factions and facilitating their re-entry into civilian life. These programs – which have been administered by the UN, international non-governmental organizations and other international bodies, such as the World Bank – were initially aimed at adult combatants and, accordingly, were conceived as 'DDR' programs that did not incorporate an emphasis on 'rehabilitation'. This article refers to such programs as 'DDRR' programs to reference the additional post-conflict care and counseling directed at former child soldiers. See, e.g., S. Hanson, Disarmament, Demobilization and Reintegration (DDR) in Africa, Council on Foreign Relations (16 February 2007), available online at http://www.cfr.org/africa/disarmament-demobilization-reintegration-ddr-africa/p12650.

\textsuperscript{16} See infra p. 8 for brief discussion of accountability of child soldiers with respect to the International Criminal Court and the Special Court for Sierra Leone.
a movement to eradicate the use and recruitment of child soldiers around the
globe, advocating for the establishment of a legal regime that prohibited the use of
persons under the age of 18 in direct combat, as well as a monitoring and reporting
mechanism that named and shamed armed groups and armed forces found to be in violation of this prohibition.

The movement’s pinpointed origin, as repeated in They Fight Like Soldiers,17 is
Graça Machel’s 1996 report to the UN General Assembly, “The Impact of Armed
Conflict on Children.”18 Machel, (widow of former Mozambican president Samora
Machel and later first wife to Nelson Mandela), reported on the overall effect of
armed conflict on children, including detailed discussions and recommendations
as to children who are internally displaced or refugees, and the ongoing need to pro-
vide for children’s basic entitlements, like health care, nutrition and education.

Machel’s in-depth report on the suffering of children affected by war is notable
for, as Dallaire put it, “call[ing] on the international community not just to note
these harsh realities but to respond.”19 In so doing, the report set the parameters
of the discussion that have prevailed in subsequent treatments of child soldiers.
More armed conflicts, as discussed in the report, are intrastate rather than inter-
state affairs, and are marked by indiscriminate violence targeted at combatants
and civilians. In the course of such conflicts, children are neither spared as objects
or subjects of violence, and, as to the latter, are forcibly or voluntarily recruited as
perpetrators. Such conflicts, with “no clear beginning or end,”20 are often fueled
by a brutal, Hobbesian battle for power and resources, in which children seeking
protection or revenge are conscripted or seduced to fight on account of hunger,
poverty or ideological indoctrination. Adult recruiters, for their part, are ruthless
and cynical as they exploit the children’s innocence, vulnerability, obedience, ease
of manipulation and underdeveloped perceptions of risk. Such conflicts in which
children fight, as mentioned in the report, emerged in the wake of the Cold War,
when world powers ceased propping up and consolidating various non-Western
states in a contest for global dominance, and, moreover, amid a proliferation of
small arms and light weaponry (easily carried by children), which flooded the
international trade market, having been dispatched from former Soviet republics
to weakening states around the globe – African ones, included.

In light of all of the above, what is unequivocal, according to the report, is that
“children have no part in armed conflict.”21 What children do need, rather, is
“nutritious food, adequate health care, a decent education, shelter and a secure

17) They Fight Like Children at 7.
18) U.N. Secretary-General, Impact of Armed Conflict on Children: Rep. of the Expert to the Secretary Gen-
19) Ibid., at 7.
20) Ibid., at 52.
21) Ibid., at 6.
and loving family.” The report, ultimately, made four specific recommendations on child soldiers, each of which are primarily concerned with regulating the age of combatants: (a) the launch of a global campaign “aimed at eradicating the use of children under the age of 18 years in the armed forces,” (b) the encouragement of immediate demobilization of child soldiers by UN bodies, other specialized agencies and “international civil society actors,” (c) the inclusion into all peace agreements of specific measures to demobilize and reintegrate child soldiers into society, and (d) a raise of the age of recruitment by all states to 18 years. The final recommendation, as termed by Drumbl, constitutes the “Straight 18” position.

Machel's report was released as a specific legal response was being formulated to address the concerns raised therein – namely, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Optional Protocol), adopted by the UN General Assembly in May 2000. The Optional Protocol codified a key aspect of the prevailing narrative on child soldiers by regulating the age of combatants – that is, by raising the minimum age of persons authorized to directly engage in combat from 15 to 18 years of age. Prior to the Optional Protocol, the Additional Protocols to the Geneva Conventions established 15 as the minimum age at which state parties could both recruit and use persons to fight in governmental armed forces.

Established with a view to mandating a universal bright line for the age of soldiers eligible for recruitment and use in combat, the Optional Protocol’s key provisions, accordingly, do not incorporate language familiar to human rights conventions – that is language that technically regulates the efforts of state parties to meet their obligations, rather than the actual meeting of the obligations themselves. It is true that Article 1 of the Optional Protocol obligates state parties to “take all feasible measures to ensure” any members of their armed forces under

22) Ibid., at 16.
23) Ibid.
24) Ibid.
25) Further, to prevent child soldiering, the report suggests that governments register the dates of birth of all children and provide them with official documentation of such. In that regard, the report also advised that local communities be made aware of international laws governing the age of recruitment and that international institutions negotiate with non-state armed groups to demobilize and discontinue the practice of recruiting children (Ibid., at 27).
27) Article 38 of the Convention on the Rights of the Child provided that signatories raise the minimum age of recruitment to armed forces to an unspecified age above 15 years old, leaving the ultimate determination to state parties. Thereafter, a number of non-binding instruments – namely, the Cape Town Principles, the Paris Principles and the Paris Commitments – were established at international conference held in the respective eponymous cities with a view to raising the minimum age of both the recruitment and use of persons in combat to 18 years of age. However, as noted herein, a compromise was reached as to the minimum age of recruitment for state actors, while the minimum age of use in direct combat was raised to 18 with respect to state actors.
18 years of age do not directly engage in combat.\footnote{Optional Protocol, supra note 26, at Article 1.} Article 2, however, employs stricter language, stating that parties must “ensure” that anyone under 18 years of age is not “compulsory” recruited into their armed forces.\footnote{Ibid., at Article 2.} Further, in line with Article 38 of the underlying Convention on the Rights of the Child,\footnote{Convention on the Rights of the Child, Article 38, Nov. 20, 1989, 1577 U.N.T.S. 3.} Article 3 of the Optional Protocol iterates the prohibition on state parties from recruiting persons aged 15 years or younger – a provision which also reflects a compromise with states (including the United States, the United Kingdom and New Zealand) that insisted on the continued recruitment of persons under 18 years old into military academies and other programs that prepare young trainees for armed service.\footnote{Optional Protocol, supra note 26, at Article 3.} As for non-state armed groups, Article 4 prohibits them “under any circumstances” from recruiting or using persons under 18 years of age to fight in conflicts.\footnote{Ibid., at Article 4.} To date, the Optional Protocol has 144 signatories, including, notably, the United States – which, together with Somalia, is among the only two states in the world that has not signed the underlying Convention on the Rights of the Child.

Other legal responses to the call made in Machel’s report include the African Charter on the Rights and Welfare of the Child, which obligates state parties to “take all necessary measures to ensure” that persons under 18 years of age do not take a direct part in hostilities and “refrain” from recruiting such persons.\footnote{Organization of African Unity, African Charter on the Rights and Welfare of the Child, Article 22(2), 11 July 1990, CAB/LEG/24.9/49.} The International Labour Organization established Convention 182, which designates child soldiering as one of the worst forms of child labor and determines that the recruitment of persons under 18 years of age is not permissible under international labor law.\footnote{International Labour Organization (ILO), Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, June 17, 1999, 2133 U.N.T.S. 161.}

Further, and importantly, the Rome Statute, the constituent instrument of the International Criminal Court (ICC), sets forth as a war crime the recruitment or use of persons under the age of 15 years to fight in hostilities.\footnote{Rome Statute of the International Criminal Court, Article 8(2)(b)(xxvi), July 17, 1998, 2187 U.N.T.S. 90.} In a move that has been lauded as evidencing the ‘responsibility to protect’ as an emerging norm, the ICC concluded its first trial against Thomas Lubanga, a leader of rebel group Union of Congolese Patriots who was convicted in March 2012 of recruiting and using child soldiers.\footnote{See M. Simons, Congolese Rebel Convicted of Using Child Soldiers, NY Times (15 March 2012), at 12.} Shortly thereafter, in April 2012, former Liberian president Charles Taylor was convicted by the Special Court for Sierra Leone of, among other things, aiding and abetting the use of child soldiers.
While recruiting and using child soldiers has been established as a war crime in international tribunals, child soldiers themselves have been shielded from accountability in such fora. For instance, though David Crane – the special prosecutor for the Special Court – had the power to prosecute all those who had committed war crimes, including child soldiers, he declined to do so. Crane’s disinclination was codified in Article 26 of the Rome Statute, which provides that the ICC does not have jurisdiction to prosecute persons who were under the age of 18 at the time of the alleged commission of a crime.

In line with law reform detailed above, the UN implemented a monitoring and reporting mechanism to help enforce the emerging legal regime specifically directed at eradicating child soldiering. The UN Secretary-General appointed a special representative for children and armed conflict to routinely report on child soldiering in countries where the practice had propagated. Further, in the years following Machel’s report, the UN Security Council made a number of resolutions on the subject.\(^{37}\) Strongly-worded condemnations of child soldiering constituted the majority of such resolutions; however, some concrete orders were incorporated, including the call for parties cited in UN reports on children and armed conflict to, in collaboration with UN representatives, prepare “time-bound action plans to halt recruitment and use of children in violation of the international obligations to them…”\(^{38}\) Such UN ‘action plans’ have since been established in, among other places, Central African Republic, Chad, Somalia and Sudan, where armed groups have formally agreed to demobilize children within their ranks and cease recruiting them going forward.

Human rights organizations also monitor and regularly report on the recruitment and use of child soldiering, and, in advocating for the demobilization of children, largely refer to the international legal regime regulating the age of combatants. In May 1998, two years after Machel’s report was issued, a group of international non-governmental organizations – including Amnesty International and Human Rights Watch – formed the Coalition to Stop the Use of Child Soldiers. The 2008 Child Soldiers Global Report, issued by the Coalition to Stop the Use of Child Soldiers, refers to the ratification of the Optional Protocol by an increasing number of states as evidence of “continued progress towards a universal consen-


\(^{38}\) S.C. Res. 1612.
sus against [child soldiers’] use in hostilities.\footnote{39) Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008 (20 May 2008), available online at http://www.childsoldiersglobalreport.org/} Acknowledging that obligations under the Optional Protocol have yet to be realized, progress as to the recruitment and use of child soldiers is largely\footnote{40) Cotterminous with age-focused law reform and its attendant monitoring and reporting mechanism are initiatives to regulate the proliferation of small arms and light weaponry – devices which have been identified as contributing factors to ‘modern warfare,’ in general, and facilitating the use of child combatants, in particular. As for regional efforts, the Economic Community of West African States (ECOWAS) established a Convention on Small Arms and Light Weapons (SALW Convention), which came into effect in September 2009. ECOWAS, Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, Jun. 14, 2006. The SALW Convention, subject to specified exemptions, prohibits state parties from importing or exporting the eponymous weaponry. In the preamble of the SALW Convention, ECOWAS members stated that they were “(d)eeply concerned by the use of children in armed conflicts, and taking account of the United Nations Security Council resolutions in on children and armed conflicts” (Ibid.). ECOWAS’ action was taken pending the establishment of an Arms Trade Treaty, over which the UN General Assembly has convened to deliberate and which has been described by the UN as being “closely related” to the issue of child soldiering. United Nations Office for Disarmament Affairs, Small Arms, available online at http://www.un.org/disarmament/convarms/SALW/.) framed, in the report, as a matter of compliance with age-based legal regimes.

They Fight Like Soldiers was published more than a decade after Machel’s report, after the groundswell of awareness-raising campaigns and legal reform that have elevated the picture of a young African child wielding an AK-47 into an iconic image.\footnote{41) In writing this review, six of the books I consulted have on their covers an image a young boy toting a large gun: I. Beah, A Long Way Gone: Memoirs of a Boy Soldier (Sarah Crichton Books, Brooklyn, NY, 2007); A. Honwana, Child Soldiers in Africa (University of Pennsylvania Press, Philadelphia, PA, 2007) (hereinafter Child Soldiers in Africa); They Fight Like Soldiers; E. Jal and M. Lloyd Davies, War Child (St. Martin’s Press, New York, NY, 2009); P.W. Singer, Children at War (University of California Press, Berkeley, CA, 2005) (hereinafter Children at War); M. Wessells, Child Soldiers: From Violence to Protection (Harvard University Press, Cambridge, MA, 2007) (hereinafter From Violence to Protection).} Prior to Dallaire’s book, the most notable mainstream publication on child soldiering was Ishmael Beah’s 2007 New York Times bestselling autobiography, A Long Way Gone – a lyrical depiction of the author’s time as a government soldier during the Sierra Leonean civil war that familiarized popular audiences with the havoc recent conflicts have wreaked on children.

With They Fight Like Soldiers, Dallaire also attempts to move mainstream audiences with narratives on child soldiers: one non-fictional account of his own experiences as a young cadet, subsequent soldier and ultimate advocate for the eradication of child soldiering; and two fictional accounts, including one from the perspective of a child soldier.\footnote{42) The other fictional account is written from the perspective of a peacekeeping troop who kills a child soldier in combat and, when returns home from his tour of duty, suffers from symptoms of post-traumatic stress disorder. Dallaire contrasts the fictional exploration with the best-case scenario he has been working to achieve – one in which peacekeeping troops are trained to contemplate children on the battlefield and military missions are more tightly integrated with the work of humanitarian aid, development and non-governmental organizations, as well as that of local authorities.} Dallaire’s uses of narrative, however, are not solely intended to evoke an empathetic response or the vague disorientation prompted...
by fine literature; he is making a clarion call, trying to instigate a movement for everyday people to become engaged and take action. With such narrative tactics, Dallaire is endeavoring to force closed the gap between international law, on the one hand, and practices 'on the ground,' on the other. In short, is enlisting readers to construct a new nomos.

2.2. Kidom

In deploying both memoir and fiction to animate the global problem of child soldiering, They Fight Like Soldiers emphasizes the precious and imaginative life of a child. In a chapter titled “Warrior Boy,” Dallaire recalls his own childhood in Quebec, charting his progressive maturation from a young, nature-loving boy, to a cadet and eventual military officer. The lush “bush”43 in the Laurentian Mountains, where his father built a humble cabin for family getaways, is Dallaire’s refuge and sacred playground. Recalling the Little Prince – the archetypical child against whom, in They Fight Like Soldiers, all other childhoods appear to be measured – Dallaire denotes the stark contrast between his inner life, (unloosed in the forest where he “would roam at will, stopping often to idle, listening for birdsong and animal rustling, and to dream in unadulterated freedom,”) and the “confines of the adult world with its clothes, chores and rules.”44

The adult world, according to Dallaire, is something into which children are indoctrinated without their consent. Accordingly, Dallaire narrates his own passage into adulthood as a continual struggle to sustain his imaginative child-life within a grown-up carapace. In high school, he “was obliged to join the army cadet corps,” and subsequently entered a summer camp for military trainees.45 The regimentation and jockeying for authority prevalent in the camp dampened Dallaire’s hopes for “a bit of adventure,” but being young, he fell in line because he was “anxious to please and to avoid punishment.”46 However, as time passed, Dallaire found that his required uniform, discipline and drills did not neutralize his humanity. As he put it: “I found my vocation there: that world of the army cadet linked seamlessly – astonishingly – with the imaginary world of my childhood.”47

Having discovered that his inner life and the demands of adulthood were not mutually exclusive, Dallaire asserts that children must “have room to protect that place in their brains that makes them different and unique for their short lives on this planet and for the eternal lives of their souls.”48 In that light, he contrasts his own military induction with that of children caught up in ‘modern warfare,’ who, unlike Dallaire and other professional soldiers of his ilk, fight with “no end

43) They Fight Like Soldiers at 17.
44) Ibid., at 21.
45) Ibid., at 24.
46) Ibid., at 24–25.
47) Ibid., at 26.
48) Ibid.
in sight.”49 Such children, further, are not cared for by their adult handlers but are rather being sacrificed for adult needs and at adult whims.

The dire circumstances of such a child soldier is dramatized in a fictional interlude: a first-person narrative written from the perspective of a young African boy who is abducted from school and conscripted into a brutal, rag-tag militia. Prior to his abduction, Dallaire’s child protagonist had found solace in a nature-infused chimera he called “Kidom.”50 The protagonist and his younger six year-old sister, Kesi, had regularly indulged in this fantasy world, which was inhabited by the awe-inspiring lives of ants, beetles, spiders and other “tiny things” that were “secret from grown-ups.”51 Kidom’s baby dragonflies were as striking for their eventual shimmering colors as they were for their fragility; as the child protagonist knew, “[d]isturb one before it is fully grown and it will fall and be swarmed by predators.”52

What follows after the abduction of the protagonist, his sister and another sibling – a brother named Mosi – is, of course, horrific. The child protagonist bears forced witness to the murder of his teacher, the beheading of his father (by an older already-indoctrinated brother, Mashaka), the gang rape of Kesi and the vicious disfigurement of Mosi. In the aftermath of these barbarous and traumatic events, the protagonist is put through severe ‘training’ drills that involve dodging gunfire and grenades, and, later, is bestowed with an Ak-47 he is instructed to revere. After a lieutenant’s repeated lectures on the ‘higher purpose’ of their mission are implanted into the protagonist’s consciousness, he savagely kills Mosi in a drug-filled haze. The child protagonist, in the end, is not demobilized, rehabilitated and reintegrated, but meets his own death at the other end of a UN peacekeeper’s gun.

The fictional interlude presents a composite of the brutality that child soldiers in recent and current conflicts have been made to endure, particularly those conscripted into non-state armed groups. That said, again, tactics of indoctrination and control have certainly included forcing child combatants to kill their peers or family members, to take drugs like cocaine, and to engage in brutal military training before being sent onto the front lines as decoys and fighters. Girl soldiers have suffered further abuse as ‘wives’ of their adult and male counterparts, and have been routinely raped and, ultimately, relegated to sexual slavery. However, this composite narrative is not representative. As Drumbl elaborates, in such depictions, the “worst comes to stand for all.”53

49) Ibid.
50) Ibid., at 47.
51) Ibid., at 51.
52) Ibid.
Dallaire’s fictional interlude, indeed, dramatizes key elements of the narrative deployed by international human rights advocates seeking to eradicate child soldiering: the child protagonist is swept into a conflict marked by indiscriminate violence and that appears to have no real political or other purpose; he, (along with other rag tag militia members made up of “evil children in their dark-green uniforms”), is conscripted via abduction; the boy is plied with various kinds of weaponry – guns, for the most part – that are “not as heavy as they looked.” Finally, the protagonist exhibits the hallmark characteristics of an idealized child – namely, vulnerability, innocence and incapacity. This narrative supplies the emotional charge behind Dallaire’s command that the reader (as a stand in for the everyday citizen of the West) work to remove children from all military ranks – in other words, it is the dramatic impetus for age-based legal reform.

Such a narrative, while emphasizing the foregoing factors, obscures other aspects of child soldiering that, if highlighted, could warrant a different advocacy response. It is a narrative that has been formed by what Drumbl calls the “international legal imagination” – which envisages child combatants as mere tools of adult commanders who lack the capacity to willfully engage in atrocity. Thus fixed within the international legal imagination as what Drumbl terms “faultless passive victims,” child combatants on one side of an age-based bright-line are immunized from assuming responsibility for any wrongful actions – regardless of the relative agency with which such actions were executed; meanwhile, on the other side of the line, adult combatants assume unmitigated liability for their own actions – regardless of the relative constraints with which such actions were executed. Moreover, because the “international legal imagination” conceives it in the best interests of the child to shield persons under the age of 18 from formal and alternative justice mechanisms, local communities who suffered harm at the

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54) They Fight Like Soldiers at 63.
55) Ibid., at 84–85.

As for the fictional interlude’s reference to the proliferation of small and light arms, while it is certainly the case that such weaponry became more widely available at the end of the Cold War and has been prevalent in current and recent conflicts on the African continent, it is not clear that eliminating access to such arms would reduce the incidence of child soldiering, much less the root causes of the conflicts themselves. Rosen questions this premise, which he terms a “conceptual pillar” of the prevailing humanitarian narrative on child soldiers, pointing out that organizations tracking the small-arms trade have “begun to retreat from their previous position that there is a causal relationship between the availability of small arms and the existence of child soldiers.” (D. Rosen, Armies of the Young: Child Soldiers in War and Terrorism (Rutgers University Press, Brunswick, NJ, 2005), at 14 (hereinafter Armies of the Young)).

56) Indeed, fundamental to Dallaire’s mission, as explained in They Fight Like Soldiers, is the reframing of child soldiering as a weapons system. Recalling P.W. Singer’s similar reconceptualization in Children at War, Dallaire focuses on the tactical advantages that adult recruiters accrue by conscripting children – including but not limited to their seeming limitless supply, their related ability to fairly quickly and continuously replenish the number of necessary troops, as well as the psychological disorientation that their very presence on the battlefield can cause in adult opponents, particularly when child soldiers are on the front lines.
hands of child combatants can be left to rebuild their lives amidst an “ominous specter of impunity.”

Before discussing Drumbl’s account of how this imagination has transfixed the international criminal justice system, it is worth juxtaposing the image of the faultless passive victim with the more varied stories ‘on the ground’. Consulting works from other disciplines – such as developmental psychology and anthropology – Drumbl takes a holistic approach to reimagining child soldiers, emphasizing their resilience and agency. For one, he refers to psychological profiles of child soldiers offered by Michael Wessells (author of *Child Soldiers: From Violence to Protection*) and other scholars to check prevailing notions of irrevocably traumatized youths. Such studies show, for example: former Mozambican child soldiers “fared as well as, and often better than, national averages on key socio-economic and child welfare indicators”; the “aggregate psychological consequences of LRA abduction tend to be overestimated and economic and educational consequences underestimated”; and “formerly abducted girl mothers in Gulu, in Northern Uganda, simply did not identify themselves as disempowered victims.” Contravening Dallaire’s metaphor of ‘baby dragonflies’, a more nuanced portrait is revealed of former child combatants who demonstrate the ability to recover from their experiences.

To the extent psychological profiles imprint the international legal imagination – an emphasis on ‘child’ development psychology is misplaced, says Drumbl, given that the majority of combatants under the age of eighteen are ‘teenagers’. Accordingly, he asks: “In light of the centrality of adolescents to the phenomenon of child soldiering, would it not seem sensible – while remaining within the psychological literature – to consider what adolescent developmental psychology has to say?” Drumbl does so, and points out that while adolescents tend to be impulsive, susceptible to peer pressure and impaired in assessing risk, they are hardly child-like in their psychological make-up. Therefore, in considering questions of accountability, he posits that adolescent-child soldiers should be deemed to bear limited responsibility for their actions, rather than none at all.

Indeed, central to Drumbl’s accountability argument is that individual child soldiers differ in how, or even whether, they chose to carry out their prescribed duties. Citing a study of Revolutionary United Front (RUF) child soldiers in Sierra Leone, he illustrates how young recruits engaged in acts of “resistance and transgression,” including “escape, refusal to kill, avoiding drug use, and deliberately protecting civilians.” On the other hand, while “[j]uveniles may subvert

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57) Please provide footnote text.
58) See supra note 41.
60) Ibid., at 57.
61) Ibid., at 86.
62) Ibid., at 86–87.
cruel orders, [they] also may take existing orders and make them even crueler.”63 He notes, for example, that young RUF soldiers carrying out their missions were fairly decentralized and generally not subject to adult supervision or surveillance. Accordingly, such combatants retained “residual discretion”64 that they used to either refrain from, or exacerbate, the violence they were ordered to inflict upon others. Thus, Drumbl suggests “corrective counterweights” to the depiction of child soldiers as disempowered victims entranced by evil adult captors – a balance that emphasizes “how significant numbers of child soldiers demonstrate resistance, courage, empathy, and mercy not to commit acts of violence even in situations of abject depravity.”65

Despite the ways in which individual child soldiers defy the faultless passive victim image, Drumbl identifies a shared characteristic: nearly all of them are poor.66 Noting that prior to Sierra Leone’s bloody civil war only 55% of all age-eligible children were enrolled in primary school, Drumbl reminds that it is unhelpful to “romanticiz[e] what [child soldiers’] lives would have been like were they not to have been associated with armed forces or groups.”67 He goes on: “[A]lthough rhetorically compelling, it is not generically accurate to say that, but for their recruitment into armed forces or groups, the children otherwise would be taking lessons in a classroom.”68 Nonetheless, romanticizing of such kind is not unusual.69 It is evident, for instance, among U.S. politicians who have sought to discourage the use of child soldiers abroad with legislation prohibiting the government from providing military assistance to foreign states that have been found to use or recruit them – namely, the Child Soldier Prevention Act of 2008 (CSPA).70 Criticizing President Obama’s move to waive the application of the CSPA to otherwise barred states, Nebraska Congressman John Fortenberry proclaimed in a press statement that “children belonged on playgrounds, not battlegrounds.”71

The prevailing narrative of abduction further obscures the economic drivers that often thrust children into combatant roles. Indeed, while there are documented

63) Ibid., at 87.
64) Ibid.
65) Ibid., at 81.
66) Ibid., at 63.
67) Ibid., at 71.
68) Ibid.
69) As Honwana has discussed, such a notion “is often generalized and even universalized, it derives from a Western and middle-class view of childhood that is not categorically shared around the globe” (Child Soldiers in Africa at 41). She further stated: “Unlike middle-class children whose parents and families are in a position to support them until they are able to sustain themselves (in many cases well over the age of eighteen), many children around the world assume work and social responsibilities at an early age. They participate actively in economic productivity, household chores, and in the care of younger children.” Ibid.
abductions of children from orphanages, refugee camps and schools, children also volunteer to join armed forces, seeking escape from the myriad consequences of poverty.\textsuperscript{72} According to Wessells’ study, \textit{Child Soldiers: From Violence to Protection}, “[c]hildren often cite poverty as one of the primary considerations in their decision to join an armed group.”\textsuperscript{73} Further, referring to interviews with male and female child combatants in Sierra Leone, sociologist David Rosen notes in \textit{Armies of the Young} that “‘many under-age combatants choose to fight with their eyes open, and defend their choice, sometimes proudly. Set against a background of destroyed families and failed educational systems, militia activity offers young people a chance to make their way in the world.’”\textsuperscript{74} While a narrative that emphasizes abduction might be useful in mobilizing the concern of everyday people – (as the viral video “Kony 2012” has made clear) – Dallaire’s short story does little to highlight the complex socioeconomic landscape that creates child soldiers.

Elsewhere in \textit{They Fight Like Soldiers}, however, Dallaire does acknowledge the socioeconomic and other structural constraints that drive child soldiering. In considering the life of an average child growing up in the countries of the “Great Lakes Region of Africa,”\textsuperscript{75} he notes that “the instability of the region means that the vast majority of children grow up in extreme and abject poverty, undernourished, with poor survival rates, next to no health care and sanitation, and limited access to any education, let alone free schooling.”\textsuperscript{76} He further notes the effects of pandemics like HIV/AIDS, which result in orphaned children who are particularly susceptible to being forcibly or “voluntarily” recruited into armed forces or groups, as well as the vulnerability of resource-rich states with weakened governments.\textsuperscript{77}

While demonstrating awareness of the complex environment that engenders child soldiering in the expositional and non-autobiographical portions of \textit{They Fight Like Soldiers}, the fictional interlude, as summarized above, tends to elicit sympathy for the plight of an idealized child rather than generate a fuller understanding of the context in which an actual child becomes a target for armed service. Moreover, while proposing a more integrated approach to eradicating child soldiering – that is, by facilitating closer cooperation between military and humanitarian sectors, together with national governments and local community organizations – Dallaire skims over the socioeconomic underpinnings. As he put

\textsuperscript{72} \textit{Children at War} at 62 (“Hunger and poverty are endemic in conflict zones. Children, particularly those orphaned or disconnected from civil society, may volunteer to join any group if they believe that this is the only way to guarantee regular meals, clothing, or medical attention.”).
\textsuperscript{73} \textit{From Violence to Protection} at 54.
\textsuperscript{74} \textit{Armies of the Young} at 17.
\textsuperscript{75} See supra note 5.
\textsuperscript{76} \textit{They Fight Like Soldiers} at 110.
\textsuperscript{77} Ibid., at 115 (“Outright bandits are taking full advantage of failing states – with their weak or non-existent import-export laws and lack of control over natural resources – to run criminal enterprises that trade those precious resources on the international market.”).
it in the book’s introduction: “Leave to others the complex socio-economic quagmires that have created the conflict in the first place.”

Drumbl takes a different view. Though chiefly focused on how sentimental notions of childhood have shielded child soldiers from accountability, thereby frustrating efforts to reintegrate them into their communities, he acknowledges that eradication aims would better be served by addressing root causes. Indeed, as noted by political scientist P.W. Singer in his study, *Children at War*, “the problem of child soldiers is most acute in countries that are rich in natural resources and often driven by groups that seek to gain riches by dominating trade in these resources within the international system.” Citing conflict in Angola, as well as in the Democratic Republic of Congo and Sierra Leone, Singer notes how war, instead of a means, was waged as an end; “defeating the enemy became a secondary goal” and “instead, the groups ended up competing to profit from the general chaos brought about by the war.” Addressing root causes would involve sterner regulation of, as Drumbl put it, “international commercial markets in which looted natural resources are traded (along with those foreigners who purchase them).”

78) Ibid., at 14.
79) *Reimagining Child Soldiers* at 164 (“These roots include: adult commanders, enlists, conscriptors, and users of children; the children themselves, at times acting dispositionally, tactically, and volitionally; families who encourage children to fight or who abandon them to warlords; local officials who feel a need to supply a certain number of soldiers to warling powers in order to preserve their credibility; the state that fails to protect; national politicians addled by corruption and self-interest; decaying infrastructure and dismantled institutions; legacies of the slave trade, colonialism and mercantilism; poverty, spurious occupational opportunities, and dim educational options; foreign financiers who arm; the lucrative small-arms trade; international commercial markets in which looted natural resources are traded (along with those foreigners who purchase them); international peacekeepers who are ineffective or, even, themselves abuse residents of war-stricken societies; and powerful foreign governments who gaze elsewhere or support hateful regimes while atrocity rages.”).
80) *Children at War* at 58.
81) Ibid., at 51.
82) At least on their face, such initiatives address a root cause of conflict and, accordingly, enter the decision cycle of adult recruiters of child soldiers, who would thereby have less incentive to either continue profiting from the chaos of war driven, in part, by the use of child combatants and, summarily, less to gain (at least financially) from wresting control over the resources of a weakened state. Recent examples of prevention strategies that implicate international trade include the Kimberley Process, the certification system established by the United Nations in 2003 to identify diamonds mined from ‘conflict-free’ zones and, in turn, help ensure end consumers that they were not indirectly funding armed forces or groups that were using child soldiers. Further, if domestically enforced, UN Security Council resolution 1533 – which requests that member states promote the implementation of due diligence mechanisms by importers of certain minerals – could help ensure that these minerals were not ultimately sourced from armed groups (i.e., non-state actors) seeking to fund an insurgency. U.N. Sec. Res. 1533, U.N. SCOR, 59th year, U.N. Doc. S/RES/1533 (12 March 2004), available online at http://www.unhcr.org/refworld/docid/41123d274.html.

However, for the most part, UN-sponsored initiatives aimed at eradicating the recruitment and use of child soldiers have been targeted at individual perpetrators rather than systemic causes. Of the three sanctions the UN has used in this regard – travel bans, asset freezes and arms embargoes – only the embargoes, which have been employed against state actors, attempt to thwart what has been deemed a systemic cause of child soldiering, namely the international trade in small arms. As for travel bans and asset freezes, while they are also useful in targeting non-state actors (who rely on the international black market for...
A scholar of international criminal law whose primary research interest involves child soldier protection rather than prevention, Drumbl proffers more coherent suggestions for reimagining accountability mechanisms than addressing root causes of child soldiering. Though not the first scholar to dispute the credibility of what he calls the “faultless passive victim” image, Drumbl’s key contribution is his careful and comprehensive consideration of how this image has been reflected in international law and policy, with a particular emphasis on accountability and reintegration.

As for questions of accountability, Drumbl discusses the “it’s not your fault” mantra echoed within the international legal imagination, which, again, overwhelmingly deems child soldiers victims of adult manipulation. In addition to the immunization of child soldiers from accountability by the ICC and the Special Court for Sierra Leone, he considers how truth and reconciliation commissions in Sierra Leone and Liberia – while having authorized the inclusion of children in the alternative conflict resolution process – provided for their inclusion as witnesses on a strictly voluntary basis. Thus, victims of child soldiers were denied the unqualified opportunity to face their aggressors in such fora, and, moreover, were effectively denied victim status because (as they were repeatedly reminded) child soldiers were not persecutors but were victims themselves. In short, such persons were instructed that they were victims of persecutor-less crimes.

By contrast to prevailing notions of the international legal imagination, communities in jurisdictions affected by child soldiering – including Sierra Leone – have expressed a more dynamic conception of childhood and, by extension, child soldiers. Such conceptions are situational, dependent on certain attributes of...
individual children as well as the role of a child in his or her community. Therefore, Drumbl aptly asks: “Is it not somewhat sophomoric for internationals to claim they grasp the etiology of child violence so much better than locals?” Regardless of their motivations, says Drumbl, the “terribly sadistic” acts of some Sierra Leonean child soldiers “cannot be swept away so blithely.”85 Following this line of thought, Drumbl concludes that ‘protecting’ child soldiers from transitional justice mechanisms and demanding that locals impart unconditional forgiveness amounts to a demand for impunity.

In order to address the complexities of individual child combatants – and help diffuse the bright line drawn between the adult and child in a simplistic moral dyad – Drumbl suggests that each, for the purposes of international criminal justice, be considered a “circumscribed actor”: that is, one who “has the ability to act, the ability not to act, and the ability to do otherwise than what he or she actually has done.”86 Circumscribed actors, however, also operate under constraints; the range of their abilities, as Drumbl explains, “is delimited, bounded and confined.”87 In Drumbl’s words, this approach would “relieve younger adults from the weight of excessive hardship and older children from the straightjacket of excessive infantilization.”88

In advocating for an imaginative shift of the conception of the child soldier from a faultless passive victim to a circumscribed actor, Drumbl notes anthropologist Alcinda Honwana’s prior proposal to consider child soldiers as ‘tactical agents’ in Child Soldiers in Africa.89 In her study of child soldiers associated with armed forces and groups in Angola and Mozambique, Honwana referred to Michel de Certeau’s term, “tactical agency,” to describe the nature of child soldiers’ residual discretion and ability to act. Tactical agency is “agency of the weak” – that is, action taken from a vulnerable position, whereby opportunities for leveraging one’s position must be seized as and when they arise in a situation largely out of a given actor’s control. Honwana distinguishes such agency from the ability to enact a “strategy,” which is action taken from a position of power and control, allowing a given actor to act purposefully with relative freedom and without relative constraint.

Drumbl acknowledges Honwana’s contribution, which he maintains has not had much traction in the international legal imagination. However, he argues that, from the perspective of child soldiers, tactics can become strategies as they grow

depicts a very young by – in shorts and short-sleeves, knees bare, his left sock fallen down, with a mop of messy hair – eerily standing under the weight of weaponry and ammunition. The contrast between these two works of art is striking. Each radiates an exaggerated treatment of its subject. When juxtaposed, however, they reveal the trajectory of the child soldier in public life. What was once the possibility of martial ride now slouches toward the unavoidability of collective shame” (Reimagining Child Soldiers at 28).

85) Reimagining Child Soldiers at 38.
86) Ibid., at 98.
87) Ibid.
88) Ibid., at 17.
89) Child Soldiers in Africa at 70–72.
to become adult recruiters or gain other hierarchical advantages within an armed force or group that allow them to act from positions of relative power. Instead, he posits that the designation of “circumscribed actor” eliminates what he considers to be the artificial binary between tactics and strategies by simply focusing on a given perpetrator’s use of residual discretion regardless of the extent of constraints. Such a designation, Drumbl proffers, could help guide new ways of considering how and whether child soldiers – and even adult combatants – should be held accountable for their actions.

To be clear, reimagining accountability with reference to how persons who committed war crimes or crimes against humanity exercised their residual agency – rather than, as is currently done, by sole reference to such a person’s age – would eliminate the arbitrary line drawn between children and adults, and, further, restore focus on the nature of the harm done. Drumbl’s purported approach forms the basis for a key suggestion that transitional justice mechanisms “incline toward qualified amnesties.”

3. Conclusion

In calling for everyday citizens to start a movement to eradicate child soldiers, Dallaire deploys an image that, while intuitively appealing, flattens the histories and experiences of individual child soldiers, as well as, (Drumbl would argue) hampers the implementation of transitional justice. Unlike Drumbl’s *Reimagining Child Soldiers*, Dallaire’s *They Fight Like Soldiers* is not a work of legal scholarship; it is a book written for a general audience with the stated intent of instigating a mass movement to end the recruitment and use of child soldiers. However, this review subjects Dallaire’s book to academic scrutiny because, though not aimed at legal scholars, it has potentially significant implications for international law reform and both institutional and individual forms of humanitarian intervention. Surely, the prevailing narrative Dallaire relies upon influences strategies for reforming our nomos, or our world.

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90) *Reimagining Child Soldiers* at 178.