Vulnerability of the Vulnerable Group in Complex Peace Operations in Somalia: Capacity Pitfall or Negligence?

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Abstract

It has been a constant feature in peacekeeping missions that military forces are accused of violating the rights of those vulnerable, particularly children and women. This notion has blighted the significance of the debate on whether these forces working jointly with humanitarian agencies could create synergies for protecting children from the risks of abuse by belligerents. While the rising demand for joint military-humanitarian initiatives on the African continent is starting to be visible, cases of children abuse remain on the rise in countries experiencing armed conflict such as Somalia. What are the opportunities and challenges facing the potential for joint initiatives between military forces and humanitarian agencies? Using the case of the Eastern Africa Standby Force (EASF), this article will particularly uncover the main driving forces constraining military forces from effectively protecting children's rights in Somalia. In conclusion, the article points to the need to improve the civil-military relationship by building sustainable partnerships as a prerequisite for protecting the rights of children in fragile states.

Keywords: Children rights; AU; peace support operation; Somalia; military forces; EASF.

Introduction

Africa continues to record the most shocking development in a contemporary conflict in which the combatants deliberately target vulnerable groups such as children and women. In some cases, children are used as human shields. Children are killed, maimed, and sexually harassed, and when they manage to escape from the cruel hands of the militants, they suffer lifelong psychological trauma. Hence, denying them the opportunity for schooling, normal growth, and development. Most of them, particularly in fragile states, remain powerless and more vulnerable to other socio-economic and disastrous shocks (Appleton, 2014). Nevertheless, there exist options for getting children out of these atrocious situations. The study authored by Graca Machel between 1992 and 1996 provides clear measures and guidelines on the implementation of child protection mechanisms. Also, the report outlines the role of governments, regional bodies and sub-regional mechanisms among other key players (Hodgeson, 2015). Indeed, within the evolving African Peace and Security Architecture (APSA), structures are developed in Addis Ababa, Ethiopia and replicated in each of the five sub-regions for

supporting a multidimensional approach to peace and security (Cilliers and Hedden, 2014). The concept of multidimensionalism of capacities fits well within Machel's recommendation that the most effective way of mitigating the impacts of conflict against children is by enhancing preventive structures through regional arrangements. This arrangement supports a multidisciplinary and multidimensional approach through structured peace operations, involving the military, civilians and police (Gelot et al., 2015).

Among the five pillars of APSA, the African Standby Force (ASF) stand out as the most progressive structure for driving continental peace and security (Cilliers and Malan, 2005). The establishment of ASF by the African Chiefs of Defense Staff in Durban South 2003-2004, led to the spring of replicative structures within the five African regional economic communities (RECs) (Cilliers and Hedden, 2014). The Eastern Africa Standby Force (EASF) forms one of the five (5) ASF structures established as part of the ASPA (EASF, 2014). The Force is established and mandated under the protocol relating to the establishment of the Peace and Security Council (PSC) of the African Union (AU, 2010; Amate, 1986). The PSC envisages the development of closer cooperation and partnership between the ASF and other key peace and security players, including the United Nations, Non-governmental organizations (NGOs) and humanitarian agencies (EASF, 2014).

In sub-Saharan Africa (SSA), humanitarian agencies have been partnering with military forces and African Union structures for several years. The aim of these partnerships has been to promote the rights of children in conflicts, post-conflict and protracted political emergency situations. This is on realizing that the military and police forces occupy a critical role in the frontline during active conflict. Humanitarian agencies on the other hand possess the resources and expertise to handle the protection and provision of human wants. The partnerships have taken an array of innovative initiatives including training peacekeepers on principles of children protection in armed conflict. These joint military-humanitarian initiatives are part of the commitment to reducing incidences of child rights violations before, during and post conflicts (International Bureau of Children's Rights, 2012). Also, they form part of the global strategy for child protection in emergencies supported by the leading humanitarian agencies (Sidebotham *et al*, 2007). The underlying needs being addressed by these initiatives include: issues of recruitment of children for use by fighting forces; preventing and responding to sexual harassment; gender-based violence; and family separation (Stoltenborg *et al*, 2015).

Despite the existence of anecdotes of partnerships between the EASF and humanitarian agencies, both practitioners and scholars have faulted the strategy of being lopsided in favour of the military forces (Human Rights Watch, 2014; Hodgson, 2015). While to date, humanitarian agencies have made some progress in Eastern Africa as indicated by increased joint activities such as training of military officers, police and humanitarian workers collectively (Onditi and Landry, 2014), what is not clear though, is whether these efforts led to increased effectiveness of partnership and if not what are the challenges and opportunities for developing structures for protecting children's rights? Children's rights, like any other human rights, afford the holders the emancipation and human dignity (Eze, 1990), however, protracted conflict in Somalia threatens this very basic human need.

Complexity of security situation in Somalia and children's rights

Studies on children's rights have revealed a strong relationship between state fragility, conflict and violence against the vulnerable population, particularly children (Holt et.al, 2008; Renner and Slack, 2006; Achu, 2011). In a peacekeeping environment, the situation may be worsened by the many actors, the proliferation of illicit arms and the lack of functioning protection mechanisms and understanding of the African protection mechanisms (Lloyd, 2002). Nevertheless, experience globally has indicated that strengthening the peacekeeping policies and doctrines could help leverage military forces against the militants (Towle, 2015). Hence protecting children from hostile conditions. Since the expansion of the African Mission in Somalia's (AMISOM) mandate through the United Nations Security Council Resolutions 2093 of March 2013 and 2102 of May 2013 there are mixed developments in the regional peace support operation (PSO) space. Although Freear and de Coning (2013) have expressed hopes that AMISOM's gains surpass undoing, the reactions from the Al Shabaab terror group in response to the expanded AMISOM mandate have been characterized by increased scope and depth of revenge against those perceived intruders and betrayers. Their territorial coverage does now include the vast parts of north-eastern Kenya with intermittent attacks on those perceived as non-Muslims rising steadily. In this volatile situation, children experience double tragedy. On one hand, children's recruitment to join the militant has intensified and on the other, sexual abuse from the official troops operating in Somalia has scaled up. One would wonder why the official state military officers with civilian protection mandate would instead violate the very law that they are expected to apply in protecting civilians. This is largely because of a lack of adherence to international humanitarian law (IHL) and international human rights law (IHRL) by non-state militants and some state security forces (Geneva Academy, 2014; Cohn, 2014).

The greatest concern is that out of this violation of the law, there comes increased risks of children to all sorts of abuse-forceful recruitment, sexual abuse, detention and denied access to development opportunities such as schooling and better nutrition. Like any other country at war with terror groups, Somalia children are being used as suicide bombers and human shields, while schools continue to be attacked, affecting girls' education, in particular, and be used for military purposes (Huma, 2012; Jaraisy and Feldman, 2013). The country has been at war for over twenty years, and, therefore, the fragility of state institutions is mainly driven by a lack of rule of law structures and more often children are being held in dilapidated Correction camps indefinitely without legal aid. The impact of armed conflict on children can be substantial and have long-lasting repercussions on their physical, emotional and mental well-being (Joloy, 2013). In countries such as Somalia and the Democratic Republic of Congo (DRC), warfare rages on and off throughout childhood, with children reaching adulthood never having known peace in their homeland.

Today, the raging Al Shabaab militant group continues to pose security threats, particularly to children who are often made more vulnerable due to crooked cultural structures in a country dominated not only by the Islamic religion, but also by religious extremists. The Somalia conflicts date back to the early 1970s' dictatorial regime as well as the fall of the Cold War in the 1990s (George, 2005). Somalia's geographical positioning naturally exposes the country to a global war of supremacy and control. This was more pronounced during the peak moments of the Cold War. While Somalia received the US backing, the rivalry neighbour, Ethiopia's ideological orientation swayed towards the East and specifically support from Russia and China was inevitable. As much as this struggle manifested outwardly, the waves emerging from, for example, US-Russia friction set the stage for internal conflicts among the Somali's numerous sub-clans. Although Cold

War scholars argue that ethnic conflict arose after the 1990s in most parts of Africa (Beadle, 2012; Boutellis and Williams, 2013), given the steady fastness with which ethnic tensions arose in Somalia in the 1990s, it is plausible to argue that international presence in Somalia during the time created a suitable environment for proxy wars both against Soviet-backed Ethiopia as well as internally among sub-clans.

In fact, after the collapse of the Soviet Union in 1991, it was predictable that Somalia's strategic importance on the global map would diminish (Chester, 1995). Indeed, the country's military regime weakened (Beadle, 2012. It is, therefore, not by mistake that the same year, Said Barre's regime was overthrown by a coalition of various clans backed by Ethiopia (Bacevich, 1995). The world powers having reconstructed Somalia through the Cold War ideologies, it was easier for the sub-clans to set fire against each other. The beginning of political parties' formation in Somalia seemed to follow the conventionally acceptable order and they sounded engraved with universally recognised democratic principles. Among the militia groups leading the rebellion were the Somali Salvation Democratic Front (SSDF), United Somali Congress (USC), Somali National Movement (SNM) and the Somali Patriotic Movement (SPM) (Chester, 1995). However, true to the fact that Somalia Republic had been clouded with the opium of power struggle, these 'wonderfully looking' political parties soon began to clash for control over the capital, particularly the armed factions led by USC commanders General Mohamed Farah Aidid and the interim President Ali Mahdi Mohamed.

The conflict in Somalia has been triggered by several factors. Other than an ethnic-based political power struggle, the country is exposed to vagaries of nature including extreme weather conditions and poverty. Poverty remains a major concern as evidenced by the high vulnerability to poverty across the region and deprivation rates of over 50% in most of the countries with large segments of the population living in poverty (United Nations Development Program, Human Development Report, 2014). Furthermore, Somalia has the highest poverty index with the highest population in severe poverty (65.6%) (UNDP, 2014). Political ecologists have, indeed, linked population vulnerability to climate change and seasonal shocks Fjelde and Uexkull (2012). The outcomes of these shocks include stress on available resources and may reduce the capacity of communities to build resilience against such environmental conditions. As a result of these harsh political and environmental conditions, Somalia has experienced massive displacement of people (George, 1995), in combination with a serious drought, leading to a large-scale famine in the country. Related to poverty levels is the limited financial resources for children affairs. For instance, as shown in Table 2, eastern Africa's budgetary commitments in 2013 for children compared unfavourably with the rest of Africa. Gambia was the best ranked with a score of 0.6114 in 2013 and Eritrea was worst ranked with a score of 0.0816 (African Child Policy Forum, 2013). No countries in EA were in the top ten and one of them was in the last ten countries in Africa.

Intra-clan conflicts have continued to expose children to abuse in Somalia. In 2004 the Transition National Government (TNG) was transformed into the Transitional Federal Government (TFG) to include key warlords absent from the TNG. The fighting didn't stop though, and in 2006, the Islamic Courts Union succeeded in taking control of much of the southern part of Somalia. In response to the perceived threat of cross-border insurgency involving its own Somali ethnic population, Ethiopia intervened in support of the TFG. With American air support, Ethiopian troops managed to drive the Islamic Court Union (ICU) out of Mogadishu, but instead of bringing peace and stability, the intervention led to a significant deterioration in the security situation and a renewed phase of warfare (George, 2005). As a result of the edging out ICU, a rift occurred

in ICU with the more radical elements regrouping to continue the fighting. It is in this complex and volatile context that a peace operation to support the TFG was conceived by the African Union with the support of the international community. Today, the Al Shabaab outfit continues to exploit the socio-economic exclusion of northeastern Kenya to recruit more boys and girls as insurgent fighters (Anderson and McKnight, 2015).

Also, the broader external environment impacts the conflict and humanitarian dynamic in Somalia. The eastern Africa peace and security architecture (EAPSA) is characterised by the duplicity of roles by the numerous organizations mandated to maintain security and preserve peace. Moreover, double membership by some countries limits the regions' ability to formulate formidable strategies in handling issues that affect civilians and particularly children in armed conflict. For instance, although the African Union Mission in Somalia (AMISOM), was mandated in January 2007, few countries in the region were. Lack of trust among each other has raised levels of suspicion and the concept of a collective regional security approach is lucid in the region. Today, it is evident that the Somalia community are not comfortable with Ethiopia taking lead within the AMISOM force. When this suspicion is viewed from a regional relation prism, it is understood that the 1977 Ethiopian war in Somalia is accused of having committed several human rights-related abuses including rape against children and women (Chester, 1995).

The final contextual issue influencing Somalia's stabilization plan is inadequate peacekeeping multidimensional capacity. Until 2012, Uganda and Burundi were the only bold countries contributing troops bilaterally to Somalia. Only 1,700 troops had been operating in Somalia against the AU bench-mark of 8,000 troops. The unavailability of troops to serve under AMISOM faced both political as well as logistical challenges. Yet, the magnitude of the situation required a multi-dimensional peace mission with an estimated strength of 35,000 personnel (Segui, 2013). Invariably, AMISOM suffered troop interoperability. Inadequate arrangements for preparedness including training on cross-cutting issues had ripple effect on the effectiveness of the troops to handle 'soft' issues of operation such as child protection and gender-based violence.

The Conceptual Basis for Protection of Children in Armed Conflict

The African Child Policy Forum's report of 2013 on African child well-being reiterates that the well-being of children in fragile states such as Somalia remains the lowest (ACPF, 2013). Globally, this status has been attributed to several factors, but, most significantly, fractured governance structures that allow institutions such as military forces to perpetuate violence against children with impunity (Vornanen et al, 2011; Lewit, 1994). In African countries, the lack of consistent structures for conducting systematic data collection and developing standard indicators of protection for children's protection adds to the already deleterious situation in countries such as Somalia. The global child protection indicators outline fundamental rights that ensure, that regardless of whether the situation is hostile or calm, all children are entitled to growth, development and empowerment. The indicators not only provide tools for ensuring the quality of data but also provide child protection practitioners with a framework of reference, especially in emergency situations. Respect for children and adherence to their fundamental rights are engraved in the global child protection indicators. At the backdrop of such principles, human rights-based reports point to the murky situation across the globe. For example, the Global

Human Right Watch report of March 12th 2012, it is estimated that more than 300,000 children boys and girls under the age of 18 are recruited and used as soldiers, today Children Associated with armed forces and groups are said to be fighting in at least 14 countries worldwide. Children are used as combatants, messengers, porters and cooks and for forced sexual services (Beadle, 2012).

The United Nations Security Council has found it imperative that one of the most effective strategies in resolving conflicts in the world is by developing workable mechanisms and systems for protecting children affected by armed conflict. In order to effectively ensure that the child protection mechanisms are enforceable, country-specific Monitoring and Reporting Mechanisms (MRM) were established on the six grave violations. The six grave violations against children during armed conflict include: recruitment and use of children; killing or maiming of children; sexual violence against children; attacks against schools or hospitals; abductions of children; and denial of humanitarian access. The sources of laws in support of these enforceable measures include Security Council resolutions on children and armed conflict, international humanitarian law, international human rights law as well as international jurisprudence. This section discusses the vulnerability of children to armed conflict in Somalia.

First and foremost, the recruitment and participation of children in hostilities must be prevented by all parties to the conflict. It is deplorable that the protection environment for children remains a significant challenge in Somalia. Lack or limited governmental authority and near continuous conflict throughout many parts of the country, coupled with rampant impunity and child abuse has resulted in mass displacement of people in Somalia. In Somalia under the cruel arm of the Al Shabaab children are being trained in basic arms techniques as well as more sophisticated skills such as assassination, intelligence collection, and use of improvised explosive devices and suicide missions. The easily available youths form fertile ground for recruitment. Other than Uganda (48.5%), Somalia records one of the highest (47.2%) youth populations in the region (World Bank, 2014). In fragile states such as Somalia, such a demographic trend is oftentimes exploited by the Al Shabaab group leading to rampant recruitment of boys and girls into the militant group. The forces of the Transitional Federal Government, Hizbull Islam, Al-Shabaab and Ahlu Sunnah Wal Jama'a and clan-based armed groups throughout central and southern Somalia have all been accused of recruiting and using children of the age of between 13-17 to join the fighting. One of the interviewees had this to say: "Children are typically recruited from schools and Madrasas and from internally displaced settlements in Somalia and refugee camps in neighboring Kenya." These barbaric acts against children continue in Somalia oblivious of the severity of punishment against perpetrators. The international community through the International Criminal Court (ICC) apprehended Congolese warlord Thomas Lubanga Dyilo having enlisted and conscripted children at the age of 15 and using them to participate in hostilities from September 2002 to 13 August 2003.

Secondly, the regional and international legal and policy instruments (The African Child Policy Forum, 2013; Moore and Michell, 2011; Freeman, 2007) clearly forbid all parties to the conflict from exposing children to risks of deaths, maiming or injuries, whether psychological or physical. These physical and emotional wounds manifest themselves in different ways and can last a lifetime. They inevitably mark children and pose challenges when girls and boys attempt to reintegrate into their communities, if they manage to escape, or at the end of a conflict. The law of armed conflict provides fighters with

two main principles adequate to guide their actions during operations. While the principle of proportionality alludes that even when a lawful military objective is targeted, an attack must not be expected to cause excessive harm to civilians compared to the anticipated military advantage. On the other hand, the principle of distinction demands that parties to the conflict distinguish between civilians and combatants and that attacks must not be directed against civilians. The asymmetric tactics applied by the Al Shabaab have complicated the efforts by both the UN and AMISOM to protect children from all forms of killing and maiming. Most violations of this nature were found to be common among internally displaced populations, especially in urban centres such as Mogadishu, Galgaduud and Kismaayo. The greatest concern is that while the Al Shabaab and Hizbul Islam groups carried out the most severe acts against children in camps, the Transitional Federal Government forces and the AMISOM forces lacked the necessary capacity to prevent and as such high civilian casualties suffered mainly in Mogadishu.

The third area of concern is that, while the UN and regional bodies prohibit sexual violence against children, rape and other forms of sexual harassment are the order of the day in Somalia. The UN Security Council Resolution 1882 of 2009 added sexual violence against girls and boys as an additional trigger for listing parties to conflict in the Secretary-General's Annual Report on Children in Armed Conflict (CAAC). Sexual violence is one of the hallmarks of the changing nature of conflicts with the most devastating consequences for children. More can be said about the stigmatisation of victims, cultural sensitivity and taboos which make it very difficult to address these issues directly or even have a sense of the scope of the problem, blame cast on victims and children who bear their own children. When girls and boys are sexually assaulted, they often lose trust in their caregivers. In addition to physical health concerns such as injury, early pregnancy and infections, this intensely personal violation can lead to depression, social isolation, stigmatisation, abandonment and attempts at self-harm or suicide. Victims are often blamed for the assault, while girls who bear children as a result of the abuse suffer even more from stigmatisation and isolation, not to mention the treatment of their own children. Some children find it helpful to have formal and/or informal counselling from either professionals or people who have experienced something similar. Some families are eager to pursue justice against the perpetrator in cases where he or she is known, while others are reluctant to do so out of shame or fear of retribution and impunity.

Fourthly, article 48, additional protocol I of the Geneva Convention, alludes that, "…the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives." Conflict-related targeting of educational facilities has increased significantly since 2004, resulting in the closures of schools and even the collapse of education systems. Over 50% of all primary school-aged children who are not in school live in a 'fragile state" (UNICEF, 2011). Fighting disrupts a child's education, sometimes forever, as children struggle to find a way to attend the limited schooling options available during a crisis or to return to school at an appropriate level when it reopens. All these spoiling factors have reduced children in Somalia from attaining the required literacy level. The inability to attend school, resulting from curfews, sieges or destruction of facilities, and the absence of a regular daily schedule in the war-torn country Somalia has contributed to the observed dismal school attendance by children of both genders. While there are no countries in the region with a secondary school net attendance rate of over 50% for either sex, Somalia has the lowest with male children recording 11.5% compared to girls with a mere 8.2% (UNICEF, 2011).

Abduction of girls and boys yet presents another violation against the Geneva Conventions Common Article 3 which requires the humane treatment of civilians implicitly. Both international and African regional instruments proscribe the abduction of children because this act denies girls and boys the opportunity to enjoy their rights to bond with family and receive proper guidance and protection. Warfare has an impact on personal safety and security, as children often rely on adults for their protection. As the conflict unfolds, protective structures often break down and the social norms that regulate behaviour are affected, making children even more vulnerable to abuse and exploitation. Alcohol and substance abuse are often used as coping mechanisms, contributing to an increase in domestic violence. It goes without saying that armed conflict puts children at great risk of physical harm, whether as a combatant or by playing a support role to armed actors, whether playing near explosive remnants of war or being caught up in communal violence, whether caught in the crossfire or targeted by snipers but also suffering from decreased access to basic services, such as healthcare and protection from exploitation and abuse.

Children, who are separated from their traditional caregivers or who are orphaned during times of conflict, are frequently left to be absorbed into other families or institutions, or to fend for themselves and/or their siblings. Children with a pre-existing vulnerability, such as orphans and children with disabilities, are particularly at risk in times of crisis. Family separation is a good example of the cascade effect of vulnerabilities. It leaves a child at higher risk of recruitment into armed services and gangs, subsequent conflict with the law (or other armed groups), neglect, physical, sexual and emotional abuse or exploitation, discrimination within the household or wider community, being denied the right to education, increased effects of mental and physical illness and reduced access to healthcare, drug addiction and increased need to work, coupled with the resultant loss of time for leisure and cultural activities. Parents and other caregivers had this to say, “…In Mogadishu and Kismayu separated children who are between the ages of 5-14 years most commonly are taken care of under the traditional community foster care system of *Kafala*, within this system, children are forced to collect food, firewood and water.” Training camps established by the Al Shabaab militants operate mainly along the Coast of Somalia in areas such as Bay, Bakool, Galgaduud, Hiran, Mogadishu and Raas Kaambooni.

The sixth area of concern in regard to child protection is the continued denial of humanitarian assistance to children exposed to the effects of conflict and war. In active conflict situations, such denial of access or attack may constitute a war crime and a crime against humanity. The ongoing military operation in Somalia has led to an upsurge in attacks on schools and other humanitarian facilities such as hospitals and food distribution centres. This is partly fuelled by the perception that children, particularly those studying in Koranic schools, are being mobilized to join insurgent groups, and are therefore "legitimate" military targets. Schools have been the sites of interrogation, armed conflict and shellings. Since mid-2008, a total of 170 schools in five districts of Mogadishu were closed at various times, as they were attacked or risked being attacked because the surrounding areas became scenes of conflicts between the Ethiopian forces, the Transitional Federal Government, AMISOM and insurgent armed groups, including Al-Shabaab and clan-based armed groups. The continuous fighting between the extremists and the AMISOM forces has resulted in hospitals being forcibly closed because of fears for the safety of medical staff. In recent years, the largest in-patient facilities in central and southern Somalia, run by Medecins sans Frontieres (MSF) in Bakool, have had to be temporarily closed as the risks had reached unacceptable levels.

Finally, female genital mutilation (FGM) is not officially considered as part of the six grave violations. However, FGM practices in fragile states such as Somalia complicate efforts towards mitigating the impacts of war and conflict on female children. Although the anti-FGM campaign in Eastern Africa has led to a reduction in victims, in Somalia 46% of girls below 14 years of age have undergone female FMG (UNDP, 2014). Clearly, this shows that children affected by armed conflict (CAAC) in culturally rooted societies suffer double tragedy and are caught in between 'a hard surface and a rock.' This implies military forces in Somalia should embrace a multidimensional approach to conflict management including strategies aimed at minimizing inequality, child labour, early marriage as well as the heinous act of FGM. It is clear that children in Somalia pay a heavy price for the prevalence and availability of small arms and light weapons in societies that are in or emerging from a crisis. Beyond death and injury as a result of accidents (for example, picking up a grenade, or stepping on a landmine), there is the emotionally numbing acceptance of mass violence or the threat of violence in one's childhood. Hundreds of thousands of boys and girls across the world live in daily dread of an armed attack that will lead to them or a loved one being killed, abducted, raped or wounded. After analysing the impact of armed conflict on children exposed to conflict, the strategic and operational challenges facing military forces in the region will be examined in the following section.

Are efforts by the African Union adequate in Protecting the Rights of Children?

There exist normative statutes on the African continent for protecting the rights of children. One such legal and policy instrument is the African Charter on the Rights and Welfare of the Child (African Children's Charter) which was adopted by the 26th ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU Assembly) on 11 July 1990 in Addis Ababa, Ethiopia.

The African Children's Charter has limitations. Most African governments, due to the socio-economic conditions prevalent in Africa, cannot solve the specific problem of children's human rights violations. Socio-economic conditions make it impossible for many countries to fully achieve the rights contained in the African Children's Charter, and these problems are perpetuated by the political and economic systems which are in need of restructuring. The enforcement mechanisms appear to be weak and the Committee has no binding authority but is mandated to promote and protect children's rights. At present, it is fair to assert that there is no general culture of children's rights in Africa, particularly due to the embryonic nature of the African Children's Charter. For some Africans the very idea of children having rights is threatening, and there is much misunderstanding about what children's rights actually mean. There is, however, an eager willingness to promote the fulfilment of children's rights. There needs to be a better understanding of the societal views of children, the idea that children have rights should no longer be deemed as un-African. There is a lack of effective coordination between the enforcement of the Charter within the regional peacekeeping arrangement. As such the AMISOM forces have been accused of sexual abuse of women and girls in Somalia (Human Rights Watch, 2014).

The weaknesses are not limited to the strategic level at the AU, the complexity of the conflict situation in Somalia poses challenges to the protection of children in the Horn of the African country. As a result of the ever-growing threats of terrorism and organized crime, there is growing concern over the fate of children in armed conflict across the continent. In

particular, the growing list of children associated with armed forces and groups (CAAFG) has continued to elicit fierce debate at the AU level, as to whether the military forces are playing their rightful role in reversing this abhorrent trend. Whilst, the AU has taken important steps facilitating the development of policies aimed at protecting children's rights, children have remained the most vulnerable group in Somalia. The socioeconomic impact of conflict against children is aggravated due to a breakdown of social order and a lack of adherence to the law by peacekeepers.

As a result of this lack of structures among the peacekeeping forces and other protection agencies, the scale of the problem has rapidly risen in different parts of the continent (Williams, 2012). For example, in the eastern Democratic Republic of Congo (DRC), where conflict has become part of the people's culture, records of rape cases are disturbing. The most worrying trend is that most of these rape cases are instigated by official peacekeeping military forces.[1] Other systematic studies on the status of children in DRC have indicated that in 2010, 39.7% of girls and women in the eastern DRC including north Kivu, south Kivu, and Province Orientale were victims of sexual violence, at least in the rest of their lifetime (Peterman *et al*, 2011).

In other conflict situations, the shifting perspectives on the conflict towards prolonged negotiations on the pretext of searching for a political settlement are becoming more common in eastern African conflicts. In fact, these prolonged negotiations coupled with the deployment of military forces only serve to exert the brutality of the police and the military against the civilians. Invariably, in such a context, the state and the military forces have difficulties in carrying out their duties and influencing the non-state armed forces to lay down their weapons. Moreover, the lack of effective coordination mechanisms between the military forces and humanitarian agencies has complicated the situation. To be precise, the absence of monitoring and reporting systems on human rights violations has bred a conducive environment for sexual abuse, not only by the military forces but also by the conduct of humanitarian personnel. This state of affairs, represents one of the most disturbing crises of credibility for the international community.[2] South Sudan is no different from this trepidation against children. It has been more than a year since the country relapsed into a state of civil war. A February 2015 report by the United Nations (UN) states that 12 000 children were used as child soldiers across South Sudan in 2014. The report adds that thousands of these children were kidnapped and forced to become child soldiers.[3] Other reports such as UNICEF have hinted that during this period, 89 child abductions were reported in different parts of the country.[4]

Protection mandate falls within the ambit of the state. The AU provides strategic policy guidelines and coordination for the implementation of such laws, policies and procedures. The various AU initiatives on child protection are anchored on PSO training. Indeed, military strategists have alluded to the fact that the best way in developing critical thinking skills among soldiers is by emphasizing a multidimensional approach to PSO training (Stewart, 2015). The PSC has identified the PSO structures as an important entry point for mainstreaming child protection into the African peace and security agenda. At the end of 2013, the AU Gender Training Manual for AU PSO was adopted. The manual included the elaboration of a policy brief and a draft code of conduct. Subsequently, numerous measures were taken for meaningful inclusion and consideration of the protection of vulnerable groups, in particular women and children in conflict situations by African PSO missions. These include efforts by the AMISOM to include the protection of women and children as part of the pre-

deployment training, and the development of standard operating procedures (SoPs) for the release and integration of children from armed groups. In addition to these training and resource development efforts, the AU has developed a plethora of legal frameworks to ensure adherence of the forces to child's rights during operations.[5]

Despite the increased commitment and attention, as well as measures to institutionalize, legalize and mainstream efforts towards the protection of children affected by armed conflict, grave violations of women's and children's rights in eastern Africa's conflict zones-Somalia remain a major threat to human security in this region. The signing, adoption, ratification and implementation of the relevant instruments and commitments remain a challenge across the continent. The changing nature of conflicts and the rise of non-state actors, as well as the changing tact by the Al Shabaab, has exposed children to the lethal effects of asymmetric warfare in the Horn of African country.

Whilst, the PSC open session on mitigating vulnerabilities of women, children and other vulnerable groups in armed conflicts in Africa has identified strategic efforts to strengthen the mainstreaming of child protection within the AU activities, policies and operations, more need to be done at the operational level. A recent study on the working relationship between the military forces and humanitarian agencies has revealed that military forces' efforts to conduct a multidimensional operation are limited due to the lack of technical capacities in procedures, guidelines and coordination with other child protection agencies.[6] Thus, the next section examines some of the intricacies that limit military forces' capability in protecting the rights of children.

What are the capacity constraints within the AU and regional military forces?

The eastern African PSO environment presents both constraints and opportunities for implementing joint military-humanitarian initiatives for protecting the rights of children. However, capacity-related issues limiting the progress in these emerging arrangements range from logistical incapabilities to weak conceptualization of how such joint initiatives could be designed. According to Onditi and Landry (2014), military forces in the region lacks the requisite skills and expertise to conduct child protection without guidance from humanitarian agencies. Experience in the region indicates that, while security and defence forces appeared to have mastered the vocabulary and terminologies associated with child rights, they did not have a thorough comprehension of their meaning and practical application. With the exception of the UN Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), international standards were generally unknown to the military forces. It also found out that several police officers had participated in trainings on the rights of the child, but had only done so for short, non-assessed, and ad-hoc sessions provided by external non-institutional freelancing individuals.

Moreover, the child protection training was offered by generalist individuals with limited theoretical and practical experience on issues of child protection, particularly child protection in emergency (CPiE) competencies. These trainings apparently yielded little concrete impact on the integration of the rights of the child into the work of military forces. Systematic studies on the effectiveness of military training on child protection have consistently revealed sub-standard outcomes by the military forces and or peacekeeping training centres (Coysh, 2014). Moser-Mercer (2014) in fact terms

the relationship as problematic due to power relations that occur among the diverse group of actors-uniformed and non-uniformed. For example, in 2011, Save the Children International (SCI) supported an ambitious study conducted by the Department of Peacekeeping Operations (DPKO) to examine over 240 training tools used around the world to build capacities of police, civilian and military peacekeepers around the world. Over 70 training centres also took part in the assessment of their approach to child protection training. Conclusions in this study point to not only civil-military relational challenges but also the domination of the military in planning, training delivery and field peace operations.[7]

Managing change by the international peacekeeping platforms poses yet another operational challenge. Over 600 peacekeeping personnel from 6 different UN missions took part in a needs assessment. The report indicates that “existing gaps in training have been attributed to the increased complexity of conflicts and rapid growth of peacekeeping missions, thereby increasing the demand in training needs and coverage. In addition, the emergence of new policies, including the Security Council Resolutions[8] on children and armed conflict, necessitate regular reviews and updating of training resources used by countries that contribute forces to UN operations (Nylund and Hyllested, 2010). Law enforcement analysts have observed that there is literally a lack of systematic internal and external evaluation of some of the UN resolutions and tools in the field.[9] In response to the identified gaps and opportunities the following discussion highlights the specific problems within the military forces in the Eastern African region.

The first issue is insufficient research, data collection, analysis, and monitoring of child protection and the impact of this scarcity on the capability of these forces to wage sustainable protection of children before, during and after conflict. It is expected that one of the military-humanitarian joint project pillars would be conceptualized on the understanding that, training of military forces on child protection principles will increase adherence to international humanitarian laws and other instruments and tools necessary for conducting, monitoring, and reporting violations of children’s rights. However, the lack of mechanisms for enforcement continues to drag such plans. It is important to note that building baselines and indicators to measure and demonstrate the impact from the onset of any intervention requires a combination of skills and expertise, most of which can only be obtained outside military barracks. In view of this proposition, the need for increased inter-agency collaborations with partners such as UNICEF and the International Committee of the Red Cross (ICRC) is critical.

The second gap is the lack of sufficient technical capacity for child protection in emergencies (CPiE) among the military forces in carrying out child protection within their mandate of protection of civilians in peacekeeping, particularly in complex missions such as the AMISOM.

The ASF is an important pillar of APSA for the prevention, management and resolution of conflicts in Africa. A significant amount of progress has been made towards its realization and the commitment by the AU towards addressing the changing nature of conflicts on the continent; from the development of the foundational policy documents to aspects pertaining to the establishment of a Rapid Deployment Capability (RDC) of the force. However, the applicability of these tools seems to have been eroded by the over-domination of the military in decision-making processes. For example, although article 13 of the AU PSC protocol encourages the engagement of NGOs and the international community, the ASF structures, including EASF, are yet to achieve a multidimensional force that includes diverse exercises such as child

protection. Yet, human rights scholars have pointed out the synergistic gains of the participation of NGOs in the security sector and peacekeeping interventions (Niemetz, 2014). In fact, NGOs and Civil Society Organizations (CSOs) have the potential of advocating for the ratification and implementation of Conventions, laws and legislation that compel military forces to conduct their duties with respect to human rights (Parver and Wolf, 2008; Elchator, 2014).

The third issue is a lack of a standardized approach to the protection and promotion of child rights by AU troop-contributing countries (TCCs) at both national and regional levels. The PSC Protocol emphasizes the need to have harmonized training curricula and policies, however, the training of civilians for peace operations has traditionally been neglected, most peacekeeping training centres have focused on military roles, and most missions have focused internally on training for mission support personnel. Even those that purport to advance international causes, such as the International Peace Support Training Centre (IPTSC) in Nairobi, have been clouded with the tragedy of tribalism in the appointment of staff and the improbity of leadership has since reduced them to a mere waiting bay for the routine military rotation. Leadership in some of the centres are short of vision and strategy for multidimensional capacity development. Yet, for improved capacity for multifaceted peace missions, the AU and Regional Economic Communities/Regional Mechanisms should not only increase the visibility of civilian roles in planning (de Coning *et al*., 2015) but also make deliberate efforts in forging joint partnerships with independent humanitarian agencies.

The fourth challenge relates to the complexity of the regional peace and security, architecture, and legal and policy environment in the region. In Africa, Somalia harbours one of the longest protracted conflicts. The greatest concern is that in every armed conflict, children risk being physically and psychologically harmed as a consequence of being targets and victims of violence. With the asymmetric warfare projected by religious extremists, children are increasingly among the most affected (Onditi and Landry, 2014). In addition to the refugee crisis, it is estimated that 2.2 million people (half of them children) are internally displaced in Kenya, Ethiopia, Burundi, Somalia and Uganda making them extremely vulnerable to threats during a crisis with families suffering multiple and severe disruptions including loss of homes, education and livelihoods. Women and children are often at risk of exploitation, and their autonomy and dignity are severely compromised when trying to obtain humanitarian relief and protection (Silva *et al*., 2001).

Finally, in principle, children are protected from recruitment and use in hostilities through a framework of international and regional conventions and guidelines, national laws, customary law and UN Security Council resolutions. Important among these is the Optional Protocol to the United Nations Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000), which raised the minimum age for direct participation in hostilities to 18 years and requires States to criminalize all recruitment of children under the age of 18 years by non-State armed groups. The UNCRC Optional Protocols and international humanitarian law are also important means for the protection of children in conflict situations (Edward, 2010). In spite of these structured arrangements within the international instruments, cascading such measures to regions and specific countries has been met with challenges, including the non-universality of the under-age. The ambiguity that comes with the clause on the ‘responsibility’ of children enshrined within the African Charter on Children’s Rights is a ‘thorn in the flesh’ that policy requires redress.

Conclusion

This article has attempted to link the continued plights of children affected by armed conflict in Somalia to the weak military structures and the inelasticity of these structures to institutionalize children's rights principles. Although most of the joint military-humanitarian initiatives have managed to increase their regional visibility by conducting joint assessments, seminars and training workshops with the military forces on issues of child protection, the approach is minimalistic focusing on short-term monetary gains. Moreover, although, joint initiatives made attempt to address children's rights issues in armed conflict, there are technical gaps such as the procedures for implementing the Monitoring and Reporting Mechanisms (MRM), which requires a structured partnership between military forces and humanitarian agencies. For example, the troops require advanced skills and competency in how MRM could be carried out. Finally, the joint initiatives were not an exception from the usual humanitarian politics. The protracted inter-organizational competition between and among the leading humanitarian agencies made them lose credibility among military forces. Lastly, military forces operating in an armed conflict situation will never protect children on their own, at the same time humanitarian agencies cannot assume the roles of the military personnel, thus, the need to develop comprehensive partnerships anchored on the principle of trust.

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