

**A STUDY OF INTERNATIONAL RESPONSES TO THE PLIGHT OF CHILDREN IN
ARMED CONFLICT IN SOUTH SUDAN**

A CASE STUDY OF JUBA COUNTY, CENTRAL EQUATORIA STATE

PONI ALLEN LADU

2013-MO83-10004



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**A post graduate dissertation presented to school of arts and social sciences, department of
good governance and peace studies in partial fulfillment of the requirements for the award of
the degree**

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Dedication

I would like to dedicate this piece of work to my sisters for the moral support and continuous encouragement they gave me during this course.

Acknowledgment

It would be difficult to mention all those who supported me throughout the four years of this course and preparation of this research paper, but it would also be impossible not to mention some of whom a particular debt of gratitude is due. Particular thanks go to Mr. IkaLino and Kabiito Bendicto, my supervisors, whose advice and guidance enabled me to complete this piece of work.

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TABLE OF CONTENTS

Declaration	i
Dedication	ii
Acknowledgement	iii
Acronyms	vi
Abstract	vii
CHAPTER ONE: GENERAL INTRODUCTION-----	1
Introduction	1
Background of the study.....	3
Statement of the Problem.....	7
Objective of the study	8
Research Questions.....	8
Scope of the study.....	9
Significance of the Study.....	10
Justification of the Study.....	11
Definition of Key terms.....	12
Conclusion.....	14
CHAPTER TWO: LITERATURE REVIEW	15
Introduction.....	15
Theoretical Frame Work.....	15
The Mandate of International Child Protection Agencies.....	18
Efforts by the International Agencies to Protect Children from Abuse and Rights violation during armed conflict.....	22
Gaps within the International Child Protection Agencies with regards to children’s rights protection during armed conflict.....	27
CHAPTER THREE METHODOLOGY.....	32
Introduction.....	32

Research design	32
Area of Study.....	33
Population of Study.....	33
Sample Size.....	34
Sampling techniques.....	36
Data Collection.....	37
Ethical considerations	38
Limitation of the Study.....	39
Conclusion.....	39
CHAPTER FOUR: PRESENTATION OF FINDINGS, CONCLUSION AND RECOMMENDATION.....	40
Introduction.....	40
Demographic Characteristics of the Respondents.....	40
The mandate of international child protection Agencies.....	41
Efforts Undertaken by the international child protection agencies to protect children during armed conflict.....	45
Gaps or challenges that need to be addressed in order for the international child rights protection agencies to protect children’s rights during armed conflict.....	53
Recommendation.....	60
Conclusion.....	63
REFERENCE LIST.....	64
ANNEX.....	70

Acronyms

AIDS	Acquired Immune Deficiency Syndrome
ACEEWC	African Committee of Experts on Rights and welfare of the Child
CRC	Convention on Rights of the Child
HIV	Human Immunodeficiency Virus
IDP	Internally Displaced Persons
ICRC	International Committee of the Red Cross
NGOS	Non-Government Organizations
OCHA	United Nations Office for Humanitarian Affairs.
OHCHR	Office of the United Nations High Commission for Refugees Commission
POC	Protection of civilian's site
UNCRC	UN Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children Emergency Fund
UNMISS	United Nations Mission in South Sudan
UN	United Nations

ABSTRACT

The main focus of the study is to examine the efforts of international Organizations in protecting children during armed conflict and to establish the reasons why regardless of these efforts many children suffered rights abuse, denial and violations during the December 2013 armed conflict in Juba, Republic of South Sudan.

Using a case approach, the study used qualitative research method and information was collected through content analysis from various sources and from respondents using in-depth interviews. Purposive and snow balling sampling techniques were used to draw a total of 30 respondents who participated in the research. The researcher used individual in depth interview guides, and secondary sources of data to gather and analyze the research information.

The study examined the mandate of UNICEF as a lead agency for child protection in South Sudan, what UNICEF has done within this mandate and established the following as the most pertinent issues that hinder the effective protection of children's rights during armed conflict: Lack of elaborate detail on the mandate to provide protection services can lead to ineffective protection of children's rights during armed conflict; inadequate resources to support initiatives aimed at protecting children's rights delayed interventions and response; limited capacity, and lack of political will from the conflicting parties to support the provision of protection services by the international child rights organizations.

The study recommended a collaborative participation of all partners responsible that is; the government, both conflicting partners and the international community as a whole. There is also need to create awareness on the mandates of the international organizations with emphases on their neutral role in human rights protection. The international decision making bodies like the United Nations Security Council should put in place a decisions matrix based on scenarios. This will act as a reference tool for updating and revising mandates and hence facilitating quick actions. An emergency response budget and plan should be developed by the emergency response child protection cluster to save time spent on resource mobilization and planning, protection agencies need to work with the host government's relevant bodies to document knowledge on the needs and proportion of abuse to facilitate quick response when violence escalates.

CHAPTER ONE:

GENERAL INTRODUCTION

1.1 INTRODUCTION

According to an analysis by Leila Zerrougui who is the Special Representative of the Secretary-General for Children in Armed Conflict, many innocent children globally lost their lives amid hostilities (Whatchlist, 2014). Leila Zerrougui's analysis covers the period from 2013 to 2014, a year after her appointment as the Representative of the Secretary General for children and armed conflict in September 2012 (Office of the Special Representative of the Secretary General for Children and Armed Conflict, 2013).

The United Nations identifies six violations of children's rights committed during armed conflicts world over. Those violations are killing or maiming, recruitment or use of child soldiers, sexual violence, abduction, attacks against schools or hospitals, and denial of humanitarian access (United Nations, 2015:4). According to the Annual Report of the Secretary General on children and armed conflict, (2016), South Sudanese children have been victims of all the six violations identified by the UN Security Council as disproportionately affecting children.

During the armed conflict that started in December 2013, the children of South Sudan suffered and continue to suffer the consequences of a brutal conflict. The peace agreement, signed in August 2015, calls for an end of all violations against children, the immediate and unconditional release of all children recruited by parties to the conflict and the screening of troops (Malene, 2015). Despite the warring parties' repeated commitments to end violations against children, the government and the opposition have failed to make tangible progress towards the protection of boys and girls. The United Nations continues to verify reports of grave violations against children committed by all parties to the conflict. The recruitment and use of children in armed conflict remains the most widely reported violation, the United Nations estimates that several thousands of children are currently in the ranks of the SPLA, SPLA/in opposition and other armed groups (UNICEF, 2016).

During the conflict that started on December 15th, 2013 between the government and forces loyal to the former first vice president, media houses and human rights watch reported an increase in the violation of children's rights. For example, over 617 children were recruited as soldiers, 580 children were killed, 220 children were injured, 36 children were sexually assaulted, 147 children were abducted and 11,000 children were denied access to education (Child Rights International Network (CRIN, 2015).

International humanitarian law provides broad protection for children in the event of armed conflict. Be it international or national, children benefit from the general protection provided for civilians not taking part in the hostilities. Given the particular vulnerability of children, the Geneva Conventions of 1949 and its additional Protocols of 1977 lay down a series of rules to accord children special protection during armed conflict. The 1989 Convention on the rights of the child and its recent Optional Protocol, also set limits on children's participation in hostilities (ICRC: 2003). South Sudan ratified these instruments in 2013.

With the presence of many child rights international organizations whose objective is to protect children and facilitate the implementation of the above international laws, it is assumed that child rights would be guaranteed and violations during armed conflict reduced (Jan Wouters and Ingrid Rossi, 2001). However, there is a huge discrepancy between the ideal situation and the reality. It's this gap that prompted the researcher to explore the issue of children's rights violations and the international response to the plight of children during armed conflict in South Sudan with a focus on Juba County, Central Equatoria State.

1.2 Back ground of the Study

In approximately fifty countries globally, children suffered as a result of armed conflict and its consequences (United Nations General Assembly - Note by the Secretary General, (1999) 54th Session Agenda Item 112). In over seven countries including the Syrian Arab Republic, Afghanistan, Iraq, Somalia, Yemen, Nigeria and South Sudan among others, children are still suffering as a result of armed conflict and its consequences (UN General Assembly Security Council A/70/8/360, 2016). Children constitute a disproportionately large percentage of the world's displaced population. The Machel Report, (1996) stated that twenty millions of world's displaced population consists of children. The majority of these conflicts occur in the developing world, which includes the bulk of African states, Latin America and Asia. As though in confirmation of that, it is estimated that 75 per cent of the world trade in arms from the industrialized states is directed towards the developing world (Van Bueren, 1995).

During armed conflict many more children die from malnutrition or preventable disease than are killed by bombs or bullets. The United Nations Children's Fund for example, estimates that in African wars, lack of food and medical services, combined with the stress of fighting, have killed about 20 times more people than have armaments (UNICEF, 1996). In addition, many more children are wounded psychologically, emotionally, or culturally than are wounded physically and this impact extends far beyond the immediate battle zone.

UNICEF declared 2014, a devastating year in which over 15 million children were caught up in major armed conflicts world over. Armed conflicts continue to expose children to horrors, fear, despair and extreme violence and its consequences, and yet many crises no longer capture the world's attention, as explained by UNICEF's Executive Director Anthony Lake (UNICEF, 2014).

Globally, an estimated 230 million children currently live in countries affected by armed conflicts. In Gaza, during the 2014, 50 day armed conflict, 54,000 children were left homeless, 538 children killed and more than 3,370 injured (Lizzie, 2014). In Syria, than 7.3 million children were affected by the conflict including 1.7 million child refugees, the United Nations verified at least 35 attacks on schools in the first nine months of 2014, which killed 105 children

and injured nearly 300 others. In Iraq, where an estimated 2.7 million children are affected by conflict, at least 700 are believed to have been maimed, killed or even executed in 2014. In both countries, children have been victims or witnesses to increasingly brutal and extreme violence. In the Central African Republic, 2.3 million children are affected by the conflict, up to 10,000 children are believed to have been recruited by armed groups over the last two years, and more than 430 children have been killed and maimed in 2013 (UNICEF, 2014).

The recent conflict in South Sudan, which is the focus of this study, has been going on since December 2013, and children have continued to face daily brutal violence, displacement and separation from family. Those whose families have found refuge in the internally displaced persons (IDP) camps further inland are at an equally high-risk of malnourishment, diseases, abject poverty and abuse (Nishtha, 2014). An estimated 235,000 children under five are suffering from severe acute malnutrition. Almost 750,000 children have been displaced and more than 320,000 are living as refugees. According to UN verified data, more than 600 children have been killed and over 200 maimed between 2014 and 2016, and around 12,000 children are now being used by armed forces and groups as child soldiers. (Humanitarian needs overview, Jan 2016 report).

The Human Rights Watch raised concerns over the deployment of children on the front line during armed conflict, the government of the Republic of South Sudan also signed an agreement with the UN to end the recruitment of children into armed conflict but, only little progress can be seen. (Linda Etim, 2015).

An estimated 12.6 million primary-school aged children are out of school in conflict affected states in Sub-Saharan Africa, with South Sudan home to the highest proportion of out-of-school children in the world (51% of primary and lower secondary school aged children). Attacks on education and health facilities and use of schools for military purposes have increased in many places in South Sudan. For example, in 2010, during an armed conflict between the South Sudan government forces, (SPLA) and young cattle-keepers in Toc, Tonj East County, Warrap State, 4 schools were destroyed and 13 others set on fire (UNSC, 2011).

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), armed forces were occupying more than 35 schools in 2014, affecting access to education for approximately 11,000 children. This also has an impact on unoccupied schools, where children, parents and teachers do not feel safe and prefer not to attend classes or send their children to school.

In the past decade, human rights and humanitarian NGOs have recorded endless examples of children caught in armed conflict. These children are murdered, tortured, sexually abused, abducted and ill-treated (Human Rights Watch, 2014). International law and its implementing bodies which in this case are the international organizations are meant to create a climate in which children are better provided for but has seemingly failed to do so (Kuper: 2000).

Children's rights are the building blocks for securing human rights for future generations. Given the immense suffering they endure in armed conflicts, international instruments have been drawn to provide children with special protection. Children are always the first and the most vulnerable victims of armed conflicts; they become caught up in armed conflict either as civilians or as participants. (Research Agenda of the Special Representative of the UN Secretary General on Children in Armed Conflict, 2001).

Even though they may have similar experiences as adults, children are usually more easily manipulated. They are also economically, politically, and militarily powerless in situations of armed conflict. As a result, there is a need for exceptional efforts to protect children from the brutality and danger of such situations.

The Peace and Security Council of the African Union has now regularized the open session dedicated entirely to issues related to the protection of children's rights in the context of armed conflict, convening representatives from AU Member States, UN Agencies, child protection experts and representatives from regional bodies, bilateral and multilateral partners (Peace and Security Council 362nd meeting 23 march, 2013)

GraçaMachel (1996) said more than 1 billion children under the age of 18 were living in areas of conflict or areas emerging from war. *"Our collective failure to protect children must be transformed into an opportunity to confront the problems that cause their suffering,"* Graça Machel 2000.

During the recent South Sudan war, there has been no tangible effort towards the transformation of this failure into possibilities.

Almost a year has elapsed since the signature of the Agreement for the Resolution of the armed conflict in South Sudan, but hundreds of children are still serving on the armies of both warring parties, thousands of children are still displaced from their homes, without access to health and education. This study explored reasons why despite the signature of the peace agreement, commitment to the international conventions, and the presence of a United Nations and other child rights international non-governmental organizations, children continue to face violations of their rights.

The Report of the UN General Assembly open debate on security of children in armed conflict (2012) stressed the primary role of governments in providing protection and relief to all children affected by armed conflict, and reiterated that all actions undertaken by United Nations entities within the framework of the monitoring and reporting mechanism must be designed to support and supplement, as appropriate, the protection and rehabilitation roles of national Governments.

However, South Sudan being a newly formed nation lacks the expertise and resources to effectively protect children's rights in armed conflict. In certain situations, the government has also turned a blind eye to the situation of children during armed conflict (Melanie et al, 2000). The government has also participated in violating children's rights especially through forceful recruitment among others. For example, according to Human Rights Watch (2015), South Sudan government forces recruited boys as young as 13 often by force to participate in the war. The report further asserts that both the government and the opposition recruited and used child soldiers.

This research focused on international child protection agencies rather than national bodies because the South Sudan national human rights protection agencies like the human rights commission are still at their infancy and not well positioned to respond as most of the employees in the commission are people appointed by government on political basis. Additionally, independent national child protection agencies are almost non-existent. In such a situation the only alternative to guarantee the protection of children's rights during armed conflict as

stipulated in the laws and conventions is the international community through its various child protection bodies within the country.

1.3 Statement of the Problem

The principles and provisions to protect children in armed conflict are laid out in the Geneva Conventions (1949) and their Additional Protocols (1977), the Convention on the Rights of the Child (1989) and its Optional Protocol on the involvement of children in armed conflict (2000), and the Rome Statute (1998). South Sudan ratified these conventions and all additional protocols in 2013 (ICRC, 2016). Under International Humanitarian Law, the international Community has a mandate to promptly prevent, protect and promote children's rights during armed conflict.

Despite the implied national commitment to the cause of children and the requirement by the international legal frameworks and the International Community, to protect children during armed conflict, there has been marked increase in violation of children's rights, especially since the outbreak of the armed conflict on December 15th 2013 in South Sudan. Children were left vulnerable to appalling forms of violence, including systematic rape, abduction, amputation, mutilation, forced displacement, sexual exploitation, forced labor and recruitment into the military.

An estimated 235,000 children under five suffered from severe acute malnutrition, almost 750,000 children were displaced and more than 320,000 are living as refugees, 600 children have been killed and over 200 maimed in 2014, around 12,000 children are now being used by armed forces and groups (OCHA, 2015).

Regardless of the presence of international instruments and agencies to protect children's rights during armed conflicts, and the government's ratification of these instruments, various studies have indicated that violations of children's rights have continued to escalate during armed conflict.

Both the government and the international community have mandates to undertake activities designed to encourage and induce governments to fulfill their responsibilities under the relevant international standards and protect children from abuse and violation during armed conflict.

The study focused on the responses of the international community because as an external actor, it has the power to influence political processes of South Sudan, hold duty bearers accountable and demand for the protection of children's rights especially because South Sudan is an emerging country with limited capacity. This study explored the reasons why these violations have continued despite the ratification of international instruments and the presence of child rights protection agencies in South Sudan. The study focused on the functions of UNICEF as a Child Protection cluster lead in South Sudan.

1.4 Objective of the Study

1.4.1 General Objective:

To examine the mandate of international child protection agencies in South Sudan and investigate why children's rights are being violated during armed conflict, despite the presence of international child protection agencies.

1.4.2 Specific Objectives

1. To examine the mandate of UNICEF as a lead agency for child protection in South Sudan
2. To identify the efforts that have been under taken by the international agencies to protect children's rights during armed conflict.
3. To identify the gaps that needed to be addressed in order for children's rights to be protected during the South Sudan armed conflict that started in December 2013.

1.5 Research Questions

The questions that this study sought to address are:

1. What is the mandate of UNICEF and other child protection agencies in South Sudan?
2. What efforts have been under taken by international child protection agencies to protect children during armed conflict in South Sudan?
3. What are the gaps that need to be addressed to prevent the violation of children's rights during armed conflict?

1.6 Scope of the Study

1.6.1 Conceptual scope

Children have the right to special protection because of their vulnerability to exploitation and abuse especially during armed conflict. The main international human rights treaty on children's rights is the Convention on the Rights of the Child (CRC), The CRC is the most widely ratified human rights treaty in the world and South Sudan ratified it in 2015.

According to the constitution of the Republic of South Sudan, a Child is any person below the age of 18 and child rights protection refers to the prevention and response to violence, abuse and exploitation against children. (United Nations Convention on the Rights of the Child)

In Juba County, Central Equatoria state, as a result of the armed conflict, a number of humanitarian organizations working to support children out of armed conflict regain normal lives and also ensure the protection of their rights came up.

Currently there are many humanitarian organizations working to protect and promote the rights of vulnerable groups especially women and children. However, even with these initiatives, there was a rise in child rights violation during the December 2013 armed conflict. This study assessed the contribution of International agencies in the protection and promotion of children's rights during armed conflict with specific reference to UNICEF. UNICEF is the lead child protection agency in South Sudan and it led many of the initiatives under taken by International agencies to protect children during the December 2013 armed conflict in South Sudan. This study examined UNICEF's protection activities during the armed conflict that occurred in December 2013-2015, and assessed why despite these efforts, there was a marked increase in the violation of children's rights.

1.6.2 Geographical scope

The study concentrated in Juba County; Juba County is an administrative area in Central Equatoria State, Republic of South Sudan. It is the largest county in Central Equatoria and one of the largest in the entire region of Equatoria. Its county seat is Juba, the state capital of Central Equatoria and the national capital of the Republic of South Sudan. Its population according to the disputed 2008 census conducted by the Republic of the Sudan, prior to South Sudanese independence, was 372,413. The research was carried out at the UNMISS protection of civilian sites (POC) which is hosting over 705,800 internally displaced people. The surrounding Payam of Jebel and Nyokuron West were also included in the study because of their proximity to the main war zone and POC. A number of families that couldn't cope with the life in the POC settled in Jebel and Nyokuron West. Juba was chosen for this study because the December 15th 2013 armed conflict started in Juba and many witnesses and victims of rights abuse as a result of the conflict live in Juba.

1.6.3 Time scope

The study was conducted within the time period ranging from 2013 to 2015; the researcher was interested in this period because it enabled her to gather information from victims and eyewitnesses whose memories on the issues are still fresh. It also enabled the researcher to understand and establish the role of international response towards the protection of children during conflict in South Sudan. Within this period, South Sudan was faced with an armed conflict which claimed lives of thousands of people including women and children, there was a lot of displacement, recruitment of children in armed forces, schools and hospitals were burnt to ashes or occupied by armed forces, rape and sexual violence was reported to have been utilized as a tactic of war.

1.7 Significance of the Study

The findings of this study provided information on the gaps in the response and response systems of International Agencies in their interventions to protect the rights of children in armed conflict. The recommendations of the study will also be available to international organizations and the government of South Sudan to improve protection services. The study will benefit NGOs

working in the child protection sector, government ministries, law enforcement bodies, duty bearers and human rights scholars. Juba County was particularly selected for this study because of its central location. And also the fact that the December 2013 armed conflict which saw a lot of children's rights violation started in Juba before escalating to other states.

The study also sought to understand the new ideas and intervention which can be practically applied by international agencies to stop child rights violation during armed conflict. The pertinent question is whether the international community had satisfactorily fulfilled its obligation to protect children's rights during conflict.

1.8 Justification of the Study

The debate over the effectiveness of the laws and interventions by the international community to protect children in armed conflict, and the political will of the international community to protect children in such situations, as well as the search for effective strategies to address the issue of children affected by armed conflict, remains live and unsettled. This study contributed to the ongoing discussion with a focus on South Sudan, where for the last over 22 years children have been suffering as a result of armed conflict with no effective response and protection. The Study focused on the December 2013 -2014, conflict which started in Juba and accelerated to other states within South Sudan.

The study reviewed the role of the international agencies with a focus on UNICEF, in relation to children's protection during armed conflict and also assessed whether the current international response to the plight of children during armed conflict adequately protects children's rights.

The study established why rights of children in armed conflict are not always respected and violations not repressed, remedies offered, gaps identified and challenges in protecting children's rights during armed conflict addressed. This study benefits NGOs working in the child protection sector, government ministries, law enforcement bodies, duty bearers and human rights scholars.

The study investigated and appreciate the obstacles to child protection during armed conflict, especially that there is always a lot of international sympathy about the plight of children during armed conflict and yet practices of children's rights violation continue to take the worst shape during armed conflict especially the case of South Sudan.

1.9.1 Definition of key terms

Child: A person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger (UNCRC, 1986) and According to the Republic of South Sudan constitution a child is a person below the age of 18.

Child abuse: Child abuse is any voluntary action (i.e. non accidental) that causes or may cause physical, psychological or sexual harm to a child. It is also an omission that deprives a minor of the supervision or attention necessary for their wellbeing and development. (ANNPCAN, 2011, pg8)

Child protection: Is preventing and responding to violence, exploitation and abuse against children including commercial sexual exploitation, trafficking, child labor such as recruitment into armed forces, torture and neglect, denial of the rights to education, medical care, food and family, (UNICEF, 2006). Save the children defines child protection as an action that individuals, organizations, countries and communities take to protect children from intentional and unintentional harm. (Save the children, 2008)

Child rights: Are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere. The UN finds these rights interdependent and indivisible; a right cannot be fulfilled at the expense of another right (UNCRC, 1986)

Child labour: This is the employment of children in any work that deprives children of their childhood, interferes with their ability to attend regular school, and that is mentally, physically, socially or morally dangerous and harmful (ILO, 2012)

Child Neglect: Is “Any recent act or failure to act on the part of a parent or caregiver, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm” (Child Welfare Information Gateway, 2006, pg. 9-10).

Community: Is a social group of any size whose members reside in a specific locality, share government and often have a common culture and historical heritage and rendering mutual assistance to each other. Community is defined geographically, emphasizing a group of

interacting people living in proximity in a particular location such as a village or urban neighborhood.(Wessel, 2009)

Emotional Abuse: Is any action or attitude that causes or may cause psychological harm to a child(UNICEF: 2010).

Human rights: these are entitlements that are inherent to all human being by virtue of being human, irrespective of sex, nation, origin, religion, language and status. They are inalienable entitlements to which a person is inherently entitled simply because he/she is a human being. (Amnesty international, 2013)

Physical abuse: Is defined as the intentional use of physical force against a child that results in or has a high likelihood of resulting in harm for the child's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating. (WHO, 2006. pg.10)

Violence: any form of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (Article 19 of the Convention on the Rights of the Child (CRC)

Sexual abuse: Is “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting including but not limited to home and work”(Krug et al., 2002).

Humanitarian intervention is frequently employed to denote a wide array of international actions, from the distribution of humanitarian aid to virtually any form of military intervention, regardless of whether it is in response to a serious or a minimal humanitarian crisis (J. Pattison, 2010).

Refugees are people who have been forced to flee his or her country because of persecution, war, or violence.

1.9 Conclusion

Every child deserves to grow up in a safe and nurturing environment. Unfortunately, hundreds of thousands of children are reported to be victims of armed conflict and untold numbers of other children are abused during armed conflict. Despite the international outcry, millions of children are continuing to suffer violations during armed conflict. This study explored the effectiveness of the international child protection agencies with a focus on UNICEF's role of protecting and coordinating childrights protection activities during armed conflict and suggested recommendations for these agencies to ensure the protection of children's rights during armed conflict. The study focused on UNICEF's activities as a lead agency in the provision of child protection services.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This chapter discussed researches and publications by various authors on the international response to children's rights during armed conflict. As a result of the mounting concern for children affected by armed conflict, a growing body of research has examined the impact of war, violence, and other forms of catastrophic social disorganization on children and some studies have looked at the response of the international community to these conflicts. A number of studies highlight the failures of the child protection agencies in ensuring that children are protected from all sorts of violations and abuse during armed conflict but few studies take into account all the factors involved or make practical suggestions to ensure the effectiveness of the activities of child protection agencies.

2.2 Theoretical Framework

This study considered the Grotian theories of Humanitarian Intervention as explained by Craddle(2015). The theoretical framework examined social theories underlying the protection of human rights. These theories also form the basis for the United Nations Security Council's mandate of the responsibility to protect people from human rights violations during armed conflict. This section analyzed the most relevant theory underlying the international commitment for the international community and states at war to protect human rights including children's rights before, during and after war. Three theories have been developed by Hugo Grotius that provides the basis for humanitarian intervention and protection of human rights worldwide. This study adopted two of the Grotian theories because of their relevance to the study.

The Guardianship Theory

The Guardianship theory of humanitarian intervention proposes that states may intervene as temporary legal guardians for people who have suffered intolerable cruelties at the hands of their own state. Though the theory mentions states, in most armed conflicts, states channel humanitarian support and intervention through international organizations like the United Nations agencies including UNICEF, UNMISS, and OCHA among others. This theory

provides a background to the role of the international community in the protection of the rights of the defenseless however; it based its argument on natural law, states that invoke humanitarianism as a basis for intervention tend to justify their actions as a purely defensive measures undertaken for and on behalf of oppressed people to prevent death and suffering (Grotius, 1901). This line of argument makes the theory vulnerable to the opposition that the international community has withdrawn from the idea that natural law constitutes an independent source of authority for intervention.

Guardianship is usually determined by the United Nations Security Council. Although this is a viable theory and could form a theoretical anchor for this study, the applicability of the theory of intervention depends on the agreement of the five permanent members of the Security Council who determines the mandate of the intervening agencies. It is not often that the permanent Members of the Security Council have agreed in time to save people from atrocities committed during armed conflict. Because of differences in interests, the members of the Security Council also usually veto such decisions.

The theory of guardianship is applicable and has been applied in a few countries. However, there is no research evidence to suggest that the institution of a trusteeship administration has resulted in zero violation of rights of children. This theory, therefore, though applicable, cannot appropriately form the basis for this study because it is silent on the interventions by international agencies and accountabilities for systems for the agencies that provide protection services to children during armed conflict.

The Fiduciary Theory of Humanitarian Intervention

The Hugo Grotius' fiduciary theory of Humanitarian Intervention, states that when states intervene to protect human rights abroad they exercise an oppressed people's right of self-defense on their behalf and may use force solely for the people's benefit. Intervening states bear obligations to consult with and honor the preferences of the people they seek to protect, and they must respect international human rights standards governing the use of force within the affected state (Criddle, 2015). International child protection agencies were formed out of international obligation, to intervene on behalf of the marginalized people since the agencies are neutral and

receive more acceptance than sovereign state. And it's this that makes the theory relevant to the study although it makes more reference to states than international agencies.

The fiduciary theory suggests that intervening agencies bear duties of loyalty and care, which require them to use their entrusted powers for the benefit of an oppressed people, including by respecting and protecting human rights such as the right to life. It is these principles that form the core humanitarian standards that guide all international child rights protection responses by international agencies.

The fiduciary theory also reconciles foreign intervention with the principle of self-determination by requiring intervening states to consult with and honor the preferences of the people on whose behalf they purport to act (Evan, 2015). In these and other respects, the fiduciary theory's relational conception of humanitarian intervention clarifies the source and character of intervening states' authority to protect human rights. These theories have been relevant in determining the nature of response and the mandate of UNICEF and other likeminded international organizations like Save the Children, Plan International and World Vision.

Although this theory refers to protection of human rights generally and is not specific to violation of children's rights, of all theories reviewed in relation to the subject under study, the fiduciary theory of humanitarian intervention comes closest to explaining the basis for the International agencies' duty to protect rights of children during and after armed conflict.

To make the fiduciary theory of humanitarian intervention fully operative in practice, however, the international community must develop more robust institutions and procedures for holding intervening agencies accountable for the manner in which they exercise the mandate to protect. This theory clarifies the particular responsibilities of the Security Council for humanitarian intervention. It also lends greater coherency to the functions of the international agencies working to protect the rights of people during armed conflict.

For purposes of this study, the mandate accorded to the United Nations to intervene in warring states to protect the violation of children's rights is engrained in the international agencies

designed to protect the rights of children during armed conflict. The design of these agencies is based on the theory of humanitarian intervention which forms the basis for the mandate to protect the rights of people including children during armed conflict. This study examined the effectiveness of these protective bodies and therefore question or affirm the applicability of the theory of humanitarian intervention.

The theory believes that the intervention of international agencies mandated by the United Nations Security Council can help in the prevention and protection of children from abuse however following the findings from the study, the approval of the mandate alone cannot ensure the protection of children from abuse and violation during armed conflict. There is need for good political will, support from the parties participating in the conflict and timely responses to the needs of children during armed conflict. Some countries have rejected proposals to have international agencies come to the country to support protect children from rights violation therefore for this theory to work, it needs to take into account the government and other members participating in the conflict.

2.3 The Mandate of International Child Protection Agencies.

When adults go to war, it is the children who are affected the most and bear the scars throughout their life cycle. To protect children from the impact of armed conflict, the United Nations created the mandate of the Special Representative of the Secretary General in 1996. Since then the protection, and wellbeing of children affected by armed conflict have come to occupy an important priority in the political agenda of the international community and a considerable body of international norms and standards has progressively evolved providing a framework for their protection (Human Security Network, 2003).

It is generally accepted in International Law that governments, in the first instance, are responsible for the implementation and enforcement of human rights (Steinhardt, 2000). The role of International agencies has been to undertake activities designed to encourage and induce governments to fulfill their responsibilities under the relevant international standards; to engage governments in cooperative procedures aimed at assisting them in the implementation of internationally recognized standards and in overcoming difficulties that they may be

experiencing in that regard; and to respond to, or attempt to deal with, violations of the internationally recognized rules (Ramcharan, 1983). He adds that when dealing with violations of internationally recognized rules, international bodies are mandated to carry out fact-finding, conciliation, good offices, examination of complaints through confidential or public procedures, and, if necessary, the expression of concern through the adoption of resolutions or the issuance of public statements.

The minimum standards for operations of the international child protection agencies are grounded in an International legal framework that regulates the obligations of the state towards its citizens and other persons (Global Protection Cluster, 2012). International child protection agencies are mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. They are also guided by the Convention on the Rights of the Child. The International legal framework is mainly composed of three interrelated and mutually enforcing bodies of treaty law. These include the International Human Rights Law, Humanitarian Law and the Refugee Law. The Geneva Convention of 1949 also provides special protection to children in armed conflict.

The notion of universal human rights has grown in providing a common understanding for the role of rights protection in the international community. There has been an increasing shift to an alternative conception that views sovereignty as a responsibility, the responsibility to uphold citizens' human rights. A key development in this context has been the report by the International Commission on Intervention and State Sovereignty (ICISS, 2001).

The Responsibility to Protect Commissioned by the Canadian government in response to a request from the then UN Secretary-General, Kofi Annan, and led by former Australian foreign affairs minister, Gareth Evans, argues that a state has the responsibility to uphold its citizens' human rights. If it is unable or unwilling to fulfill this responsibility, such as in cases of mass killing, its sovereignty is temporarily suspended. In such cases, the responsibility to protect these citizens transfers to the international community. The international community's responsibility to protect involves the 'responsibility to prevent' the crisis, the 'responsibility to react' robustly to it, and the 'responsibility to rebuild' after (Chopra and Weiss, 1992). It is from this provision that the international agencies draw their mandate to protect children during and after armed conflict.

The protection of children in armed conflict has always been high on the international political agenda. The Security Council has a special working group which pays specific attention each year to the most serious violations of children's rights in armed conflict: the recruitment and use of children by armed forces or armed groups, the killing and maiming of children, rape and sexual violence, abduction, attacks on schools and hospitals, and the denial of humanitarian access by parties to armed conflict (Security Council, Resolution 1988 (2011), UN document S/RES/1988 (2011), 12 July 2011)

Jenny (1997), gives a description of the law applicable to child civilians who are victims of armed conflicts, together with an analysis of its application. He rightly concludes that the various instruments dealing with the protection of civilian children in armed conflict reflect at least two rights that apply inalienably to children: the right not to be deprived arbitrarily of life and the right to special protection. She adds, with justification that these two principles apply both in times of armed conflict and in peace time. Building on that background, the researcher also established that the presence of the law can't be translated into the effective protection of children's rights by the international agencies; all players have to work hand in hand to achieve tangible results.

Guy and Ilene (1994), examined various typical conflicts and they analyzed the issue of child soldiers in depth, closely studying each of the factors which give rise to this phenomenon. A search for the reasons why children participate in hostilities reveals that their recruitment by armed groups is influenced by many widely divergent factors: the economic, social and political causes of the conflict, peer group pressure, fear, threats, the wish to feel safe or to take revenge.

The authors have the merit of looking into a subject, which is rarely addressed, that is, the mental and physical disorders caused in children through their participation in hostilities or a period spent in detention. Noting that a significant part of international human rights law is based on the protection of children and young persons' up to the age of 18, the authors believe that a total ban on the participation of these children in hostilities is a fundamental objective to be attained within the coming years.

Elliot (1995), states that in African civil wars of the last twenty years, an increasing number of combatants have been as young as 8 or 10, with girl fighters being increasingly recruited. He

concludes that many of these children will not be able to raise viable families or lead viable societies or protect human rights unless the international system promptly addresses the scourge of the so-called “children soldiers”. This informs part of the international agencies mandate.

A World Vision report entitled *fear and want* (2014), discusses how the conflict in South Sudan has been misunderstood and overlooked for decades. It highlighted this tragic struggle for power involving children, who are used as pawns for military and political reasons and also outlines what must be done to end this brutal, drawn-out conflict. The report does not, however, consider how international law that is in place could be used to solve the problem in South Sudan, an aspect the researcher considered worthy of discussion since all international child protection agencies draw their mandate from International laws.

Although far from being fully implemented, the notion of the ‘responsibility to protect (‘R2P) has had some success in getting onto the international agenda. UN, state officials, and nongovernmental organizations (NGOs) regularly use the language of the responsibility to protect in relation to serious humanitarian crises and military intervention. For instance, the Report of the UN High-Level Panel on Threats, Challenges and Change in 2004, *A More Secure World*, argues that there is a growing recognition that the issue is not the right to intervene of any State, but the responsibility to protect of every State’ (UN, 2004: 56)

Similarly, Former UN Secretary General Kofi Annan argues that we must ‘move towards embracing and acting on the responsibility to protect (UN, 2005: 35). Most notably, at the 2005 UN World Summit (the High-Level Plenary meeting of the 60th session of the General Assembly, with over 160 heads of state and government in attendance), states agreed that there exists a universal responsibility to protect populations. In doing so, they indicated their preparedness to undertake action ‘should peaceful means be inadequate’ and when ‘national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity’ (UN 2005: 30).

Carla (2006) argues that the duty to intervene stems from the moral obligation to respect humanity, independent of any consideration of special relationships. To flesh this out further, we can say that there is a duty to prevent, to halt, and to decrease substantial human suffering, such

as that found in large-scale violations of basic human rights. This duty to prevent human suffering is not dependent on high levels of interdependence. Instead, it is universal, generated from the fundamental moral premise that human suffering ought to be tackled.

It's evident that children go through a lot of unimaginable suffering during armed conflict and it has raised the concerns of the international community and duty bearers but no tangible results can be seen as children continue to suffer from rights violation during conflict. This research established that the mandate given to the international child protection agencies by the United Nations Security Council and other legal instruments is weak as it focuses on advocacy and good will of the host nations to protect and prevent children from violence, abuse and torture during armed conflict. There is a lot of bureaucracy involved making decisions on the mandate. This delays response and hence compromises the ability of international child protection agencies to respond and protect children from rights violation.

2.4 Efforts by the International Agencies to Protect Children from abuse and Rights violation during armed conflict

Twenty years ago, international humanitarian advocate Graça Machel (1996) released her groundbreaking Report on the Impact of Armed Conflict on Children. This report drew the attention of governments, child protection agencies and civil society. This report compelled States to confront the fact that children were being used as weapons of war, and the phrase 'child soldiers' became a rallying call for action. The international community called for an end to the outrage and recommended actions to protect children from recruitment and use by armed forces and armed groups. Almost a generation later, this report sets out areas where important progress has been made towards ending the recruitment and use of children in armed conflict, including through the "Children, Not Soldiers campaign", (UNICEF, 2014) and makes recommendations for action by governments. International agencies have played an important role of advocating through media campaigns and goodwill offices to reduce the recruitment of children into armed forces.

Despite considerable progress, however, tens of thousands of children – boys and girls under the age of 18 are still recruited and used in conflicts worldwide. As many as 16,000 children in

South Sudan alone have been recruited and used by armed forces and groups since the start of the conflict in December 2013 (UNICEF, 2015). This study has established that advocacy campaigns need to be accompanied by practical policies and strategies to address children's issues. The government's will and acceptance is paramount in ensuring children rights are protected during armed conflict.

Rachel and Margaret (1996) argue that children are "invisible" soldiers, in that those who employ them deny their existence and no record is kept of their numbers and ages, or the ages are falsified. Nevertheless, the authors estimate that there may be a quarter of a million children serving in government armed forces or armed opposition groups. The authors adequately describe that existing provisions contained both in international humanitarian law instruments and in the Convention on the Rights of the Child are too often disregarded in practice.

Nonetheless, the authors are very pessimistic about the relevance and efficiency of Humanitarian law. For instance they write that the 1977 Additional Protocol II, on non-international armed conflicts, has been officially applied only twice (in El Salvador and the Philippines), whereas such was recently not the case in Bosnia, Colombia, Georgia, the Russian Federation, Rwanda and Tajikistan. The recommendations contained at the end are addressed almost exclusively to the United Nations High Commissioner for Refugees (UNHCR), UNICEF and Non-Governmental Organizations (NGOs).

Narayan (2002) examines current thinking on the issue of children affected by armed conflict, arguing that children need different interventions than adults. This analysis provides a starting point for considering appropriate interventions in these situations. Providing guidance in program development for U.N. agencies, humanitarian agencies and field workers working with children affected by armed conflict.

Child protection international agencies often provide relief operations aimed at urgently saving lives and include "delivering food, clean water, and sanitation equipment to distressed populations; providing shelter for homeless victims; and repairing salvageable structures" (Aall 2005: 122) as well as prevention, containment and treatment of diseases. Many child protection agencies also react to the problems of refugees, acting on issues of reuniting families, education, vocational and health projects. Most of these programs aim at protecting children's rights.

However, the researcher concluded that the international child protection agencies need safe and peaceful environments for them to effectively carry out the activities that will ensure the protection of children's rights and for the case of South Sudan, the political will to create a conducive environment has not been demonstrated.

International agencies have played an important role in early warning and recommending preventive action. Early warning can be defined as the "systematic collection and analysis of information coming from areas of crises for the purpose of anticipating the escalation of violent conflict, the development of strategic responses to these crises, and the presentation of options to key decision makers" (Schmid, 1998). Many different indicators and signals serve as a basis for monitoring potential conflicts and achieving early warnings. Predictors, precursor events or general signs of trouble can be used in forecasting events that could escalate into violent conflicts. Generally, important indicators of violence include "widespread human rights abuses, increasingly brutal political oppression, inflammatory use of the media, the accumulation of arms, and an increase in organized killings" (Carnegie Commission on Preventing Deadly Conflict, 1997). However, noticing the first tensions, signaling and analyzing the situation usually aren't the biggest obstacles.

A lack of political power and will amongst governments and trans-governmental organizations to act poses the biggest problem. The missing element is often political will and leadership necessary to translate early warning into effective action and interventions aimed at preventing the suffering and violation of children's rights.

The nature and mandates of international agencies emphasize their obligation to work in preventing and transforming conflicts, overcoming injustices and promoting values of dignity and empowerment. International agencies work independently or in cooperation with governments to maximize and personalize assistance during conflicts. "By implementing programs that emphasize holistic development and the growth of civil society, international agencies play a critical role in preventing future violent conflicts" (Hackett, 2000:273).

International agencies play a fundamental role in demonstrating the benefits of peace to many local populations. They have proven to be very effective simply by opening channels of communication between two communities on opposing sides, in attempts to help restore mutual

trust, disperse stereotypes and educate people about the tools of effective conflict resolution. By supporting the media that encourage peaceful dialogue and respond to hate propaganda, international agencies can contribute to soft mediation.

This was effectively demonstrated by save the children in Burundi. In the same way, the ICRC has started a variety of alternative conflict resolution and preventive strategies that are now proving to be effective. Simply put, international agencies can promote a basis for political compromise by helping increase mutual understanding within a society. “In doing so, they can help prevent a struggle between national parties from expanding into a conflict among ethnic communities”, for example the case in Angola (Nicolaidis, 1996: 63).

International agencies also provide relevant information related to the situation of children during armed conflict. One major characteristic of international agencies are their activities on the frontlines of providing humanitarian assistance and protection, sometimes making them the only sources of information for the international community. This is the case with very remote conflict regions, where international links are largely nonexistent, such as South Sudan, parts of Congo and northern Uganda.

International organizations with long time presence in such regions thus provide essential information on potentially dangerous events and escalating developments. Being at the frontlines of conflict also means that international agencies can foresee trouble and make necessary arrangements to protect children and other vulnerable people caught in armed conflict, for example evacuate when tensions escalate into violent conflict (Carnegie Commission on Preventing Deadly Conflict, 1997). However, the researcher established that evacuation and international agency preparations are usually geared to protecting personal and organization’s properties. Efforts to save children and communities are made during or after the conflict which then makes it ineffective.

Individual states, the UN, regional organizations and humanitarian agencies including Non-Governmental Organizations (NGOs) all play important roles in protecting civilians, whether through political and legal action, military activities or humanitarian action. However, international efforts to protect civilians in conflict can often be insufficient, inconsistent or ineffective. The four 1949 Geneva Conventions and their 1977 Additional Protocols offer

specific protection to children during armed conflict. In fact, we say that children benefit from two-tiered protection under international humanitarian law: the general protection they enjoy as civilians or persons not or no longer participating in hostilities and the specific protection they enjoy as children (Kristin 2007).

More than 25 articles in the Geneva Conventions and their Additional Protocols refer specifically to children. These include rules on the death penalty, access to food and medical care, education in conflict zones, detention, separation from their family and participation of children in hostilities. The rights guaranteed by the Convention on the Rights of the Child, almost universally ratified, are applicable during armed conflict and it's the responsibility of the International Child Protection Agencies and host governments to ensure that these are achievable during armed conflict (James, 2013).

International humanitarian law clearly states that children's rights must be respected during armed conflict. However, this does not always prevent children being affected by violence in various ways. (ICRC, 2007). ICRC's child protection adviser Kristin Barstad describes the ICRC's approach to the issue and stated the following recommendations; Promotion of respect for the rights and dignity of children providing them with assistance to alleviate the effects of armed conflict. Including tracing families across the border, registration of children for easy tracing and reunification, preventing recruitment of children into armed forces from occurring through promoting standards within clear legal frameworks and through operations in the field, being actively involved in the development of the law applicable during armed conflict, organizing training for armed forces, police and weapon bearers to promote knowledge of humanitarian law and other fundamental standards.

International agencies have put a lot of effort in advocating for the observation of children's rights during armed conflict, they have gone ahead to provide basic services for children affected by conflict to live normal lives, services provided include child friendly space for psychological support, clean water and other sanitation facilities, food aid, emergency education opportunities, advocate for the release of child soldiers and the end to recruitment of children into armed forces, family unification, nutrition and health. They have also led efforts aimed at the development and utilization of child friendly policies like the 2008 child act in South Sudan. However these interventions are usually carried out after an armed conflict when the children

have already suffered tremendously. International agency's efforts are also limited by insecurity, lack of access, torture and arrest by the different conflict parties and limited resources. All these have affected their effectiveness in protecting children during armed conflict.

2.5 Gaps within the International Child Protection Agencies with regards to children's rights protection during armed conflict.

The Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Geneva Convention, 1949, and the 1977 Protocols additional to the Geneva Convention, the International Labor Office (ILO) Convention 182 on the Elimination of the Worst Forms of Child Labor, the Rome Statute of the International Criminal Court, as well as Security Council resolutions 1261(1999), 1314(2000), 1379(2001) and 1460(2003) have come to provide a strong and significant body of norms and standards for the protection of children from the impact of armed conflict.

However, important challenges remain, the former Secretary-General Kofi Annan, in his Report (2002) on Children and Armed Conflict to the Security Council, stated that the most important challenge is in bringing about an "era of application" of these international norms and standards. Their implementation on the ground is crucial for the success of the international community's efforts in protecting children from the impact of armed conflict. The key to effective implementation is wide dissemination of these norms and standards as well as systematic monitoring and reporting on their compliance by parties to conflict (Olara, 2003). The Watch list (2004) acknowledge that the Security Council and the entire UN system, as well as nongovernmental organizations (NGOs), have published a lot of materials and created awareness on the need to accord extra protection to children during armed conflict and the issue is now widely recognized than it was at the time of the first international study on the impact of conflict on children by GraçaMachel (1996). However, Security Council resolutions on Children and Armed Conflict (Resolutions 1261, 1314, 1379 and 1460) and other international standards for protecting children are not systematically enforced, thereby permitting the perpetrators of the violations to continue flouting these laws with impunity and hence making the work of international agencies void.

The substantial international legal framework to protect children during and after an armed conflict is failing in the most fundamental ways. There are no follow-up actions to ensure that the mandated mechanisms for child protection actually function on the ground for all children in conflict settings, and especially those who must be monitored throughout the process of disarmament, demobilization, rehabilitation, and reintegration (DDR). International agencies like UNICEF and UNDP have played lead roles working with governments to demobilize and reintegrate former soldiers. However not all children are released and the process is carried out at the will of the armed forces. This study examined why not all child soldiers get released despite efforts to secure their release.

The problem as Thomas Weiss (2001:424), notes, is that the term ‘international community’ is vague and ‘without a policy edge. Using it allows analysts to avoid pointing the finger at specific entities responsible when the so-called international community fails to respond or makes a mess of things’ (2001: 424). As such, referring to the international community does not help identify who should actually intervene when humanitarian intervention is called for under the responsibility to protect doctrine.

The ICISS (2001a: XII) report does make it clear that, whoever intervenes, the UN Security Council should authorize the action. States at the 2005 World Summit adopted a similar and arguably stronger view. Yet the requirement for Security Council authorization identifies only a procedure that agents should follow when discharging the responsibility to protect. It does not identify which particular agent has this responsibility, when and how this responsibility comes into play. More generally, it is unclear who should undertake humanitarian intervention because, there is not an obviously legitimate institution (Bernard Williams, 1995)

Thomas (2001) identified the lack of a clear accountability process as one of the gaps within the child protection agencies. In many situations, perpetrators of serious violations against children in armed conflict (CAC) remain unidentified and/or are rarely held to account. Even in cases where accountability programs exist, they often fail to achieve tangible outcomes that benefit children and their communities. As a result of the accountability gap, violations against children continue and are carried out with impunity. The author doesn’t explain further what needs to be done to address the accountability gap and offer steps forward.

Miller (2007: 4) recognizes, the lack of willingness to intervene as, in part, related to the ambiguity surrounding the issue of responsibility to protect. He outlines the collective action problem of 'diffused responsibility'. That is, the more potential rescuers there are, the less the likelihood of the chances of rescue. But when there is only one potential intervener or a clearly identified agent, the likelihood of rescue increases. Similarly, without having a stronger sense of who should act, states and other agents can use the ambiguity surrounding who should intervene and the responsibility to protect to circumvent their duty to challenge egregious humanitarian crises. Thus, Alex Bellamy (2003) asserts, 'there is a real danger that appeals to a responsibility to protect which will evaporate amid disputes about where that responsibility lies' (2005: 33). This study established that this is one of the gap contributing to the inadequate intervention by the international agencies to the protection of children during armed conflict.

The International Community has developed an important set of politically and legally binding instruments that highlight the absolute necessity to guarantee unconditional protection of children in armed hostilities but they are not using them effectively. Compliance with established norms remains, essentially, a dream as a result of lack of concrete commitments from world leaders (Ayissi, 2005). This has also hampered the work of international agencies who are supposed to support countries to implement these instruments.

At the international level, world leaders periodically meet for a few days to take decisions and make promises. The implementation of these decisions is left to the international community's legitimate institutional representatives like the protection agencies, which are unable to achieve anything unless the authors of these promises and decisions give the implementing institution the appropriate means and resources. Resources might be pledged, but they are rarely made fully available in a timely manner (Ayissi, 2005). The unfulfilled promises generate substantial doubts and widespread skepticism about the real political will of the international community to make their actions speak as loud as their words. This study explored this issue further and realized that in most cases resources are mobilized when an armed conflict is ongoing or when it just ended making it difficult for the child protection agencies to respond and effectively protect children.

There are complexities behind the global violations of children's rights as analyzed by Geraldine (1995). He provides a coherent study on the international status of children and the rights

attached to this status. She further demonstrates the potential of international law in protecting the rights of children even in states that are reconstructing their economies. Van Bueren argues that to be effective international law cannot be used in isolation and she seeks to place the rights of the child in their cultural and historical context. She concludes that at least in relation to children, international human rights treaty and international humanitarian law can no longer be seen as distinct bodies of law. But he is also silent about the law's impact on the work of international child protection agencies who derive their mandate and legitimacy from the law.

International agencies and UN agencies play central roles in gathering both types of information and depositing that information with decision-makers. The major shortcoming is that no rigorous and effective system exists to coordinate these activities, and direct them through the necessary steps to achieve the goal of compliance. For example, it is particularly distressing to note that even in situations where the information about basic violations against children is well known and has been presented, no step by step strategies are put in place to remedy the situation (watch list, 2004).

UNICEF, the UN organization mandated to protect children leads the interventions to protect children's rights during armed conflict. A number of organization function under the cluster, an umbrella organization through which all interventions are planned and executed with UNICEF's leadership. During May-June 2015, the Lutheran World Federation, Plan International, Save the Children, UNHCR, UNICEF, and World Vision, as part of the Regional Child Protection Network, conducted assessment mission to the concerned countries to review the implementation of the Regional Child Protection Framework (watch list, 2004). The assessment identified the following gaps:

All countries neighboring South Sudan opened their borders and granted access to asylum to persons fleeing violence on a prima facie basis. South Sudan has equally opened its borders to Sudanese on the same grounds. However, restrictions and lack of regular access to humanitarian actors to border crossing points in some countries have put refugee boys and girls at increased risk of violence, exploitation, recruitment into armed groups and family separation. Reception centers and transit facilities for refugees are often overcrowded, resulting in poor living conditions and additional stress on children and caregivers. With delays in transfers to the refugee settlements, some children have remained for months in transit locations without

adequate care and protection (Child Protection Cluster, 2015). The assessment report however, doesn't provide information on the cause of lack of human access which could form the bases for a remedy; this study noticed that the lack of access and favorable resettlement and IDPs centers increased the suffering, rights violations and also introduced children to more suffering as they have to move long distances on foot without water or food.

At another level, countries are strengthening systems for tracing, reunification, and alternative care arrangements in the best interests of children, and a regional initiative is being advanced to support tracing efforts (child protection cluster, 2015). Nevertheless, research findings to support the development of better procedures to ensure effective cross-border tracing and reestablishment of family contact for refugee children are still needed. Particular attention must be paid to the application of the best interest procedure in light of children's rights to protection, safety and security, as well as family unity. This report mentions the need for better effective procedures to ensure effective cross-border tracing but doesn't explain the gaps within the current procedures and it's this gap that the study identified and recommended remedies.

The civilian character of asylum has been compromised in some locations and has led to reported cases of recruitment of children by armed actors. In South Sudan, UNICEF reports that over 12,000 children have been recruited into armed groups, and some of these children may now be in countries of asylum. These children require specific strategies to be identified, linked to services and referred to specialized protection services. Conflict has uprooted thousands of adolescents and youth people from their places of origin at a critical time in their lives, disrupting their education and curtailing their opportunities to have a self-sufficient and prosperous life. Adolescents and youth have often been mobilized to actively participate in the conflict, exposing them to violence and trauma.

This chapter reviewed publications and literature from different authors on International Response to the plight of children in armed conflict terms of the mandate, efforts towards protecting children during armed conflict and the gaps that affect effective implementation of the international agencies' mandates and procedures aimed at protecting children during armed conflict.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

This chapter discussed how this research was conducted, the research design and the study population, sample size and selection, sampling techniques and procedure, data collection methods, data collection instruments, and data analysis, ethical consideration and the limitations and delimitation.

3.2 Research design

This study used a case study design, which enabled the researcher get adequate time to obtain in-depth information about the international response on the plight of children in armed conflict and why the gap between the ideal and practical situations, given that only one County was studied unlike studying the whole state or country. A case study approach has been defined by scholars such as Bernard (2002) as research that analyzes one or a few units. It allows the researcher to explore individuals or organizations, simply through complex interventions, relationships, communities, or programs (Yin, 2003). The researcher used a descriptive design which yielded rich data leading to important recommendations. For example, Galloway (1992) bases recommendations for teaching with computer analogies on descriptive data, and Wehrs (1992) draws reasonable conclusions about using expert systems to support academic advising.

In order to address the research questions posed above, the study to a limited extent used the qualitative research method to gather data through interviews, but mostly relied on the review of the available literature, from both primary and secondary sources. This enabled the researcher to provide valuable historical information over time on the impact of armed conflict on children and the international response to their plight. The qualitative research method gave the researcher freedom to let the study unfold more naturally and gain more detailed and rich data in the form of comprehensive written descriptions (Catherine, 2013).

3.3 Area of study

The research was carried out at Civilian Protection site (POC) and surrounding communities of, Jebel, and Nyakuron West, which are located in Juba County, Central Equatoria State, Republic of South Sudan with an estimated population 372,413 people (Vuni, 2009).

The researcher choose Juba County because a number of children who witnessed the December 2013 conflict reside in Juba County and most of the child protection agencies are also based and have been implementing child protection interventions during the armed conflict in Juba. Juba is also a cosmopolitan city which brings together people from all the ten states of the Republic of South Sudan. It provided an opportunity for the researcher to collect unbiased information representing the views of the whole country. It also gave clear reasons why child rights protection during armed conflict is not effective despite the interventions made in the country by international agencies, explore the gaps and suggest recommendations to remedy the situation.

The POC and its surrounding areas was selected because it's housing thousands of internally displaced people including children who fled armed conflict from the various states in South Sudan and there are a number of international agencies working to protect children's rights. Other reasons why the area was chosen are:-

- i. There are a good number of cases and child survivors who witnessed and also suffered violations as a result of the December 2013-2015 armed conflict.
- ii. The POC and international institutions dealing with children are in one area so it is easy to collect accurate data.

3.4 Population of study

The 5th Sudan Population and Housing Census took place in April/May 2008, stating the population of Juba County to be 372,413.

The study population constituted, child protection workers at the POC most of whom are NGO staff and key stakeholders such as UN peace keepers, UNICEF staff, Payam and Boma

administrators, Community members residing in or around the POC and children living in or around the POC premises.

The social workers and UNICEF staff at POC gave primary information on what and how they have supported and protected children from rights violation during the armed conflict. They are also better positioned to examine the gap between the ideal situation and the reality. The international organisations like UNICEF were selected because they have primary information on how they have been dealing with children welfare during armed conflict.

The key stakeholders including UN Police and UNICEF senior managers provided information on how they dealt with child protection during armed conflict. They provided information on the challenges, and gaps that need to be addressed.

Community members provided an over view of how childrights during armed conflict were protected and promoted by the International Child protection agencies. They provided real life evidence on what children went through during the conflict and its aftermath.

Child survivors gave first hand victim reports of what they experienced and how they were supported and by whom to protect their rights and attain normal life. Children who witnessed the horrors of armed conflict were interviewed in order for the study to present evidence based on real world scenarios from the real people that experienced them. Interview questions were framed in a way that the process doesn't hurt children's emotions but rather create a conducive environment for them to interact and share their experiences.

3.5 Sampling size

The sample size included 30 respondents who participated in the in-depth individual interviews.

The 30 respondents were categorized as follows:

S/No	Respondents category	Numbers	Reason for selection	Research Instrument
1	Payam Administrator	2	This category is knowledgeable and provided information on the plight of children during armed conflict and the nature of intervention by international organisations	Semi Structured Interview
2	UN Police	4	As the Law enforcement body it provided relevant information on the causes and failures and nature of child rights violation during conflict.	Semi Structured Interview
3	UNICEF Social Workers	4	As the UN body responsible for children's rights protection, UNICEF provided vital information on the efforts that the international community has invested in to protect children's rights during conflict and the gaps that contributed to inefficiency.	Semi Structured Interview
4	Plan International Social Workers	3	As a child rights NGO, Plan International provided information on the national and international perspective on the protection of children's rights. They also shared some field experiences.	Semi Structured Interview
5	UNICEF Child Protection Specialist	1	As a child protection lead agency, the UNICEF child protection specialist provided information on UNICEF's child protection work including achievements, gaps and challenges. He also provided information on their coordination role.	Semi Structured Interview
6	Parents/Guardians	6	This category spends most of the time protecting and providing for children at all times. They offered first-hand information on the contribution of the international community and accounts of how children's rights were abused during the armed conflict.	Semi Structured Interview
8	Children	10	The children are the victims of armed conflict, they shared the challenges they encountered during the conflict and the kind of response they received from the international agencies.	Semi Structured Interview

3.6 Sampling techniques

Given the complex nature of the research subject, some respondents were reluctant and unwilling to provide information and participate in the research. The researcher employed non random sampling techniques. Specifically, the researcher employed the following techniques.

3.6.1.2 Purposive Sampling Technique

Purposive sampling represents a group of different non-probability sampling techniques. Also known as judgmental, selective or subjective sampling, purposive sampling relies on the judgment of the researcher when it comes to selecting the units (e.g., people, cases/organizations, events, pieces of data) that are to be studied. Usually, the sample being investigated is quite small, especially when compared with probability sampling techniques (Palinkas L etal, 2015). For the case of this research social workers and international agency staff, children and local leaders that participated in protecting children from rights violation during the December 2013-2014 armed conflict or children who were victims of rights abuse participated in the study. This sample is small and consists of known and accessible people. Therefore, purposive sampling was the most appropriate sampling technique for this study, given the nature and size of the population under study.

3.6.2 Snowballing sampling technique

Snowballing sampling technique is where the researcher identifies a respondent who then assists her to identify other individuals in the same field and with relevant information. This sampling technique helps to identify new respondents with information that is vital for the success of the study (Rowland Alkinson, 2001).

Snowball sampling was used to select children affected by armed conflict in South Sudan to participate in providing data and information about their plight during armed conflict. This was applied to allow the researcher reach the required research sample size, as one child led the researcher to another (Ashley, 2016).

The technique was used because the very respondents selected were able to identify others who are also often in contact with children, survivors or victims of armed conflict. This helped to identify new information to meet the objectives of the study.

3.7 Data collection

3.7.1 In-depth individual interviews

In- depth individual interview is a formal discussion where questions are asked to explore in-depth information on a particular topic. Semi-structured interviews are the most widely used interviewing formats for qualitative research (DiCicco-Bloom and Crabtree, 2006) These are important because they only require interview guide or check list which allowed enough time for participants to express their views and opinions. These were administered to the Payam administrators, UN peace keeping police, NGOs Social Workers, Children, and Community Members. To meet the objectives of research, they were asked questions designed to raise and bring out key issues and information that would not be discovered using other data collection methods like questionnaires that don't provide room for interaction.

The use of qualitative research methods especially individual in-depth face to face interviews enabled the researcher to explore relations, and describe the reality of what children went through during conflict and where the role of international agencies to protect children's rights during conflict went wrong, become ineffective or is not adhered too.

Key informants including eyewitnesses and children who witnessed violence and abuse during armed conflict in their lives were interviewed.

During the interviews critical observations was also applied to support arguments and conclusions on the plight of children during conflict and the supposed role of the international community in preserving and promoting children's rights during armed conflict. Community leaders, Payam and Boma administrators, NGO staff and, the United Nations peace keeping policeformed part of the key informants' audience. This is because these categories of people are the prime duty bearers in ensuring that children's rights are guaranteed in all situations. And they also supposedly interact very often with children.

3.7.2 Data analysis

Data analysis is the process of bringing order, structure and meaning to the mass of information collected (Donald, 2005). The data generated from the content analysis and in-depth interpersonal interviews, and document reviews, was transcribed, grouped and categorized into coding frames indicating themes that were developed from the research. These were linked to the objectives of the study, generalized and analyzed and presented in a detailed research report.

Documents containing information about children rights and armed conflict phenomenon were studied. Document review was used to verify and back up the data that was collected. Primary documents were also reviewed; including documentations by eyewitnesses, notes, ministry reports, project reports and letters. Secondary documents written by those who were not present on the scene were reviewed including books, newspapers, magazines, journals and media to generate data to inform the research problem. This method was used to review reports on UNICEF's child protection work in South Sudan since it's the focus agency for the study.

3.10 Ethical considerations

The researcher adhered to the relevant professional code of conduct; taking into account the research ethics when carrying out research. The researcher ensured that the information given is confidential and not to be shared with anyone without the interviewee's permission. It is purely for academic purposes.

The researcher did not refer to other person's work as their own work without acknowledging the original author.

The researcher got informed consent; she disclosed the real purpose of the research to the respondents and the reasons as to why the research is being carried out.

The researcher was objective and collected and recorded accurate data to avoid being subjective and biased.

Anonymity of the respondents was observed by the researcher, and participants were informed of their right to remain anonymous.

The researcher ensured that the research conducted does not cause physical or psychological harm to the participants.

3.11.1 Limitations of the Study

The researcher encountered the following limitations during the course of carrying out the study:

The researcher encountered a problem of emotional and psychological trauma to survivors of armed conflict, given the fact that the issue under study brought back bad memories.

Some respondents refused to provide information due fear of being implicated.

The researcher faced a problem of high transport costs; due to fuel shortage in Juba and the hyperinflation that South Sudan was facing during the time the research was carried out.

Most of the respondents asked for anonymity hence making it difficult for the research to bring in life into the study.

The researcher faced challenges of time management as a lot of bureaucracy was involved especially acquiring entry permits to the POC.

Delimitations

The following remedies were devised to mitigate the above limitations.

The researcher clearly explained to the participants that the research was purely for academic purposes and would not implicate any of the respondents.

The researcher had to plan earlier and report at the POC 2 hours before the interview time, this helped to provide ample time to cater for bureaucracies associated with gaining entry to the POC.

The researcher had to mobilize additional resources to cater for the increasing transport costs.

3.11.2 Conclusion

The field research attained positive response and cooperation from respondents because the issue being researched on affects community's future and wellbeing. Information gathered was categorized under the various themes towards the end of field work to compile the dissertation.

CHAPER FOUR

PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS

4.0 Introduction

This chapter presented the data and discussed the findings from the field in line with the research objectives. The analysis of the data was directed to the main objective of the research which is to investigate why children's rights are being violated during armed conflict in South Sudan, despite the presence of international child protection agencies and the signature of instruments protecting children rights. The investigation was guided by the following specific objectives:

To examine the mandate of the international child rights protection agencies in the protection of children's rights during armed conflict.

To identify the efforts that have been under taken by the international agencies to protect children's rights during armed conflict.

To identify the gaps that needed to be addressed in order for children's rights to be protected during armed conflict.

4.1 The Demographic Characteristics of the Respondents

The study targeted a sample size of 30 respondents comprising of 4 social workers, 2 local leaders /Payamadministrators,1UNICEF child protection specialist, 1UNICEF Country Representative, 3 representatives of other international agency staff working at the POC, 3UN police, 10 children and 6parents /guardians. Semi structured in-depth interviews were used and one on one face to face interviews were conducted with the selected respondents. Interview guides were prepared for the different categories of informants.

Of the 30 respondents, 18 were female and 13 male, the study targeted more women since they are the ones who spend more time with children and better positioned to provide information on the international response to the plight of children. The table below shows the demographics of the respondents.

S/NO	Respondent category	Male	Female	Age
1	Payam administrators	2	0	75, 73
2	UN police	1	2	45,52,42
3	UNICEF staff	3	3	29,35,43,39,42
4	Other agency staff, Plan international, save the children	1	2	30,50,29
5	Parents /Guardians	2	4	75,78,79,65,
6	Children	4	6	14,16,12,
Total		13	17	

Source: field findings by the researcher December 2016

4.2.0 The first objective of the research was to examine the mandate of the international child rights protection agencies in the protection of children’s rights during armed conflict. This is discussed under the mandate theme.

The study focused on UNICEF’s mandate, because UNICEF is the child protection cluster lead which coordinates all child protection interventions in South Sudan. It is the United Nations International body tasked to protect the rights of every child. Under this theme, the researcher used an interview guide consisting of 11 questions. This was also used during interviews with international agency staff including; UNICEF, Plan International and Save the children. Separate interview guides were also prepared for Payam administrators, children, parents and UN police.

4.2.1 Origin of the Mandate

UNICEF is the world’s largest humanitarian organization for children. Established in 1946 by the United Nations to care for children affected by World War II. UNICEF’s mandate is to help children survive and thrive from childhood through adolescence by providing long-term development support and humanitarian emergency response. Together with governments and the

humanitarian community, UNICEF supports child health and nutrition, education for boys and girls, access to water and sanitation and protection from violence, exploitation and disease.

UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. It is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behavior towards children. UNICEF provides long-term humanitarian and developmental assistance to children and mothers in 191 countries through country programs and National Committees

4.2.1 UNICEF's Mandate in South Sudan

UNICEF has been operational in South Sudan since 1989, under Operation Lifeline Sudan (OLS), an emergency program unique in the history of humanitarian relief. OLS assisted Sudan's affected population from 1989 to 2005. UNICEF was the lead agency under OLS in the southern sector with more than 40 organizations, including partners such as the Sudanese government, WFP and local and international NGOs.

Following the creation of the new Republic of South Sudan, UNICEF went through a strategic reflection exercise in 2011 to determine its role and position in the new country. UNICEF's overall goal is to support the Republic of South Sudan in realizing the rights of all South Sudanese children's to survival, development, protection and participation, and the creation of an enabling environment to ensure strengthened accountabilities for children with an equity approach.

UNICEF in South Sudan works in close partnership with the government and partners at national, state and community level. Its program addresses four sectoral areas – Health and Nutrition, Basic Education & Gender Equality, Water, Sanitation & Hygiene (WASH) Child Protection and Advocacy supported by a cross sectoral program. Policy Advocacy & Social Protection, Communication, Monitoring and Analysis (ACMA). Its work in South Sudan is guided by four key building blocks: the United Nations Development Assistance Framework (UNDAF) and concluding observations of the Committee on the Rights of the Child.

To implement its mandate in South Sudan, UNICEF partners with the Government, UN agencies, bilateral agencies, NGOs, civil society, the media, the private sector and communities. UNICEF brings a global influence and reach, technical expertise and financial resources to provide the necessary support to its partners.

Respondents who comprised of UNICEF staff and other international organization staff said that their mandate was to protect children from both physical and psychological harm ensuring that they enjoy all their rights in our situations. *“Our mandate is to facilitate a process that enables children to learn, lead, and thrive in an environment that respects their rights and freedom”* explained Ben Opwonya a UNICEF staff working at the POC.

Respondents including children, community members and Payam directors said that they were not informed about the mandate of international child protection agencies, *“they gave children books, supplied food, tents and brought toys for children to play”* said Andrew Joseph Taban the Payam administrator of Jebel Payam. This is one of the reasons why the International child protection agencies fail to effectively protect children in armed conflict as the people whose rights they are working to protect don’t know or even understand that such organizations carry out interventions aimed at protecting, and promoting their rights. They are not aware of their limits and key focus areas.

The General Assembly resolution that created UNICEF on 11 December 1946, Resolution 57 (I), provided the organization with a mandate far broader than those of its partner organizations, covering every major aspect of a child’s existence. The organization’s sources of funding and guidelines for spending funds are equally broad so that UNICEF is free from many of the restrictions that limit some of its partners. UNICEF’s current Mission Statement stresses the organization’s commitment to the protection of children’s rights, including “special protection” for child victims of war. However, beyond its traditional programs, and in situations of armed conflict, UNICEF’s protection mandate is very different, and more restrictive than those of its immediate partners: In comparison with other organizations such as ICRC, OHCHR and UNHCR, UNICEF’s mandate for the protection of children’s rights does not benefit from the same legal provisions regarding, for example, access and freedom of movement throughout a territory in conflict.

UNICEF does not have the same wide reporting mandate common to the field operation of OHCHR. UNICEF's "Standard Basic Cooperation Agreement" with host governments is limited to protection through the provision of certain assistance and services. Article XVI (1.b) states that UNICEF (and associated) personnel are entitled to "unimpeded access within the country" but limits this to "sites of co-operation activities and to the extent necessary for the implementation of programs of co-operation".

References to UNICEF in the Convention on the Rights of the Child (CRC) differ from those included in the Convention relating to the Status of Refugees or the Fourth Geneva Convention, with regard to UNHCR or ICRC respectively. Article 45 of the CRC states that UNICEF and other UN entities "shall be entitled to be represented at the consideration before the Committee on the Rights of the Child of the implementation of . . . provisions of the present Convention".

Article 45 goes on to state that UNICEF may be invited by the Committee to provide expert advice and to submit reports on implementation of the Convention, and that States Parties may request (via the Committee) expert advice from UNICEF.

The differences in mandate, and the fact that there is no explicit mention of a UNICEF protection role in an international legal instrument, does not mean that UNICEF cannot seek to protect children's rights. On the contrary, UNICEF's specific Protection will draw its strength from these distinctions. The differences do, however, influence the methodology and activities through which UNICEF can seek to achieve such protection.

The distinctions between the rights protection work of UNICEF and partner organizations should not be seen as limitations, but as simple definitions of the direction of UNICEF protection, and indeed the character of protection to be provided. This study found out that while the broadness of the UNICEF Mandate is positive since it allows UNICEF the freedom to function in regards to children's safety, it is also true for the case of South Sudan that it is this broadness of mandate that limited UNICEF's response in terms of exactly defining the nature of protection to be provided. For example, as UNICEF negotiated for the release of child soldiers or in its advocacy to get military personnel and activity away from school premises, individuals within the host government would question the specificity of this mandate in defiance.

With the independence of South Sudan, UNICEF renewed its mandate in South Sudan through the signature of a memorandum of understanding with the new government of South Sudan. The new government of South Sudan mandated UNICEF to continue leading the Education sector support, and the child protection.

Through this mandate UNICEF continued operation throughout South Sudan basing its activities at hub centers and area offices and a main office at the capital in Juba. Each hub center and area office serves a number of areas. Due to the difficulty of accessibility in South Sudan, because of the poor road network and a very long rainy season that leads to flooding in many parts of the country, UNICEF's logistical operations are quite expensive to sustain and maintain. This research found out that because of this, UNICEF benefits from the services of smaller providers who are mostly local organizations to reach the protection of civilian centers (POCs) and provide protection services. These organizations are given smaller contracts to implement UNICEF's mandate in various areas of need.

These smaller organisations are mostly community based organisations which operate on limited budgets and strict regulations established by the local governments within the operation areas. These organisations also face capacity limited as most of the staff are part time employees who are engaged only after receiving funding, these constraints also limit their ability to effectively deliver the required interventions on a timely bases.

'We employ staff when we get funding to implement projects on their behalf, this process takes a lot of time. We advertise following government recruitment procedures which delays implementation as our daily operations are sustained by volunteer staff who are not available all the time and also have capacity limitations to effectively support emergency life saving operations'. Said Joseph Mangwi, the Director for ADCORD, one of the Community Based Organisations implementing child protection program activities in partnership with UNICEF.

Further research into the outputs of these small providers indicated that there is a dearth of capacity amongst the small local organizations and they can only handle a small budget and a limited scope activity at a time. This affects the overall UNICEF output when a response has to include a number of activities to be able to provide full protection services.

4.3.0 Efforts Undertaken by the International child protection agencies to Protect children during armed conflict

The second objective of the research which was to identify the efforts that have been under taken by the international agencies to protect children's rights during armed conflict. Data collected through respondents and review of documents discovered the following efforts under taken by various international agencies to help protect children from abuse, torture and rights violation

4.3.1 Children as zones of peace

In order to ensure access to children in situations of armed conflict, UNICEF in partnership with other child right protection agencies promoted the concept of 'children as zones of peace'. *"The idea was first conceived in the 1980s, as a fulfillment of the irrefutable notion that the targeting of children during hostilities can never be justified or tolerated, under any condition"* explained UNICEF's Country Representative Jeremy Hopkins.

As a practical way to ensure the protection that children are entitled to, UNICEF has often helped negotiate 'days of tranquility', during which services for children, such as immunization and micronutrient supplements, are organized. The first time the 'days of tranquility' were arranged was in 1985, in El Salvador. Since then ceasefires have been arranged for immunization of children in numerous conflicts, including Afghanistan, Angola, the Democratic Republic of the Congo and South Sudan among others. Corridors of peace have also been designated to allow the delivery of food, medicine and other supplies. These measures are limited and temporary in scope and cannot replace the broader protection, namely the end of conflict. This study found out that the notion of "children as zones of peace" was challenging to achieve in South Sudan as the violence involved militia that were neither party to the mandate that UNICEF has internationally

and in South Sudan to protect children, nor were they mindful of the international rules of military engagement as regards children.

Additionally, the violence escalated to what has been called a tribal show down which creates more vulnerability even among the staff of UNICEF and the staff of the small organizations that support peacemaking in South Sudan. This study established that because of this tribal twist in the conflict, more people were displaced including children for fear of being targeted on tribal basis. UNICEF and other child protection agencies were overwhelmed by the number of people especially women and children.

4.3.2 Engagement with non-State entities

In order to pursue its humanitarian activities, UNICEF, together with other United Nations agencies and International child protection agencies often engages and negotiate with non-State entities like insurgent groups. Engagement with those groups aims at ensuring the provision of assistance and protection to children and security for humanitarian workers, and includes, inter alia, negotiations for access and advocacy for the respect of children's rights. This creates a whole series of legal, political and operational dilemmas.

The study found out that advocacy with South Sudan's nascent government, whose legal, political and operational systems were at fledgling levels was an uphill task. In many cases an agreement on certain considerations with the government would only be interpreted as an agreement with the individual within the government who negotiated the agreement. Once that individual is no longer available, that agreement would also cease to be applicable.

“The individuals in government can make personal commitments which are only bonding as long as they are in office, once they are relieved of their duties and new people are brought to replace them, all the agreements made by the previous person becomes void and agencies have to start to renegotiate with the person”, Explained John Morgan, a UN police working in the POC.

4.3.3 Child-friendly spaces in IDP camps

International child protection agencies working to support children in South Sudan have established Child-friendly spaces, to provide integrated care for children in IDP camps. The approach has gained recognition as a successful and innovative model for promoting the rights of refugee and internally displaced children. *“In the chaos that accompanies displacement during conflict, the delivery of humanitarian assistance is often fraught with difficulties”* said Kamba Anthony, a Plan International staff working at the POC. *“Child-friendly spaces offer a safe haven for children and women, distinct from the rest of the camp”* said Nancy Poni a social worker working for Save the children.

At the Child friendly spaces, a basic package of services is made available for children, adolescents and mothers in a secure environment that is family-focused and community-based. Services include infant feeding and nutritional support; hygiene, water and sanitation services; early childhood care; psychosocial counseling; education and recreation; and basic health care. Toys, such as puzzles and creative art supplies are provided for psychosocial support and early childhood development. For school going children displaced out of school, however, the level of education services is not directly addressing the school curriculum therefore what they receive education services that cannot qualify them to compete favorably with children going to regular schools.

“At the child friendly spaces we learn how to read, write, person hygiene and environment, but we are never promoted to high classes” explained James Chol, a 12 year old living in the POC.

4.3.4 Provision of Food and Non Food Items.

Respondents interviewed also said that they received food items including sorghum, cooking oil and beans while at the POC. The food items were delivered by Plan International South Sudan though the bags had a WFP and USAID log on them. *“We also received mosquito nets, plastic sheets and cooking pots”* said Jacky, one of the children displaced from Gudele. Jacky now leaves in the POC with her mother and has no idea where her father went. She went ahead to

explain that they had spent four days without food, and only surviving on wild fruits and porridge given by the neighbors.

4.3.5 Provision of nutrition, health support and sanitation training.

Along with the World Health Organization (WHO), UNICEF supports local programmes that improve access to basic water and sanitation, which are in turn vital for health, development and education initiatives.

“UNICEF is also often first on the ground in declared emergencies to deliver these and other life-saving interventions, like fresh water and basic medical supplies” said Chan one of the social workers at the POC. This researcher found out that the POC camp is located in a swampy area and during the rainy season, which happens to be the time when the camp was opened, it floods quite heavily. During the three years the camp has been open, there has been deaths due to cholera and other diseases resulting from poor hygiene. Besides, temporary learning spaces put up to support children sometimes have collapsed due to heavy rains.

4.3.6 Back-to-school campaign

UNICEF and other international child protection agencies and the government of the Republic of South Sudan conducted the back to school campaign, which sought to encourage children out of school to come back to school in all the ten states. The armed conflict left the education system of South Sudan devastated. Schools have been destroyed or fallen into disrepair. Educational materials were given high priority in UNICEF’s humanitarian campaign from the beginning because schooling is seen as a way to provide security and stability for South Sudan’s children traumatized by war.

In recent years, UNICEF in collaboration with other child right protection agencies have worked in villages and towns in all the ten states of South Sudan to supply learning materials for community-based schools and temporary learning spaces, enabling girls and boys to access school, For example, in 2013, UNICEF provided educational materials and teacher training to support the primary education of over 130,000 children, 30 per cent of them girls. Early in 2014, some 200 schools were rehabilitated, with UNICEF and other child protection international

agencies' support. International agencies have also supported activities of the accelerated classes for children especially girls to catch up on their studies.

This gave many older girls the opportunity to return to school. School supplies and teaching materials like blackboards, textbooks, chalk and sanitary kits were delivered under extremely difficult conditions, within a shattered infrastructure, over terrain at times infested with landmines. One of the greatest challenges is finding classroom space. While the urgent renovation of school buildings continues *"when we settled at the POC there was no school, we couldn't attend classes. Three weeks later we started learning under a tree we couldn't continue when the rains start"* said Alex, a 16 year old living in the POC.

Other child respondents also said that although they were supported with learning materials, some of them are not able to return to school due to lack of uniforms and food. Additionally, it is also evident that with only a few trained teachers country wide, even the materials provided are not sometimes put to good use so students cannot fully benefit from them.

4.3.7 Training new teachers

As a result of the armed conflict, many teachers relocated to safer places and this created a vacuum. Child protection international agencies together with education focused international organizations provided short trainings to volunteer teachers to support the back to school campaign. About 500 teachers were trained during 2014 and scholarships were provided to 50 female teachers to attain professional teacher training certificates. These teachers are currently teaching in the conflict affected areas in South Sudan. They are also acting as role models for girls in schools. Unfortunately, UNICEF's support is not permanent, when the conflict reduces, people start to move back to their villages and the trained volunteer teachers remain without jobs. "Ideally they should be absorbed into the regular teacher corps. However, with the Ministry of Education's limited budget of 3% of the national budget cant cater for them, the Payam administrator for Jebel says new teachers cannot be hired when there is no budget provision for their salary.

4.3.8 Supplementary feeding centers

International Child Protection agencies under the leadership of WFP and UNICEF are working to reduce malnutrition through the establishment of supplementary feeding centers in the POC and surrounding local villages and Payams. Together with the World Food Program and other partners, UNICEF has helped to reach more than 650,000 children and women with special food needs, including pregnant and lactating women.

The therapeutic feeding centers have been equipped to treat acute malnutrition and chronic hunger with fortified milk and high nutrition bars. Once recovery begins the children continue on feeding regimens that include three to five meals of fortified porridge per day in addition to their normal food intake. Children are discharged when they have maintained at least 80 per cent of their normal weight for a week. UNICEF, together with implementing partners, provides the fortified milk and foods, equipment, technical assistance, training, salaries to government health workers who support activities at the center. The researcher however established that the nutrition and food supplements are not always provided on time and hence worsening the situation. Mary Adol, one of the IDPs residing in the POC, says that her three year daughter was screened and admitted for treatment of severe malnutrition but didn't receive supplies for three months. Such delay makes the response ineffective.

4.3.9 Child protection

“No child or family in South Sudan has been spared the effects of an intense prolonged conflict, which has changed all aspects of the economic and social environment” said UNICEF’s Child Protection Specialist Mr. Abdus Sobhan.

He continued to explain that the experience of violence, loss of parents, siblings and other close relatives, massive displacement, extreme poverty and a lack of developmental opportunities are threatening children's normal social, emotional and mental development. Decades of conflict and massive human rights violations have severely limited families' ability to protect their children from violence, exploitation, abuse and discrimination. Without adult protection, children have become breadwinners on the street, are being sold and have been forced into labour, when recruited into armed forces or have become involved in crime in order to survive.

Together with national and international partners, UNICEF undertook a psychosocial needs assessment of children who are victims of violence and war. Similarly, an assessment is in progress of the protection and reintegration needs of child soldiers, street and working children, young people not attending school, women and child-headed households and other war-affected young people. Conducive opportunities including family unifications, play for peace have been launched to support IDP child protection initiatives.

This study established that while such assessments have documented a number of needs and recommended specific interventions to address these needs, the need is so vast that UNICEF and the few agencies are not able to cover all the needs, or even reach all those in need of support. The budgets of such organisations are limited and the infrastructure in South Sudan is so underdeveloped that it makes operations very slow and expensive. For example, it would take about a month to transport supplies to Upper Nile by badge on the river Nile, or alternatively, an organisation would need to charter a number of flights to fly supplies to the required areas. The road network is equally so poor that it is not possible to reach all parts of the country by road. Most roads are also seasonal. In the rainy season, most areas are cut off due the presence of seasonal rivers along the road.

4.3.10 Research and documentation

This is a very important preliminary tool in helping all bodies to address the shortfalls in the protection of children's rights during conflict. A number of reports have been written by UNICEF and other agencies on protection of children, the challenges, successes, demographics and lessons learned to support decisions on the most effective ways to protect children during armed conflict. The reports that this researcher reviewed indicated a bias in the language and tone of the reports in that these are geared towards donors as an audience, to solicit for more funding for the organization and to keep them in operation as opposed to genuine representation of a factual picture of the situation. A number of the reports are either donor reports or fundraising reports. There were no research reports written for general public understanding of the plight of children during the 2013-2015 armed conflict.

4.3.11 Education in Emergency

All respondents interviewed said that international agencies like UNICEF, save the children, Plan International, World Vision have supported them to attend class by providing them teaching and learning materials. They, however, mentioned the teaching facilities like classes are not convenient for learning. They study under trees and temporary shades, they have no chairs and tables, and they sit and write on the floor and are not able to attend classes. Joseph Deng, a 16 year old respondent living in Nyokuron West said *he can't attend school because he doesn't fill comfortable sitting on the floor he better stay at home*. Joseph is the only surviving child in their family. His three brothers were abducted during the December 2013 armed conflict. *"UNICEF has provided tenets and a school in box materials for children to continue learning even during conflict"* said Angelo Lubang, UNICEF's education specialist. However, all children interviewed noted that the tenants become very hot during the day and they can't sit and attend classes in them.

The Dakar framework for action explicitly calls upon governments and others to provide education in situations of armed conflict, to help promote peace and understanding and prevent further violence. The South Sudan Education Act, (2012) also provides for free education for all children. It entitles children to basic services including education, health and protection. However, global monitoring report 2014 indicated that South Sudan still had the largest number of children out of school and most of those were children displaced either by natural disasters or violent conflict.

Additionally, this study established that the investment into providing basic services to children in South Sudan remains at a meager level as a large percentage of the national budget is spent on national security and financing the war. The agencies that are supposed to intervene and fill the gaps also operation on a limited budget that cannot address all the urgent protection needs.

The South Sudan's government that holds the primary responsibility for the protection of, and assistance to, its citizens has not put in place institutions and systems to ensure that children are protected and provided with access to services they are entitled to per the national constitution

and the by-laws put in place to ensure the enforcement of these policies. The role should have then fallen on the international community through its specialized international agencies to undertake activities designed to encourage and induce the government to fulfill its responsibility under the relevant international standards; or to engage the government in cooperative procedures aimed at assisting them in the implementation of these rules; or to attempt to deal with, violations of these rules.

However, though the international agencies have tried to fulfill some of the obligations, there is still a lot to do as children are still suffering with rights being abused and violated as it was the case during the December 2013 armed conflict in South Sudan. To date, children continue to suffer the impacts of the armed conflict.

Gaps that need to be addressed for the international Child rights agencies to effectively protect children's rights during armed conflict.

4.4.0The third objective of the research is to understand the gaps that need to be addressed in order to prevent the violation of children's rights during armed conflict?

4.4.1 Documentation is only directed at fund raising and donor interest

Research and documentation of children rights violation should focus on identifying solutions to end the violation of children's rights during armed conflict. From the review of research reports and documents published by various child rights protection agencies, most of the publications aim at promoting the organization's work, mobilizing resources and creating a positive organization image among donors. This is one of the gaps that has hindered the effectiveness of international child rights protection agencies working in South Sudan. Most of the reports focus on what the agencies have done and what needs to be done. Limited efforts are made to analyze and understand the impact of their activities and how effective they are in protecting and promoting children's rights.

4.4.2 Lack of Training of the Military Personnel on the consequences of violation of children's rights during armed conflict and the international requirements

The South Sudan People's Liberation army is mainly comprised of unqualified personal with very limited knowledge on the humanitarian laws and standards. The members of the armed forces are the most direct participants in an armed conflict. According to all children, parents, Payam officials, and UNICEF staff interviewed, the most serious of grave violations of the children's rights are carried out by soldiers in the battlefield without training on the military regulations. It's difficult for international child protection agencies to protect children from violence and abuse when dealing with the nature of armed men in South Sudan who include armed militias like Mathanyoro and the white army. As the international agencies are negotiating with people who don't understand what they are taking about or the international rules of war fare. Ideally military personal should be trained before joining the army so that they develop the appropriate reflexes to act in compliance with the requirements when in combat. An important function of such training is precisely to make soldiers and others aware that they could be criminally liable for the ill treatment of children in armed conflict and that individual soldiers bear individual responsibility for blatantly committing unlawful acts.

It is hoped that at least self-interest might then restrain the commission of such acts against children. Ironically it could be argued that self-interest might only result in soldiers or others making a greater effort to conceal the evidence of their crimes. In addition, the UN Secretary General has issued a bulletin stating that all UN and other uniformed forces should act in accordance with international humanitarian law. For this to be effective, the uniformed forces have to be educated on the law and what it entails.

This research reveals that although a number of training sessions on international and humanitarian law have been conducted for the SPLA, the training has only targeted high ranking and middle rank soldiers, leaving out the lower ranks, who actually go to the front line for combat. This means that largely, the fighting forces are still ignorant of the requirement to protect children and civilian during armed conflict.

It is estimated that there are about 300,000 armed forces within South Sudan's government including security operatives, regular SPLA, the presidential protection unit, the police, wild life forces, prison forces and others. These are all gun wielding forces that have not received any professional training, this coupled with the presence of military militia groups' makes the work of international agencies in child protection during armed conflict difficult to accomplish.

4.4.2 Lack of an Appropriate Political Climate

Another factor that negatively impacts the ability of international child protection agencies is the unfavorable political climate which has made parties participating in armed conflict fail to comply with the regulations aimed at protecting children during armed conflict. Indeed the UN seems to be gathering momentum in this direction, as evidenced by a number of recent initiatives directly or indirectly encouraging better treatment of children in armed conflict. Most relevant is the Security Council's various resolutions specifically on the protection of children institutions during armed conflict and the continuous documentation of violation of children's rights during armed conflict. However no practical steps have been taken to implement these resolutions in South Sudan. The two Payam administrators interviewed said that they don't know of any Security Council resolutions, although UNICEF staff demonstrated a good understanding of the resolutions. It's these resolutions that would help in the creation of a favorable political environment but keeping them known to only a few people makes it impractical as the government is not hold accountable and also the nature of conflict in South Sudan which involves militias complicates the whole international agencies operational environment.

4.4.3 Poor collaboration among International child protection agencies

Of the 30 Respondents interviewed, 18 said that International agencies working to protect children in South Sudan functioned as individual organization and this reduced opportunities for joint planning and thus leading to republication and living out other vital aspects that are relevant to the protection of children during armed conflict.

“The cluster system which brings all child protection agencies together is activated during emergencies and it's mostly for resource allocation and information sharing only “explained Henry Drabuga UNICEF case worker at the POC.

Emergency meetings don't allow ample time for agencies to analyze each other's strengths and allow for strategic specialization, in some cases, critical partners like line ministries are left out and hence creating negativities that affect the ability of the agencies to save lives. For example in some situations the South Sudan Relief and Rehabilitation Commission has refused to clear International agencies documents citing that they were not involved in the planning and decision making.

“One international child protection agency cannot do it all on its own. UNICEF as a child protection lead must therefore encourage the protection role of partners who can address some of the protection and coordination needs to create a common perspective” said Dorcus Anyalo Plan International South Sudan’s child protection officer.

The cited monopoly by UNICEF has led to a slow response and inability to reach out to the most needy as security clearance is also very slow within the UNICEF and the entire UN system.

4.4.5 The question of neutrality

Child Protection International agencies are expected to be neutral and they are supposed to offer their services to all regardless of one's affiliations during armed conflict. Some agencies for example UNICEF which provides the strongest UN basis for child rights protection in the field, its moral mandate, coupled with the universal nature of child rights, provides a firm basis for protection activities, so that UNICEF is less dependent on specific mandates. This allows, for example, access to prisons. Respondents urged that this role also raises questions about potential contradictions between UNICEF's development mandate (requiring close relationships with national governments) and a rights protection approach.

“How can UNICEF pursue its development objectives and conduct active protection at the same time? I recommend that UNICEF's protection should be focused not only on developing its own protection efforts but also on strengthening those of key UN partners and other International child protection agencies” said LaduSabastian Payam administrator.

In most cases the government has used the excuse that UNICEF and other UN agencies are not neutral, and are supporting the opposition. These allegations have led to denial of access and arrest of staff who are on child rights protection missions, making it almost impossible for

international child protection agencies to protection children from abuse, torture and rights violation and hence curtailing the work of international child protection agencies who were working to protect children in South Sudan during the 2013 armed conflict.

4.4.6 Limited funding Opportunities

Most International child protection agencies don't have sources prepositioned to enable them to respond immediately whenever a humanitarian crisis affecting children arises. A lot of time is taken to mobilize resources through fundraising which involves a lot of stages for example development of concept paper, proposals, negotiation with donors and consultation with beneficiaries. All these delay international agencies response to child protection issues during armed conflict hence the continuous suffering of children during armed conflict in South Sudan.

“There is need for international child protection agencies to critically interpret early warning systems and preposition resources to help start child protection emergency responses as resource mobilization efforts are also ongoing”
recommended Chan, a child protection specialist working for Plan International.

It is also important to note that the cost of operations in South Sudan is very high and also donors provide a lot of resources for example USAID which is one of UNICEF's major donors among others provided 17 million USD in 2014 and an additional 23 million in 2015 but this money wasn't adequate to effectively support the work of international child protection agencies in South Sudan.

Related to that is the absence of an already preposition staff pool well equipped to the necessary support to lead the implementation of life saving child protection interventions aimed at protecting children during armed conflict. In most cases a lot of time and money is spent in identifying and preparing staff that will lead the emergency response child protection initiatives. When these staff arrive South Sudan again time and financial resources are spend to educate them on the operation context. During all these preparations, there is a lot of talk on child protection but not actual work really happens and at the end of it a lot of sympathy is generated towards the plight of children during armed conflict in South Sudan but no concrete achievement are registered as the suffering of children from rights violations continues.

4.4.7 Failure to provide Children with an opportunity to participate

Protection activities, in urgent situations of armed conflict, should involve children in important decisions that will drastically affect their future, and should always focus on a child's best interests. At a minimum, those working towards child rights protection should spend as much time with the children who are the prime beneficiaries of their work as possible. Protection Officers and social workers should spend time with children wherever they are found, in the streets, in the parks and markets, in the camps, in health centers and hospitals, and in their homes.

“During the December 2013 armed conflict, children were treated as “receivers and didn't participate in decision making as a result some felt unsafe at the child friendly space and decided to run away. This also explains why sometimes interventions provided are not relevant to their needs for example hungry children are given toys to play instead of food” Henry Drabuga explained.

Staff of international child protection agencies spends more time in the office planning and writing reports instead of interacting with the people whose rights they intend to protect. Interacting with children regularly would enable child rights international agencies to understand children and their context and develop relevant intervention mechanisms.

4.4.8 The Complex Nature of Risks associated with armed conflict

International protection for children in armed conflict has taken a number of forms. Above all, a measure of protection has been administered through the provision of life-sustaining humanitarian assistance. This study found that in South Sudan, UNICEF and other international child protection agencies have largely concentrated on the provision of essential services through programs of health, sanitation, water, food, and education.

More recently some international child protection agencies, including UNICEF, have started to advocate on behalf of vulnerable groups, particularly women and children. This advocacy has led, for example, to the creation of “Days of Tranquility” during which temporary cease-fires are organized with the express purpose of allowing humanitarian access to children in need.

However these one of events aimed at protecting children from rights violations often target those children whose rights have already been severely abused. Also In certain issues militia groups have taken advantage of the situation to loot convoys delivering support inform of food and other nutrition supplements' to children and communities displaced by armed conflict hence making it a little complicated for the children to benefit from such arrangements put up by the international child protection agencies under the leadership of UNICEF in South Sudan.

Other elements of international protection have focused on general respect for human rights and the establishment of democracy. More recently UNICEF and other organizations have sought to provide protection through the defense of certain humanitarian principles neutrality of humanitarian assistance, the sanctity of civilian populations which are to be respected by all sides during conflict. Operation Lifeline Sudan, the cross-border inter-agency initiative to aid the people of southern Sudan, is just one example.

However such peaceful time is limited and according to the UN police interviewed, on several occasions' forces would accept a temporary ceasefire and then attacked and loot food items meant for children and families displaced by armed conflict. For advocacy to be effective the United Nations Peace keeping forces need to accompany such humanitarian negotiations and participate fully in the movement of aid to the intended beneficiaries. They should be adequately armed in order to fight back in case of an attack. *"We are limited by our mandate and that's why we sometimes don't fight back" said the UN police staff interviewed*

The risks that children face in armed conflicts are, however, too complex to be addressed exclusively through humanitarian or general "human" rights protection. To try and protect children through the provision of clean water or basic health care, for example, is to drastically limit the quality of protection afforded. It is not sufficient to offer tons of food and plastic sheeting at great expense if the children for whom it is destined will be murdered with impunity, or forced to abandon this food and temporary shelter to continue moving.

Further, while efforts to protect groups such as child soldiers are of great value they should not draw attention from the less visible problems inflicted by armed conflict on all children. The

research found out that the specific vulnerability of children requires a different approach to their situation from that which is taken towards adults. Successful protection must thus go beyond the defense of humanitarian principles, the provision of humanitarian assistance, or the protection of general human rights. It must focus on the specific rights of children themselves.

4.4.9 Misinterpretation of the UN mandate by host government

UNICEF staff interviewed indicated that practical protection of the rights of nationals within their country by an inter-governmental organization, such as UNICEF or by the UN in general, raises significant problems. Given that national governments carry the main responsibility for protecting the rights of their nationals, the UN child rights protection role raised concerns of national sovereignty, responsibility and accountability. The research established that these issues are aggravated in situations of armed conflict where government sovereignty is challenged by the presence of armed opposition groups like the case of South Sudan, where these groups have an influence on respect for human and child rights, UNICEF and other child protection agencies needed to assess their possible human rights responsibilities while avoiding any recognition of these groups which might diminish State sovereignty, responsibility or accountability.

All staff of child rights protection agencies interviewed said that the practical protection of rights in a situation of conflict is rendered more difficult by the very nature of conflict situations. They cited challenges including access to regions or population groups, limited information, the large numbers of persons in need of protection, a lack of resources, and chronic insecurity. However, the researcher found evidence in South Sudan to indicate that little attention is paid to the role and activities of governments and armed groups that the researcher believes should be the first focal point in addressing protection issues related to children in armed conflict.

4.4.10 Limited Capacity

Many challenges hinder the implementation of child protection interventions in South Sudan. This study found that the limited number and capacity of professional social workers in government services, with few based on the ground at state and county level, is a key constraint. Conflicts between community and ethnic groups continue to threaten children, while the lack of access to education, extreme poverty, a weak legal and judicial system which is corruptible and

lack enforcement , and an over-reliance on customary law practices makes children more vulnerable to abuse and exploitation.

Violence and discrimination against women and girls, which is rooted in cultural norms, traditions and practices, and the destruction of traditional community-based protection mechanisms due to the civil war are all factors that continue to pose challenges in the implementation of child protection programs during armed conflict. The study also established that the 2013 armed conflict in South Sudan was based on tribal grounds further worsening access and the humanitarian principles of neutrality.

5.0 Recommendation

Based on the findings of this study, and the conclusions drawn from the analysis of the findings, the following recommendations are provided:

It is time for all actors to make the Secretary-General's call for "an era of application" of international norms and standards for the protection of children affected by armed conflict a top priority; it must never be the children who have to carry the yoke of armed conflict. It is time to turn our moral outrage into concrete action to help where help is most urgently needed for children are our future and their abuse in armed conflict is the destruction of our future.

Child protection during armed conflict constitutes the most urgent problem for children in South Sudan therefore; all responsible parties must focus their immediate efforts on minimizing human suffering by putting in place effective protective measures with a special focus on children. There is a need for consistent, coordinated, high-level diplomacy by all international actors. The study therefore gives the following recommendations:

Government of South Sudan

Continue to pursue the peace process and keep all avenues for dialogue with the SPLA-IO open. Be consistent in the commitment to achieving a peaceful resolution to the conflict and the construction of a just and lasting peace. By working with all parties involved in negotiating for peace.

Invest more in basic services for children and ensure humanitarian access is a priority during armed conflict. By increasing the budget for education, health and other child welfare ministries.

Make an unequivocal public commitment to prioritize national resources for the protection of civilians especially children in South Sudan from all forms of violence, coercion and deprivation.

Immediately release from duty all soldiers and militias who are not able to prove that they are over 18 years of age.

Establish a civilian oversight mechanism for the demobilization and reintegration of returnees.

In full consultation with all humanitarian actors establish a common strategy to secure safe unimpeded access to humanitarian assistance for civilians.

Agree to human rights monitoring of all parties to ensure that everyone complies with international human rights and humanitarian laws.

Prosecute all violations committed by soldiers during armed conflict especially rape against girls and women, child recruitment into armed forces among others.

Address the root causes of children's recruitment and participation in conflict, including psychosocial, educational, economic and ideological factors.

Strengthen national laws to prevent and to prosecute sexual crimes.

Strengthen and make more effective the Convention of the Rights of the Child's monitoring mechanisms.

Ensure all armed forces are trained and clearly understand the laws associated with the protection of children during armed conflict.

The Opposition groups (SPLA-IO, National Salvation Front and all other militia under the various army generals)

Immediately accept available offers to pursue peaceful negotiations and keep open all avenues for dialogue with the government.

Immediately stop the attacks on civilians, abduction of children, cruel and abusive treatment of abductees and release all children and adults still in captivity.

Immediately agree to discuss issues of humanitarian access with humanitarian actors and provide credible guarantees on safe access for humanitarian agencies to IDP camps and the rural communities.

Agree to human rights monitoring of all parties to ensure that everyone complies with international human rights and humanitarian law

Educate and orient all forces and militia's participating in the fighting on the international laws especially those that protect children's rights during armed conflict.

Desist from recruiting children into armed fighting and facilitate the release of all those children participating in wars.

Stop attacks on humanitarian workers and looting of food and other lifesaving items meant for children and other conflict affected people.

Protect safe places for children and other vulnerable people who are not part to the conflict, these places include internally displaced peoples camps and refugee camps.

Facilitate the movement of civilians from war zones to safer locations.

International Child Protection Organizations including (UNICEF)

Proper documentation of findings and reports on children to reflect the true picture and solutions should also be aimed at addressing the problem instead of fundraising and promoting the organization's visibility.

Increase budget for child rights protection activities implemented by local partners

Encourage collaboration and coordination among child rights protection agencies

Cluster systems should continue to work even after conflict

Involve child in programming

Provide timely lifesaving context relevant interventions.

Preposition emergency response supplies to cater for immediate lifesaving needs.

International Donors

Collaborate in publicly expressing moral outrage at the scale of the humanitarian crisis in South Sudan and demand that the government works to honor its sovereign mandate on the protection of civilians especially children.

Openly encourage the Government to move its military resources to defensive protection of civilians. Link direct budget support to government commitment to protect civilians caught up in the conflict.

Collaborate in applying pressure through advocacy on the UN Security Council and Secretary General to understand that South Sudan presents a serious protection crisis. Urge them to take the crisis more seriously, and explore multilateral answers to the problem more aggressively and make South Sudan a priority for the Human Security Agenda.

In addition to the staff, the international community should put up an emergency financial pool in which money can be got to start the implementation of life saving child protection support to children during armed conflict. This will allow for timely interventions that will effectively contribute to the protection of children's rights during armed conflict.

UN Security Council

More vigorously endorse and support the peace process in South Sudan, maintaining pressure on the Government and SPLA –IO to peacefully resolve the conflict.

Dispatch a protection focused fact-finding mission, possibly including a Special Envoy on humanitarian protection, to assess the humanitarian crisis in South Sudan.

Take specific progressive measures to ensure implementation of Resolution 1539 in South Sudan including increased monitoring with consequences for failure to comply.

Take measures to stop the flow of arms to armed forces that abuse children.

Take measures to support the demobilization and reintegration of former child combatants, with special attention to the needs of girls involved with fighting forces.

Putting in place a preposition well trained human resource pool from which child protection organisations can deploy staff to support the implementation of interventions aimed at protecting children from the brutal impact of armed conflict.

CONCLUSION

There is no doubt that the world has recognized the plight of children in armed conflict and there is no shortage of ideas to improve the situation. There is no doubt that armed conflict anywhere is a threat to international peace and security and the UN Secretary General and Security Council have often intervened to provide humanitarian aid to a suffering civilian population, ostensibly for the protection of children and to bring armed conflict to an end.

The challenge of children victimized in armed conflicts is not a result of inadequate support from the international child protection agencies neither is it a mere political breakdown. It is not just a trite breach of law or a one-time humanitarian emergency but it is an unmatched tragedy that challenges us as humans and questions our credibility as decision-makers.

The 1990 Declaration stated that there is no task nobler than giving every child a better future and world leaders offered a great promise to make available the resources to meet these commitments. Today, at this very moment the international community is repeatedly proclaiming its faith in the absolute and unconditional necessity to protect growing generations from the scourge of war; ironically we are confronted everyday with the reality of children suffering in every conceivable way as a result of armed conflict.

The depth of suffering and the length of time that the children in South Sudan have suffered serious abuses represent a significant failure of all actors to effectively uphold the basic rights that lie at the heart of the UN Charter; “to save succeeding generations from the scourge of war. The time for a united effort to alleviate the plight of children in South Sudan and for global peace and security is long overdue. Adequate protection of children in South Sudan is achievable but it needs a concerted effort from the local to the international level. International child protection agencies need to team up with civil society, government all levels and the citizens to create peace and lasting solutions to children’s rights violation.

The study recommended a collaborative participation of all partners responsible that is; the government, both conflicting partners and the international community as a whole. There is also need to create awareness on the mandates of the international organizations with emphases on their neutral role in human rights protection.

The international decision making bodies like the United Nations Security Council should put in place a decisions matrix based on scenarios. This will act as a reference tool for updating and revising mandates and hence facilitating quick actions. An emergency response budget and plan should be developed by the emergency response child protection cluster to save time spent on resource mobilization and planning, protection agencies need to work with the host government's relevant bodies to document knowledge on the needs and proportion of abuse to facilitate quick response when violence escalates.

Reference List

Abbott, Chris 2005, Rights and Responsibilities: The Dilemma of Humanitarian Intervention', Oxford Research Group.

Abramowitz, Morton and Thomas Pickering 2008, Making Intervention Work', Foreign Affairs

Advisory Council on International Affairs and Advisory Committee on Issues of Public International Law 2000, Advisory Report 13: Humanitarian Intervention. Available at <http://cms.web-beat.nl/ContentSuite/upload/aiv/doc/AIV_13_Eng.pdf> (accessed 04/06/09).

Anscombe, G.E.M. 1976, Intention, Second Edition Oxford: Basil Blackwell.

Alina Balta, 2015, Protection of Schools During armed conflict, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/261

Altman, Andrew and Christopher Heath Wellman 2008, from Humanitarian Intervention to Assassination: Human Rights and Political Violence

Annan Kofi 1999, Secretary-General's Bulletin: Observance by United Nations Forces of International Humanitarian Law, ST/SGB/1999/13, 6 August 1999. Available at <<http://www.unhcr.org/refworld/docid/451bb5724.html>> (accessed 04/06/09).

Annan Kofi, 4 May 2001, We the Children, UNICEF for UN

Arbour, Louise 2008, the Responsibility to Protect as a Duty of Care in International Law and Practice', Review of International Studies, 34/3: 445–58.

Archibugi, Daniele 1993, the Reform of the United Nations and Cosmopolitan Democracy, Journal of Peace Research

Ashley Crossman 2015, sociology exploratory research, Thought CO

Atack, Iain 2002, 'Ethical Objections to Humanitarian Intervention', *Security Dialogue*, 33/3: 279–92.

Ayissi A & Poulton R.E (eds.) 2001, *Bound to Cooperate: Conflict, Peace and People in Sierra Leone*: New York/Geneva

Ayoob, Mohammed 2002, *Humanitarian Intervention and State Sovereignty* Frank Cass, London

Axworthy, Lloyd and Allan Rock 2009, 'R2P: A New and Unfinished Agenda, *Global Responsibility to Protect*, Volume 1, issue 1

Bagnoli, Carla 2006, *Humanitarian Intervention as a Perfect Duty: A Kantian Argument*, in Terry University Press

Badescu, Christina G, 2007, 'Authorizing Humanitarian Intervention: Hard Choices in Saving Strangers', *Canadian Journal of Political Science*

Berdnard, H. R. 2002, *Research Methods in Anthropology: Qualitative and Quantitative Approaches*, Walnut Creek, CA: Alta Mira Press.

Bloor, M. and Wood, F. 2006, *Keywords in Qualitative Methods: A Vocabulary of Research Concepts*. Thousand Oaks, CA: Sage.

Bogdan, R. C. and Biklen, S. K. 2007, *Qualitative research for education: An introduction to theories and methods*. Boston, MA: Pearson

Catherine Dawson, 2002, *Practical Research Methods, A friendly guide to mastering research techniques and projects*.

Cohen, I & Goodwin-Gill, G.S, 1994, *Child Soldiers: The Role of Children in Armed Conflicts*: Clarendon Press, Oxford

Daniele Archibugi and David Held (eds), 1995, *Cosmopolitan Democracy: An Agenda for a New World Order* Cambridge: Polity Press

Fleischman, J (ed.), 1994 *Easy Prey: Child Soldiers in Liberia*: New York, Human Rights Watch/Africa

Francis Kofi Ablew, 1999, *the evolution of the doctrine and practice of Humanitarian Intervention*. The Hague: Kluwer Law International publishers.

Graca Machel, 1996, *Promotion and protection of children: impact of armed conflict on children*, UNICEF

Hereward Holland 31, October, 2012, *South Sudan Police Fire on Student Protest: witnesses*, Reuters

Human Rights Watch, 1995, *Children of Sudan: Slaves, Street Children and Child Soldiers*,” (1995) A/51/150

Kathryn Reid, May 31, 2016, World Vision - See more at: <http://www.worldvision.org/news-stories-videos/south-sudan-war-children#sthash.6Ile1b8I.dpuf>

Maryring, Philip 2002, *Qualitative Content Analysis*. Forum for Qualitative social research

Kuper, J, 1997, *International Law concerning civilian children in armed conflict*, Oxford: Clarendon Press.

Linda Etim, 2015, *the urgency of Education in South Sudan*, USAID IMPACT BLOG

Lizzie Dearden, 2014, *Israel –Gaza Conflict: 50 day war by number*, Independent <http://www.independent.co.uk/news/world/middle-east/israel-gaza-conflict-50-day-war-by-numbers-9693310.html>

Malene Jensen, 2015, Ishmael Beahwitnesses' impact of conflict in South Sudan.
http://www.unicef.org/media/media_86390.html

McGowan, 1975, Training in the Geneva and The Hague Conventions:A Dead Issue?Cambridge University Press

Melanie Gow,&Kathy Vandergrift &RandiniWandaragala, 2000, the Right to Peace Children and Armed Conflict,World Vision 49. <https://www.worldvision.com.au/docs/default-source/publications/children/the-right-to-peace---children-and-armed-conflict.pdf?sfvrsn=6>

Michael W. Doyle, 2011, International studies Review, the International studies AssociationPeace and Security Council 362 meeting 23 march 2013
<http://www.peaceau.org/uploads/psc.362.comm.car-23.03.pdf>

M Killander, 2015,Human Rights development in the African union during 2014, Human Rights Law Journal

Ramcharan B.G, 1987, Keeping Faith with the United Nations,MartinusNijhoffPublishers

Ramcharan, B.G, 1983,the role of international bodies in the implementation andEnforcement of humanitarian and human rights during non-international armedConflict, American Law University Review

Research Agenda of the Special Representative of the UN Secretary General on Children in Armed Conflict, 2001, Impact of Armed Conflict on Children:

Terry Nardin and Melissa S. Williams (Eds), NOMOS XLVII, 2005, Humanitarian Intervention (New York: New York University Press)

South Sudan and Sudan Child Protection cluster 2015, Regional frame for the protection of South Sudanese and Sudanese Refugee children in Ethiopia, Kenya, South Sudan, Sudan and Uganda

Secretary General Report 2005, In Larger Freedom: Towards Freedom, Security and Human Rights for All, UN Doc A/59/2005

UNICEF, 2000, the State of the World's Children

UNOCHA, 2003, when the Sun Sets: We Start to Worry, <<http://www.irinnews.org>> (accessed 31 March 2005)

UNSC, Report of the Secretary-General on the Situation of Children and Armed Conflict Affected by the Lord's Resistance Army, S/2012/365, 25 May 2012, para 39.

UNSC, Report of the Secretary-General on Children and Armed Conflict in the Sudan, S/2011/413, 5 July 2011, para 52 (a)

UNSC, Children and Armed Conflict: Report of the Secretary-General, A/67/845-S/2013/245, 15 May 2013, para 133

UNSC Report of the Secretary General on children and armed conflict in Sudan. S/20/2011/413, 5th July 2011

UN Security Council Resolution on children in armed conflict 1261(1999) of 28 August 1999

UNGA Resolution 2597(XXIV), 1969, Respect for Human Rights in armed Conflict

United Nations, 1999, Resolution 1265

UN Document S/1999/957, protection of civilians in armed conflicts, Secretary General Report

ANNEX 1

Interview guide for Community members and leaders

UGANDA MARTYRS UNIVERSITY

**FACULTY OF SCHOOL OF ARTS AND SOCIAL SCIENCE, DEPARTMENT OF
GOOD GOVERNANCE AND PEACE**

I am Poni Allen a third year student carrying out research on the plight of children during armed conflict and the contribution of the international community in Juba, Central Equatoria State Republic of South Sudan. This research is a partial fulfillment of the requirements for the Award of a Master of Arts degree in local governance and human rights at Uganda Martyrs University.

I wish to state clearly, that the information provided will be treated with confidentiality and will be used purely for academic purposes.

Name of respondent (optional)

Sex.....

Age (optional).....

Employment level (status).....

1. In your own understanding, how can you define Children’s Rights?
2. Who is a child in this community?.....
3. What is Child Protection, were the rights of children protected during armed conflict? If yes, how and by who.
4. Do you know the international conventions and laws guiding the protection of children during armed conflict?
5. What support was provided to children in this community during the December 2013 armed conflict?
6. What kind of Support were you given as a community member to facilitate your work?
7. Was it timely and lifesaving?

8. Which was the lead child protection agency? Did you receive any support from the lead agency? What kind of support? Did the support help to improve your work?
9. What do you think can be done to improve the lives of children and also stop child rights violations during armed conflict?
10. What lessons did you learn from the December 2013 armed conflict on the plight of the children?
11. What is the mandate of the Child Protection agencies working in South Sudan?
12. Are the child protection mechanisms established in the country by the international community effective? If not explain why? And suggest recommendations to improve.

Thank you for your co-operation

God bless you

Interview Guide for Social Workers /UNICEF/UN POLICE/

UGANDA MARTYRS UNIVERSITY

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I wish to state clearly, that the information provided will be treated with confidentiality and purely for academic purposes.

Name of respondent (optional)

Sex.....

Age (optional).....

Occupation.....

1. In your organization, how do you define Children rights?
2. What is your organizations mandate with regards to the protection of children during armed conflict
3. Which forms of child abuse did your office register during the December 2013, armed conflict?
4. How many children were affected?
5. What did your organization do to better the conditions of children who were affected in the December 2013 armed conflict
6. Was your organization's response timely and lifesaving?
7. What were some of the gaps in your organization's response to protecting children's rights during armed conflict?

8. What mechanisms or response systems have your organization put in place to protect the rights of children during armed conflict
9. What hindered your organization from effectively protecting the rights of children during the December 2013, armed conflict?
10. What support do you require to effectively do your work of protecting children during armed conflict and who do you think can provide that support?
11. What do you think could have been done differently in order to protect children's rights during the December 2013, armed conflict in South Sudan?

Thank you for your co-operation

God bless you

Children

UGANDA MARTYRS UNIVERSITY

FACULTY OF ARTS AND SOCIAL SCIENCE, DEPARTMENT OF GOOD GOVERNANCE AND PEACE

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This therefore, is to kindly request you to answer the questions below to assist me generate primary data to complete my dissertation. I wish to state unequivocally that the information provided will be treated with confidentiality and is purely for academic purposes.

Name of respondent (optional)

Sex.....

Age (optional).....

Employment level.....

1. What is children's rights
2. What happened during the December 2013 war? Did you sleep in the house as usual, meals served on time and you were able to go to school?
3. How did you come to live here, are you all here with your school mates and village friends
4. Are you and your friends, brothers, sisters in school?
5. Who is supporting you in school?

6. Do you access medical care, who is providing such services?
7. How do you access clean and safe drinking water?.
8. Since the fighting started who supported you to come here, set up the tents and access basic needs
9. Did you receive any counselling service
10. Are you happy living here?
11. What challenges are you currently facing?
12. What do you think should be done to improve your situation and that of other children in camps like you?