

CHAPTER II

THE STRATEGIC ROLE OF UNITED NATIONS CHILDREN'S FUND (UNICEF) TOWARDS CHILD SOLDIERS ISSUES

The phenomenon of child soldiers has increased world's concern to condemn and take action against the use of children as soldiers. Many actors both state and non-state actors such as intergovernmental organization or non-governmental organization put efforts to stop this problem. Moreover, the conditions of children within conflict were very vulnerable. This chapter will explain general view of UNICEF including the establishment, purposes, vision and mission and UNICEF as an international organization which deal with the child soldier's problem.

A. United Nations Children's Fund (UNICEF)

United Nations Children's Fund (UNICEF) is intergovernmental organization established under United Nations (UN) that concern on the child's rights protection around the world. UNICEF was created to protect the child's right based on Convention on the Right of the Child. UNICEF headquarter is in New York and operates in more than 190 countries (United Nations Children's Fund, About UNICEF, 2016)

1. Establishment of UNICEF

The phenomenon of World War has left unbenefited legacies in the whole world. Most all countries affected by war were struggling to recover from devastating effects brought by world war such as food scarcity, disease, homeless, including children are the most affecting by conflict.

UNICEF was established accidentally. The United Nations was created as the coming of age of international cooperation to solve war (World War II), precisely after the failure of the League of Nations in the World War I. In World War II, millions of European people were in very bad condition, without enough shelter, food, fuel, and clothes especially children who suffered. Therefore, the allies established United Nations Relief and Rehabilitation (UNRRA) in 1943 aimed to prevent more devastating effects at the end of war and provide general assistances (UNICEF, 1946 - 2006 Sixty years for children, 2006).

The last meeting of UNRRA that was held in Geneva (1946) was raised the issue concerning about children within warfare. A delegation from Poland namely Ludwig Rajchman was the one who concerned on it very much and his proposal has agreed in the meeting. He was known as the founding father of United Nations Children's Emergency Funds currently as UNICEF. Therefore, after that on 11 December 1946 a resolution of the United Nations General Assembly (UNGA)- number 57 (I) was marked as the UNICEF establishment (UNICEF, 1946 - 2006 Sixty years for children, 2006).

At the first work, UNICEF was created to give assistance of displaced and refugee children that lacked of foods, shelters, and clothes in European countries as the most affecting regions in the post Second World War. Over next 15 years, UNICEF involves to give assistances to tackle famine, fighting disease, and advocating protection of children all over the world (UNICEF, UNICEF 70th anniversary; Learning from experience:1946-1979, 2017).

In 1953, UNICEF officially became permanent part of United Nations (UN) and extended its mandate towards children protection. At this time, UNICEF dropped the words 'International' and 'Emergency' into a simpler title; United Nations Children's Fund. UNICEF worked on improving children health by having project in water, sanitation, and hygiene for preventing children from diseases (UNICEF U. N., UNICEF Publications, 2006).

In doing so, UNICEF upholds the Convention on the Rights of Children that had been adopted by United Nations in 1959, in which defined the children's rights to protection, education, health care, shelter, and good nutrition (UNICEF, 1946 - 2006 Sixty years for children, 2006). In achieving the objective of the programs, UNICEF is guided by the principles of human rights that have been emphasized in the declaration to run their programs.

2. UNICEF's Vision and Missions

UNICEF relies on the Convention on the Right of the Child who already reinforced by United Nations in 1990 to run the programs. The Convention on the Right of the Child has become foundation of United Nations to command its agencies regarding to the children issues, which is mandated to UNICEF as special agency to protect the right and wellbeing of children. The article of 38 of CRC has the main guideline that talks about children should not undertake actions within armed conflict.

Article 38 of the Convention on the Right of the Child (Nations, 2003):

- a. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
- b. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
- c. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavor to give priority to those who are oldest.
- d. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Instead of the CRC principle UNICEF runs its programs based on the vision and mission. UNICEF's vision has stated in the form of statement below:

“ A world where the rights of every child are realized In everything we do, we work to achieve a world where all children, especially the most vulnerable and disadvantaged, have equal opportunities to survive and thrive” (UNICEF, The UNICEF mission and vision for children, 2015)

The vision is in accordance with the Convention of the Rights of Children to promote the rights and well-being of children in the whole world through making commitment in the form of practical actions, for the benefit of the children.

Whereas the missions of UNICEF are (UNICEF, The UNICEF mission and vision for children, 2015):

- a. Under mandate of United Nations General Assembly, UNICEF works for children's rights protection and help every child to get their basic needs and develop their potential.
- b. In accordance with the content of Convention on the Rights of Child, UNICEF fights to establish children's rights by holding ethical principles and international standards of behavior towards children.
- c. UNICEF holds the idea of survival, protection, and development of children which is universal and very important for human development.
- d. For helping countries, precisely developing countries, UNICEF mobilizes political will and material resources, ensures a 'first call for children'', gives services for the children and their family and contribute to decision making process by influencing the state behavior.
- e. UNICEF is committed to ensure special protection for the most disadvantaged children in the world whether they are victims of war, crisis, extreme poverty, those with disabilities, and those are exploited.

- f. In coordination with United Nations and humanitarian agencies, UNICEF responds in emergencies towards children's rights protection. UNICEF is curving out to response and takes care of children who suffer.
- g. UNICEF as non-partisan and has cooperation which is free of discriminations, always prorate the most disadvantaged children and countries.
- h. UNICEF is running humanitarian programs which are purposed to promote equal rights both woman and girls and support them to fully participated in political, social, or economic arena in their communities.
- i. UNICEF works with its partnerships to achieve sustainable development goals and promote vision of peace and social progress that has been enshrined in the charter of the United Nations.

3. UNICEF's Programs

UNICEF achieves its missions through running the programs in many fields Those are more specific cited at the UNICEF's works or programs such as child protection and inclusion, child survival, education, gender, UNICEF in emergencies, innovations for children, supply and logistics, and research and analysis (UNICEF, What We Do).

Child protection and inclusion means UNICEF put efforts to improve the policies and services for the better children development. In same way, UNICEF

support global efforts to prevent children abuses, violence, and exploitation and highly improve child protection system by strengthening the policies.

Working for children survival is to help the children to survive and grow in good way, seeing that the high rate mortality of children was caused by diseases precisely the spreading of HIV/AIDS in certain countries, lack of nutrition and health services, and children that become conflict's victims. UNICEF with its partnership are supporting global efforts to achieve equitable results in health especially promoting healthy behaviors for disadvantaged children by running several programs such as immunization, polio eradication, maternal and newborn health, child health, health system strengthening, and health in humanitarian situations.

In education field, UNICEF helps children to access and improve their education quality because UNICEF believes that education is the right of every child in everywhere. UNICEF will continue to run programs related to education like early learning education, applying equity with focuses on girl's education and inclusive education, learning and Child Friendly Schools, and giving education in humanitarian situations such as children in conflict or disaster area.

Besides, UNICEF fights for the equality of gender in the whole world by fully participating in political, economic, or social in global scale. UNICEF emphasizes the empowerment of girls and women by increasing services and opportunities as well as technical support, advocacy, resource and budget allocation, and strengthening policy based gender. Those propose to make them for being involved or participating in all aspects of life.

UNICEF also has program called UNICEF in Emergencies in which endeavor to reach children in all parts of the world including the hardest or difficult to be accessed. In innovations for children supply, UNICEF helps children to be more developed. UNICEF as humanitarian organization provides transport for critical medicines aids both financial that comes from donors and humanitarian assistances to children based on their own needs. To emphasize the children problems, UNICEF always conducts research and analysis before addressing the problems and works on the solutions of the problems.

4. UNICEF's Partnerships

UNICEF has many networks to cooperate in addressing human rights problems. Today more complex challenges of humanitarian problem related children require partnerships across sectors at global, regional, and country partners. UNICEF's partnerships are characterized by networks that have mutual understanding and coming together to address specific development challenges related to the children. They come from different sectors and work together to help children to access goods and services, knowledge, establish policy frameworks and create coordination to take actions and create transformational result.

According to 2009 UNICEF Strategic and Framework as the framework has expanded, there are more inclusive categorizations of key partners (Board, 2009);

UNICEF's partnerships with governments (countries) as primary partners, expanding partners with United Nations entities, multilateral organizations and

National Committees. In addition, it recognizes partnerships with Civil Society Organizations (CSOs), Global Program Partnerships (GPPs), the cooperate sectors, knowledge and research, and in media and communications. UNICEF has enhanced the partnership with governments, as the part of United Nations body by supporting the government work plans become more strategic in multi-year result not in the limitation of calendar year. It is proposed to achieve better result in solving problems related to children.

The organizations do engage with government of countries around the world to advocate and protect the rights of children by successfully inserting one of specific children's issues on the global agenda. It such as joint advocacy and action with France on child soldier's problem, Russia and Japan on internet safety, and for conflict resolution with Norway. More than that, UNICEF is also being actively involved in global-high level forums, conferences, or summits including G20 and G8 (Board, 2009).

UNICEF is also partnering with national constitution of countries to reinforce their functions related to children's rights including allocating national budget allocation, establishment of strong policy and law aim to promote and protect the children's rights. Another very important partnership is with the developing country that acts as facilitator or assistant to address the children's issues.

In the level of multilateral organizations, UNICEF has reached cooperation with influential world organizations such as the World Bank, International Monetary Fund (IMF), and several regional development banks. By

engaging with international institution it will develop the strategies, tools, and guidance and allies to build greater mobilization of support and action for child rights agenda especially for funding assistances.

As autonomous organization, UNICEF plays significant role with its national committees governed by recognition and cooperation agreement. Currently there are 34 National Committees in the world that dedicate their work to help UNICEF (UNICEF, National Committes, 2016).

Partnership with Civil Society Organizations (CSOs) is one of significant partnerships which helps UNICEF to improve its information and data collection in the level both regional and national level to help UNICEF on decision making process about the type of guidance or assistance of problems.

Global Program Partnerships (GPPs) aims for increasing the achievements of specific programs outcomes (Board, 2009). UNICEF has actively contributes to shape and co-manage GPPs that abridges access of partner countries, builds national capacities, conducts activities, and achieves the good outcomes within global program partnerships.

UNICEF has been proactive and selective to enhance partnership with certain cooperate sectors for raising funds for programs for children in the whole world. In this stance, UNICEF works with national companies whether small-medium size companies, multinational cooperation, to raise awareness of children's issues, and provide expertise for promoting change of children who are affected by issues. In turns, UNICEF supports companies that aim to strengthen

their positive commitment to provide support or achieve their business objectives (UNICEF, 1946 - 2006 Sixty years for children, 2006).

In cooperating with knowledge and research partners at the national, regional, or global level, UNICEF aims to build broad knowledge regarding the children issues and collecting research into tangible result. It will help societies to understand and increase their concern towards children based issues.

In another side, media and communication are one of most important instruments to bring the children issues to the public and make everyone aware of that. It also includes celebrities and ambassadors to promote awareness towards child protection issues. Media and communications support international campaign of UNICEF with international ambassadors.

5. UNICEF's Funding

The financial resources are raised by cooperating with all of UNICEF's partnerships in any field through direct and indirect funding. There are five kinds of funding (UNICEF, Funding Modalities, 2011)

a. Regular Resources or Core Resources

This funding regulation does not have restriction in its process. UNICEF uses the funding to support programs that implementing by countries or regional offices that promote the rights of children. It is estimated that 74% is used for supporting the rights of children and women, 16% for program support, and 10% for administration.

b. Thematic Funding

This type of funding is the second best option of funding after regular resources. Its main function is to support and facilitate UNICEF's strategic plans to achieve significant outcomes of the programs. UNICEF will allocate resources to certain area with the higher needs.

c. Other Resources Regular (ORR)

It is fund for the specific region or country, a non-emergency program purposes and agreed between UNICEF and its donors.

d. Emergency Funding and Appeals

This funding is distributed when in humanitarian crisis happened. UNICEF immediately will provide assistances for children and especially who under threat of crisis to meet their rights and needs.

e. Pooled Funding and Trust Funds

This funding is type of funds that have direct distribution to country offices or through Joint Program arrangement using Administrative Agent or Managing Agent.

6. Structure of Organization

UNICEF is governed by executive boards consists of 36 UN member states elected in three-year period by UN Economic and Social Council. The task of executive boards is providing intergovernmental support and straightening up the organizations under guidance of agreed policies. The member states consist of Africa, Asia, Eastern Europe, Latin America and the Caribbean, and Western Europe and other states (UNICEF U. N., Executive Board, 2017).

The bureau consists of a president and four vice presidents as representative of five regional groups. The work of president and vice presidents is as a bridge between regional groups represented in executive board and the UNICEF secretariat dealing with administrative and functional matters, decision making, and negotiation. The Office of the Secretary of the Executive Board (OSEB) has responsibility to maintain the relation of UNICEF secretary and the Executive Board and give services to the works of Executive Board in the formal sessions, briefings, bureau meetings, informal consultation and field visited by the Bureau of Executive Board members.

7. Role of UNICEF Towards Child Soldiers

The increase of armed conflict around the world also increases children's experiences in emergency. Child soldiers refers to *“any person under 18 years of age who is part of any kind of regular and irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers, and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and forced marriage”* (Fund, Guide to the optional protocol on the involvement of children in armed conflict, 2003)

The massive recruitment of child to become soldiers has caused significant impact. The last decade, it was estimated that more than 2 million children had died as victims of armed conflict, 20 million children had been forced to flee from their home during conflict and more than 1 million children had orphaned and separated from their family. Approximately 300.000 had become child soldiers

both boys and girls under 18 years had been involved in conflict (Soldiers C. t., 2001).

In the humanitarian crisis situation, UNICEF put deep concern on protection of children, including rehabilitation of children who were involved in arm conflict, and supported reintegration process. UNICEF also restrains the recruitment of children to become child soldiers and help them to meet their basic needs. UNICEF's approach to protect the children in the world is by preventing the children from exploitation, violence, and abuse. These were proposed to ensure children could continue their live, and get prosperity.

The effort of UNICEF on protecting the children in humanitarian crisis is under guidance of protocol to the Convention of the Rights of Children and all UNICEF activities are guided by existing international normative framework of the children protection. It includes both decisions and policies that have been agreed by United Nations bodies.

The Convention of the Rights of Children was reinforced by UNICEF in 1990s. It has been adopted by UN General Assembly and become effective framework for international action (UNICEF, Sixty Years for Children, 2006). The convention lies out of specific issues; the social, economic, civil, protection and participation rights of children and the legal duties of government towards those issues. It contains that the children's survival, protection and development are no longer charitable matters, but moral and legal obligation. Therefore, cooperating with multisectoral partnerships in all levels can make easier to ensure the effectiveness and efficiency of humanitarian assistances.

A successful protection for the children is derived from the prevention of environment from causes that harm their life as the form of protection. That is why UNICEF works hard for preventing the environment from many perspective; politic, economic, health services, education and so on. UNICEF develops strategic actions for strengthening children protection that set out in 2002 of UNICEF operational guidance note as The Protective Environment Framework (PEF) (UNICEF, Child protection strategy, 2008).

a. Protective Environmental Framework (PEF)

PEF defines eight important elements for better protection of children and securing protective environment in line with human rights principle. The first one is governmental commitment. It is to fulfill protection rights as one of most important for children protection efforts. The government can be said as the highest role which determines the successful of protection itself. The form of government commitments is public acknowledgment and ratification of international convention or agreement related children protection, policies, and adequate budgets.

Second is legislation and enforcement that consist of legislative framework or regulations, its consistent implementation, and lack of impunity for anybody who violates the law related to children protection.

The third one is traditions, attitudes, customs, behaviors, and practices are including social norms and tradition for example practices that contain violence such as punishment. Gender inequality that differ the status of

daughter and son, triggers sexual abuse that often happens to children underage.

Fourth is open discussion, including media engagement of media and civil society. These actions order societies and media to take part for solving child rights violation problems therefore, the one who pay attention is not only state actor that is government.

Then the fifth is children life skills, knowledge, and participation means every child both girls and boys should get knowledge regarding to the protection for themselves. They are being conseling, psychology, and education to give them understanding of actions that contains violation or something that harms them.

Sixth is knowledge capacity of people who often contact with those in contact with the child including families, communities, teachers, and polices who get involve to protect the children security.

In the seventh aspect, basic and targeted services in which UNICEF becomes one of pioneer humanitarian organization who advocate children's rights supports reintegration and demobilization for former child soldiers together both with state and non-state actors. To ensure the demobilization and reintegration programs UNICEF is addressing specific needs of child soldiers including the physical and mental health. It also provides food, shelter, clothes for children who still cannot fulfill their basic needs in the post conflict (UNICEF, Child protection strategy, 2008).

More than 100.000 children had been released and reintegrated into their families and communities since 1998. By 2010 around 11.400 which formerly associated with armed forces and 28.000 other vulnerable children that victimize by conflict had been reintegrated to their family and community (United Nations Children's Fund, 2011).

The last element is about monitoring and oversight in which means UNICEF is doing effective monitoring including data collection from networks member, data processing and analysis, coordination and follow up of publications.

Actually all of the elements in PEF represent two main strategies. The first strategy is national protection system, in which this strategy puts the protection of children into national laws, policies, or regulations. It also includes social protection strategy especially social welfare, education, health, security and justice. The second is social change in which it increases the knowledge. By doing so, strengthen the family and community protection, supporting public education, and social dialogue are needed. (UNICEF, Child protection strategy, 2008).

UNICEF as non-state actor has role to articulate or advocate any efforts to change or renew the government regulations, policies, and determine the standard of country's policies. Those efforts are hoped to build, mutual understanding of the important of children protection to fulfill responsibility to the children itself.

b. Policy Recommendation: UNICEF's Peace and Security
Agenda

UNICEF believes that to promote and implement human rights, strengthening international peace and security should be done. The spreading of world's conflict those often involved children was one of the biggest motivations of UNICEF to make Peace Security Agenda. It was made to help international effort to protect the children and women.

UNICEF's framework and policy programs are based on Convention on the Rights of the Child and also based on the finding from UNICEF's report by Graca Machel to UN General Assembly in 1996 that was marked as significant human rights assessment of war affected children. In 1999, UNICEF officially presented UNICEF Peace and Security Agenda for Children that consisted of seven important elements (UNICEF, Child protection strategy, 2008):

- 1) Stop using children as soldiers
- 2) Protect humanitarian assistance and humanitarian personnel
- 3) Support humanitarian mine action
- 4) Protect children from the effects of sanction
- 5) Ensure the peace building specifically includes children
- 6) Challenge the impunity of war crimes, especially against children
- 7) Promote early warning and preventive action for children

c. UNICEF's Medium and Annual Strategic Plan

Protection of children in armed conflict is integral part to UNICEF goals. Through medium and annual strategic plan, UNICEF emphasizes its efforts in which articulate UNICEF's vision. The plan consists of five priorities in accordance with main programs of UNICEF to the children around the world (UNICEF, Children affected by armed conflict: UNICEF actions, 2002):

- 1) Girls' education
- 2) Integrated early childhood development
- 3) Immunization 'plus'
- 4) Fighting HIV/AIDS
- 5) Improve protection of children from violence abuse, exploitation, and discrimination.

However, the five priorities are implemented during emergency and when there is a breakdown caused by the conflict. Each priority should be adapted to meet particular challenges of emergency or crisis situations. UNICEF provides assistances through its plans to help children meet their basic needs especially in the conflict situation where the conditions of children were very vulnerable.

d. UNICEF Partnerships on children affected by conflict

UNICEF works comprehensively to tackle children problem in armed conflict by cooperating with multisectoral partners. The wide range of partners who consists of government, Non-Governmental Organizations, civil societies,

community leaders, and also children to work together by providing assistances to children affecting armed conflict.

UNICEF works with government in each country to implement UNICEF's programs in several sectors, such as health, education, shelter, and protection. To achieve the programs, UNICEF needs financial support from the donors. The partnership NGOs are very significant especially dealing with policy development and global advocacy related to children problems. In doing so, UNICEF collaborate actively with United Nations Bodies in country level such as being part of UN Country Team and participating in joint planning and action (UNICEF, Children affected by armed conflict: UNICEF actions, 2002).