AIM AND SCOPE

Childhood in Africa: An Interdisciplinary Journal is the journal of the Institute for the African Child at Ohio University. It follows the mission statement and goals of the Institute for the African Child by encouraging holistic approaches to the understanding of issues regarding children and childhood in Africa. Seeking to reflect African and Africanist perspectives, it includes all academic disciplines and professional interests in the dissemination of knowledge about children and childhood in Africa.

INSIDE THIS ISSUE

4 DECONSTRUCTING CHILDHOOD VULNERABILITY:
Kristen Cheney, The Hague, Netherlands

8 EXPANDING VULNERABILITY, DWINDLING RESOURCES: IMPLICATIONS FOR ORPHANED FUTURES IN UGANDA
Kristen Cheney, The Hague, Netherlands

16 EDUCATION REFUGEES AND THE SPATIAL POLITICS OF CHILDHOOD VULNERABILITY
Andrew Epstein, University of Wisconsin - Madison

26 GENDERED MORAL DIMENSIONS OF CHILDHOOD VULNERABILITY
Nancy Kendall, University of Wisconsin - Madison

38 A CULTURAL AND GENDER PERSPECTIVE ON MARGINAL CHILDREN ON THE STREETS OF KENYA
Philip Kilbride, Bryn Mawr College

48 SOCIAL CHANGE AND THE LEGAL CONSTRUCTION OF CHILD SOLDIER RECRUITMENT IN THE SPECIAL COURT FOR SIERRA LEONE
David Rosen, Fairleigh Dickinson University
Director’s Note

We are delighted to publish this second issue of the on-line journal of the Institute for the African Child, *Childhood in Africa*. This issue represents months of hard work by our editor, Dr. Diane Ciekawy and our guest editor, Dr. Kristen Cheney. I would also like to express appreciation to Dr. Ismail Elmahdi, for his assistance in launching this issue into cyberspace.

We based the idea of an interdisciplinary journal to address the concerns of Africa’s children on our simmering knowledge that no one discipline could resolve, let alone investigate, the complexity of children’s lives. We invite you to submit ideas to us for future special issues, particularly ones that would include articles by authors- scholars and practitioners- who represent a range of fields that could address an aspect of African children’s lives.

The idea of activism has always been a bit of touchy subject in academe, given the need to cast “objectivity” aside as one threw one’s expertise at a problem. Activism around African children’s issues has even approached cultism to some extent, with individuals in charge of fund raising for what ostensibly are causes to promote African children’s welfare, sometimes making themselves the object of the cause. In this space I turn to the good example of two African leaders, both of whom who have visited the Institute for the African Child here in Athens, Ohio, in order to demonstrate advocacy with productive, healing results for Africa’s children.

Ms Edna Aden Ismail is the founder of the Edna Maternity Hospital in Hargeisa, Somaliland. This is an essential health care facility in a region with one of Africa’s highest maternal mortality rates, and also its highest rate of female circumcision. Edna has been vigilant about both stamping out this practice, the effects of which she witnesses in her daily work overseeing difficulty deliveries, and about recording data about trends in the practice in a country where little other primary data collection is taking place. She also served as Somaliland’s first Minister of Foreign Affairs, so she has the contacts to make a case for global support in her efforts as well.

My other important role model for local leadership in African child advocacy is the Emir of Ma- china, a traditional leader in a remote corner of Nigeria, on the border with Niger. This is a Kanuri community with about 150,000 people who live primarily in tiny villages, surviving on the trans-Saharan trade and the dry-land cultivation of sorghum, millet and gum Arabic. The Emir, who himself is a master’s degree-holder, has made education for children the hallmark of his reign. He has worked tirelessly particularly to introduce e- learning and upgrading of teacher training to the poorly equipped primary schools of his Emirate. Lo- cal teachers have learned how to use the computers in a recently built primary school, where students now have extensive use of the internet thanks to a satellite connection. The possibilities of these links bringing health and other important information to the children and their families are now limitless.

We hope you enjoy reading this issue of *Child- hood in Africa*. Let us hear from you with reactions, connections, and ideas for future issues.

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Deconstructing Childhood Vulnerability: An Introduction

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Over the past decade, there has been increasing discussion of “vulnerable children” in the international development and humanitarian aid literatures. The term is used in Africa to define children as objects of developmental and humanitarian intervention, often in problematic and contrary ways. For example, the aid acronym OVC, for orphans and vulnerable children, was created at the height of the African AIDS epidemic to include children “at risk” because of the disease – beyond the millions of children recently orphaned by the AIDS virus. But as Cheney (this issue) points out, this leads to a rather ephemeral definition that, when combined with aid resources, tends to generate rather than ameliorate vulnerability.

This special issue is based on a panel of the same name that took place at the 2009 African Studies Association Annual Meeting in New Orleans. Our aim is to combine perspectives from anthropology, international law, and education to deconstruct the notion of childhood vulnerability. We ask how vulnerability is being defined, applied, and operationalized in Africa. How does the definition of childhood vulnerability affect perceptions of need and aid operations in the midst of deepening economic crisis? How do global humanitarian ideologies and practices differ from local constructions of vulnerability, and what differences exist in the value systems they promulgate? These papers suggest that the way vulnerability is defined and enacted in development efforts profoundly affects the lives of the African children whom it is coming to define, determining such things as their access to education, their culpability as child soldiers, and even their very survival.

Drawing from case studies across the continent, this special issue aims to contextualize and critically analyze the vital development concept of “childhood vulnerability.” Topics include examining public policy development in Uganda that both appropriately recognizes yet untenably expands the population of vulnerable children in need of services (Cheney); questioning assumptions behind international constructions of vulnerability for war-displaced children in Sudan (Epstein); discussing the effects of moralistic constructions of vulnerability on educational initiatives in Malawi and Mozambique (Kendall); revisiting the notion of vulnerability as applied to street children (Kilbride); and weighing the accountability against the vulnerability of children recruited to fight wars (Rosen).

The Ethnography of Childhood Vulnerability

The articles in this issue are rooted in anthropology and use ethnographic methods to highlight the
complexity of vulnerability’s conceptual development, qualitatively detailing vulnerability’s impact on children in their daily lived experiences. They also strive for a holistic understanding of vulnerability’s instrumentalization. Nancy Kendall, for example, notes the dual impact of lineality and gender in determining children’s educational possibilities, where orphaned boys and girls are differently pressured to marry depending on local lineage. In patrilineal societies, boys bring wives into the family to care for younger children. In matrilineal societies, there is a need to bring men into the family for certain parts of agricultural production. Either way, lineage has important consequences for children with limited choices. Similarly, David Rosen’s historical account of the changing role of child soldiers in Africa demonstrates how questions of children’s culpability for war crimes cannot be well understood outside of historical circumstances, or the more recent concerns that drove many children to voluntarily join the Civilian Defense Forces in Sierra Leone’s civil war. These articles also highlight the various viewpoints that inform local/global understandings of childhood vulnerability through vertically integrated approaches that privilege African and Africanist perspectives regarding children and childhood, while still considering the hegemonic practices of the international donor/aid community. Through the use of ethnography, they reveal the sometimes muddy reality of aid work and the challenges of child survival.

**Vulnerability, Neoliberalism, and Development**

While anthropologists have been studying international development since the discipline’s birth in colonial Africa (Falk Moore 1994; Schumaker 2001), anthropologists have just recently begun to embrace the study of children as social agents in their own right (James, Jenks, and Prout 1998). Yet studies of children and national development are rarely linked in anthropology (cf. Cheney 2007), despite the targeting of children by global aid and development campaigns (Mahon 2010). It is important to consider the ways that both childhood and the aid industry are depoliticized in popular discourse, despite the fact that both domains are rife with politics. The body of work represented in this issue suggests that African children are commonly made objects of the political motives behind aid agendas, local and global. The authors in this issue, therefore, also approach this topic from the perspective of critical development studies.

Vulnerability is often – but not always – conceptually tied to poverty. The proliferation of the concept of vulnerability closely follows the trajectory of global neoliberal economic policies. “In keeping with the economic philosophy of ‘neoliberalism,’” James Ferguson writes, it was preached that removing state ‘distortions’ of markets would create the conditions for economic growth, while rapid privatization would yield a flood of new private capital investment... The idea that deregulation and privatization would prove a panacea for African economic stagnation was a dangerous and destructive illusion. Instead of economic recovery, the structural-adjustment era has seen the lowest rates of economic growth ever recorded in Africa (actually negative, in many cases), along with increasing inequality and marginalization... (Ferguson 2006, 11).

Yet neoliberal policies prevailed in the post-SAP era in the form of non-governmental organizations. The growth of NGOs in the late 1980s and early 1990s was largely based on a neoliberal democratization agenda that held that working through unfettered markets allowed more grassroots participation and empowerment, especially when targeting particularly vulnerable populations (Fisher 1997); hence the recent popularity of microcredit programs and donor support for strengthening civil society by redirecting funding from presumably corrupted states to local and international NGOs that “were understood as more ‘direct’ or ‘grassroots’ channels of implementation...” (Ferguson 2006, 38).

Though scholars like Sarah Michael (2004) claim that more powerful NGOs contribute to quality service delivery when left to pursue their own agendas, critics of the proliferation of NGOs believe that it depoliticizes the structural roots of poverty by
focusing on vulnerable populations rather than on transforming the structures that give rise to their vulnerability. James Ferguson contends that governments were “decapacitated” by the redirection of donor funds to NGOs (Ferguson 2006, 38). Further, Harri Englund points out that the conflation of democracy and “freedom” with free markets has had the effect of “erasing from discussion the actual power relations underlying poverty” (Englund 2006, 197) that bear “uncanny similarities to the late-colonial orders of exclusion and exploitation” (Englund 2006, 200). Children are not exempt from neoliberalism’s deleterious effects. Jennifer Cole and Deborah Durham write that, “...the current climate of economic liberalization has plunged children into the center of the market in ways that previous laws sought to prevent. The processes associated with globalization – be they socially progressive or neoliberal – challenge older ways of constructing childhood” (Cole and Durham 2008, 16-17). In the current political economic climate, African children are increasingly being constructed as victims in need of “saving.”

Benevolent Interventions for Vulnerable Children

The construction of childhood vulnerability fits well with the neoliberal configuration of global capital, perhaps because the kind of humanitarianism for children produced by NGOs are also well suited to the neoliberal state, who is then off the hook for providing services to needy populations (Ferguson and Freidus 2007). They also appeal to the desires of western donors to “save” the children of the global South. The authors in this issue adeptly show how this trend puts children in the position of identifying with various definitions of vulnerability – orphan, refugee, street child – as a way to make claims, or “tap the market” of aid available to vulnerable children.

Terence Ranger et al. (2008) have discussed the gradual conjoining of evangelical with democratic movements in Africa since the anti-colonial independence movements of the last century. Erica Bornstein points out that the discourse of Christian faith-based initiatives underlying PEPFAR programs share much with free market ideologies: “The construction of individuals in relation to the divine, as conceived of by the Christian discourse of faith-based NGOs, parallels neoliberal assumptions of individual ‘choice’ that underlie the discourse of a ‘free-market’” (2003, 5). This trend toward benevolent humanitarianism is exemplified by recent US foreign policy. The Bush II administration focused on neoliberal economic policies while they also implemented neoconservative social programs like the Presidents’ Emergency Plan for AIDS Relief (PEPFAR) and reinstated the global abortion gag rule, refusing to fund programs that include family planning. At the same time, as they championed programs for children, these policies contributed to overpopulation and rising rates of new HIV infection. While neoliberal policies drive the supposedly benevolent humanitarianism (termed “compassionate conservatism” in US political discourse and exported in Bush foreign policy) that would target vulnerable populations with services, the accompanying rise in population continues to deepen poverty by putting undue strain on limited natural resources, most importantly food and land. Focusing on enumerating the numbers of individual vulnerable children in this context becomes a way to avoid tackling the bigger issues of poverty and structural violence that affects entire populations. Children are thus made objects of intervention by a humanitarian industry that is often undergirded by neoconservative, evangelical movements. Leslie Butt calls this trope “the suffering stranger,” which “…works as a rhetorical device to strengthen claims of collaboration and consultation… this device is primarily the result of the imperative to try to speak for others on a global front. The use of truncated tales of suffering strangers prioritizes international moralities over local experiences” (2002, 3). It is precisely because they are children, innocent and unable to fend for themselves, that they deserve intervention. In part, this is achieved by reinstating children’s victimhood.

Social Agency

Also approaching these phenomena from the perspectives of new childhood studies, many of the authors in this issue frame children’s and families’ responses to these trends as acts of social agency, and even resistance. These incidents tend to take
on a performative aspect; children and families start to tap global markets through humanitarian intervention, where their participation comes to be seen as a type of social capital. Cole and Durham write that, “By engaging with commodities in everyday practices, children and youth transform the categories and the processes that constitute broader patterns of globalization, linking intimate domains to larger social formations...” (2008, 20). In development discourse, children themselves become the commodities that circulate to produce new forms of vulnerability. Hence non-refugees in Sudan try to claim refugee status in order to take advantage of schooling opportunities (Epstein), and orphans try to get entitlements by publicly embracing their vulnerabilities, where doing so not long ago might have caused shame (Cheney).

These articles highlight the paradox of humanitarian intervention instigated by proliferating notions of childhood vulnerability, revealing fine distinctions between empowerment and victimization, vulnerability and agency. By drawing attention to such conundrums, we hope to offer solutions for resolving the contradictions that prevent the concept of vulnerability from being of greater relief for the populations it describes – for children in particular.

References


Expanding Vulnerability, Dwindling Resources: Implications for Orphaned Futures in Uganda

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Abstract
The recent government and donor response to the “orphan crisis” in Africa has expanded beyond orphans to incorporate children in a number of difficult circumstances by employing the concept of OVC, “orphans and vulnerable children.” While the general concept of vulnerability helps acknowledge the needs of children beyond orphanhood, its expanding definition under policy development in Uganda has inflated the numbers of children that fall under its purview to about half the child population. This expanded definition of OVC also creates a hierarchy of vulnerability that affects which OVC will receive assistance in the midst of ever-dwindling aid resources.

This paper explores the dynamics of childhood vulnerability in the Ugandan context from policy to practice. While Ugandans’ growing acknowledgement of child vulnerability is in itself seen as an achievement by policymakers, it creates an untenable demand for OVC services and potentially reifies vulnerability as an ironically privileged and empowered identity.

Introduction
If you visit any primary school in Uganda, you will not be hard pressed to find an OVC Club there. OVC, short for “orphans and vulnerable children,” is another one of those acronyms created by the aid and development industries to identify targets for programming – with which those targets themselves have by now come to identify – to the point where primary schools have clubs for kids who, not long ago, were highly marginalized by the fact of orphanhood. If you visit a primary school OVC Club, you will find that many of the children who are members belong to the club not because they are orphans, consider themselves vulnerable, or even because they want to stand in solidarity with their orphaned friends; rather, they may explain, “I joined the OVC Club because sometimes we can get out of classes to go to marches and other stuff.”

When I was discussing this phenomenon with UNICEF Uganda’s HIV Specialist for OVC Prevention, Dorothy Oulanyan, she linked it back to the expansion of the definition of vulnerability by organizations such as her own, pointing out that, “It raises very fundamental questions: what exactly are we [achieving by] responding in this way?”

Indeed, the recent government and donor
response to the “orphan crisis” in Africa has grown beyond orphans to incorporate children in a number of difficult circumstances by employing the broadened concept of OVC. While the general concept of vulnerability helps acknowledge the needs of children outside orphanhood, its expanding definition under policy development in Uganda has inflated the numbers of children that fall under its purview to anywhere from 50-90 percent of the child population, depending on who is counting: A USAID official told me, for example, that there were 7 million vulnerable children, 2 million of them orphans, and 1 million of those are AIDS orphans, whereas UNICEF reports that there are 2.5 million orphans, 1.2 of them by AIDS (UNICEF, 2010) and the Uganda Ministry of Gender, Labour, and Social Development claims that of the 7.5 million vulnerable children in Uganda, 2.3 million of them are orphans (Uganda Ministry of Gender Labour and Social Development, 2010). Whichever statistics one goes by, the expanded definition of OVC also creates a hierarchy of vulnerability that helps determine which of these millions of OVC will receive assistance in the midst of ever-dwindling aid resources.

In this paper, I would like to consider the tensions this scenario raises, namely whether defining vulnerability also generates vulnerability. By taking NGOs as the social field of analysis, we can assess the process by which categories of vulnerability are globally and locally reproduced, and examine their impacts on children. I will therefore lay out for consideration the ways in which vulnerability has been constructed to create avenues of assistance for children in Uganda – and Africa more broadly – and what their consequences have been for a nation that has ever fewer resources with which to reach the children who fall under vulnerability’s widening umbrella. How did this expansion occur, how has its effect strayed from intended outcomes, and who benefits? I suggest that some of the vagueness of the concept is exploited, not only by children, but by guardians, donors and state agencies wishing to further their own agendas. I argue that preventing such exploitation and resolving these contradictions will involve redeploying children’s rights for empowerment rather than protection.

The Establishment of Childhood Vulnerability

To trace the operationalization of the concept of childhood vulnerability in Uganda, we have to go back to the proliferation of orphans that followed the apogee of the AIDS pandemic. In Uganda, HIV prevalence peaked in 1991 at about 15 percent due to an aggressive prevention and treatment campaign (AVERT, 2010). With the help of donors and research partners, Uganda became a continental leader in preventing mother-to-child transmission, drastically reducing the national rate of transmission to children in utero. Of course, this has had the adverse effect that children who do survive are orphaned as their mothers and fathers succumb to AIDS. As the HIV prevalence rate steadily declined, the number of AIDS orphans steadily rose. Though anti-retroviral drugs (ARVs) and other treatment options became available in Uganda in the late 1990s, the number of orphans has continued to rise. In sum, Uganda tackled the disease itself first, and then focused on mitigating the secondary social and economic impacts of the disease. AIDS has thus been treated as a medical phenomenon to the detriment of attention toward its devastating social effects, such as mass orphanhood.

The orphan response came late in the process. The plight of OVC did not become a prominent national issue in Uganda until 2004, with the roll-out of a national OVC policy – the result of a donor-led, 17-country Rapid Country Assessment, Analysis, and Action Planning (RAAAP) initiative established by USAID, UNICEF, UNAIDS, and the World Food Programme. Uganda did not implement its policy until 2004, twelve years after peak HIV prevalence, which points to a lag in identifying the serious effects of HIV/AIDS on children.

Adverse Consequences

Once African governments and the international aid industry recognized the problem, and indeed defined it as a “crisis”, they targeted orphans problematically, with unintended consequences. Extended family is usually the first line of response when a child in Africa loses her parents, and there is
a long line of fosterage, well documented in anthropological literature, that has served to mitigate the initial impact of the AIDS pandemic in Africa. However, the proliferation of orphans due to AIDS — and the death of aunts and uncles as well as mothers and fathers — has stretched the capacity of extended family networks beyond their limits (Aspaas 1999; Oleke, Blystad, and Rekdal 2005). Non-governmental organizations (NGOs) stepped in to help, but they did so in ways that not only disrupted African traditions of fosterage but transformed local categories of childhood vulnerability. UNICEF’s international definition of an orphan is a child whose parent (“single orphan”) or parents (“double orphan”) have died. Local vernaculars, by contrast, rarely have a word that means what “orphan” does in international development parlance. Uganda’s OVC Secretariat John Okiror told me that the Ateso word for orphan, *ekokit*, means “a child who has lost both parents,” but Oulanyan noted that, “Even then, there are many children who would not consider themselves as orphans because either their father’s brother is living or their mother’s sister is alive.” Other vernacular terms such as *mulekwa* in Luganda carry meanings that translate roughly as “one who is abandoned or left with no one.” Furthermore, the stigma attached to vernacular terms indicates that they are not words to be used lightly or liberally, especially in the presence of children to whom they might apply, because they would be made to feel marginalized and pitied. So while *ekokit* may be very close in meaning to internationally accepted definitions of orphan, it is a word that is wielded with extreme caution in local social contexts.

Not so with English: while people may hesitate to label children by a comparable vernacular term, claiming to be an “orphan” has become an ironically privileged and empowered identity when donors and NGOs target them for assistance. The intervention of international aid on behalf of children orphaned by AIDS has complicated family relationships by introducing incentives to orphans and family members willing to take them in. While their guardians may not bandy about terms like *ekokit* or *mulekwa*, they will eagerly produce their *orphans* for inclusion in social programs in hopes of gaining precious aid resources.

One local NGO learned early on what happens when organizations target orphans exclusively for assistance. Uganda Women’s Effort to Save Orphans (UWESO) was founded by first lady Janet Museveni in 1986 to assist war orphans in the wake of the civil war that brought her husband to power. As the needs of war orphans waned and the AIDS pandemic started leaving more and more children orphaned, UWESO was in a unique position to shift its focus to AIDS orphans. By then, it had also learned a few lessons about the politics of orphan assistance. UWESO Projects Coordinator Baker Waiswa explained that they started out paying school fees for orphans, but they quickly noted that, whereas orphans’ status within extended family households started out rather low, their direct assistance to orphans actually raised their status *above* that of other household members. “The families were so poor,” he said, “that the orphans went to school and the biological children sometimes failed to go to school.” UWESO knew then that the program was not sustainable and caused too much tension in the families. “Focusing solely on children who have lost a parent,” write Foster et al, “fails to take account of those who are in similar or even greater need. It can result in inappropriate categorization and labeling of children, and it may generate conflicts over resources and priorities at community and household levels” (Foster, Levine, and Williams 2005, 3). Aside from creating inequalities within the household, UWESO also had guardians relinquishing their responsibility for orphans on the assumption that UWESO had replaced them: guardians would even stop coming to visit orphans at boarding school on visiting days. When UWESO approached the guardians and asked why they did not visit their children, they would say, “They’re UWESO’s children now.” UWESO has therefore ended direct educational assistance and instead offers income generation assistance to households with orphans, so that all children — and caregivers — in the household stand to benefit. UWESO prioritizes them in terms of their level of vulnerability: child-headed households are the first priority, followed by grandparent-headed households, and those taking care of many children (they found one
grandfather taking care of 23 grandchildren). But with the proliferation of international NGOs who have made orphans their objects of assistance, there are plenty of others replicating the pattern of prioritizing orphans over other needy children. Oulanyan saw a similar effect in UNICEF programming when children they served started wishing their parents dead: she told me, “We’ve got kids who actually say, ‘Well, if my mom and dad died, maybe I could get schoolbooks…”

**Expanding Definitions of Vulnerability**

The reification of orphan status in programming and its adverse results led to expansion of the definition of vulnerability, as seen in UWESO programming. Orphanhood makes kids “vulnerable,” but NGO field workers also recognized other HIV/AIDS-related vulnerabilities based on multiple structural issues. Having seen the adverse effects of orphan-targeted programming, NGOs quickly realized that deepening poverty due to HIV/AIDS was often a greater issue than orphanhood itself. In response to the challenges of trying to program specifically for HIV/AIDS-affected orphans, aid organizations began to consider widening the scope of childhood vulnerability due to HIV/AIDS beyond orphanhood. Studies throughout Africa have shown that children are affected by AIDS even before parents die (Robson and Ansell 2000). The heightened level of vulnerability is variously attributed to global economic downturn, the ways fostering households are affected by taking in orphans in crisis, grandmothers becoming primary caretakers, and particular dimensions of rural/urban poverty. Employing the term “OVC” allowed NGOs to consider their work from broader social development, child protection, and children’s rights mandates.

The notion of vulnerability is becoming increasingly delinked from HIV/AIDS. Oulanyan told me, “It seems we are at a point as a country where we are saying the vulnerability due to HIV and AIDS is actually no different from the vulnerability due to other causes, so we are kind of in that process of transitioning from focusing on vulnerability due to HIV and AIDS to vulnerability in general.” Nonetheless, Oulanyan also works closely with another section called Protecting the Vulnerable (PTV), where they often talk about the interrelatedness of vulnerabilities to avoid limiting their approach. “Protecting the Vulnerable” is a clause of the UN Millennium Declaration that focuses on international humanitarian and human rights law; it recognizes that “children and all civilian populations...suffer disproportionately the consequences of natural disasters, genocide, armed conflicts and other humanitarian emergencies” (2000, 7). Africa is also singled out in the Millennium Declaration, given that it was the world’s only region to become poorer in the 1990s (United Nations 2000). While Africa saw some improvements, an interim report predicted that the continent would fall short of most MDG goals by 2015. UNICEF consequently created a program within its various country offices to focus on implementation of that particular provision.

Now, the same type of expansion that occurred with the definition of “orphan” is happening with the category of “vulnerable children,” though this time the widening of the target population means that the numbers of vulnerable children are much, much higher – and thus create even more untenable demands on public funds. “Vulnerability” is now variously used in Africa to define children as objects for developmental and humanitarian intervention, often in problematic and contrary ways. Secretariat Okior mentioned that translating “vulnerable children” into vernacular languages is even harder because there is not typically a simple term for it. Yet people are locally adopting the English terminology to signal their compatibility with the conditions that would entitle them to services. While Ugandans’ growing acknowledgement of child vulnerability is in itself seen as an achievement by policymakers, it makes it impossible to deliver OVC services while it encourages children like those in OVC clubs to identify themselves as vulnerable.

As the attention to the “AIDS orphan crisis” precipitated a whole set of contradictory implications for aid, so now does the expansion of the notion of childhood vulnerability. When I first visited Oulanyan at UNICEF in March 2009, they were working in conjunction with the Uganda Bureau of Statistics to determine the number of orphans and vulnerable...
children in the country: “It’s amazing how creative we can be, categorizing the vulnerabilities!” Oulanyan laughed. Vulnerability due to HIV/AIDS can describe half of the children in Uganda, but it is now just one of many categories that contribute to the number counted. She pointed out that “…for the doctors as long as you are not immunized you are very vulnerable, so count all those who are not immunized. For education, as long as you have dropped out of school you are vulnerable... So how are we going to produce a report that really tells the President that 90-something percent of the children in your country are vulnerable!?” It may sound convoluted, but statistics, of course, are an inextricable technology of the international aid industry. “If you don’t have criteria,” Oulanyan pointed out, “how are you going to know whom it is you are going to reach?”

Yet, in reality vulnerabilities due to HIV/AIDS are still those which receive most priority because they can be linked to funding. Other programs have to piggyback on HIV/AIDS programs because that is where the money is. So the transition away from HIV/AIDS-based vulnerability is still incomplete, but many of the same mistakes are being replicated.

**Vulnerability’s Beneficiaries**

We have seen that, despite its broad applications, labeling children “vulnerable” gives rise to agency among them and their families by opening avenues to entitlement. Under a truly rights-based approach, this might be advantageous. But rather than claiming their social and economic rights, OVC and families are using vulnerability as a mode of making claims to compete for charity. Amy Patterson has pointed out that, “…without a family, village, or neighborhood to shape their identity, orphans are more vulnerable to manipulation by adults. Orphans may turn to older adults for love, affirmation, and care; and adults may capitalize on the disenfranchisement that orphans feel” (Patterson 2003, 24). In my research with orphans, I found that family decisions to take in orphans often hinged on what benefits the adults would gain by taking in children – and considerations of aid entitlement are increasingly significant factors. For example, instances of land grabbing, in which relatives of children left orphaned offer to care for them on their parents’ property and then chase the children from the property after a month or two, are common throughout the continent (Rose 2005). Rather than trying to claim their rights, which proves ineffective when, as I have explained elsewhere (Cheney 2007), children’s rights are constructed as protectionist and require adult interlocutors for their fulfillment, children themselves are embracing their orphanhood and vulnerability in order to secure the resources of charitable organizations. Margaret was one of them: she was the tallest girl in the fifth grade when I conducted my dissertation research in 2001, with bright eyes and a gracious smile. She lived with her uncle because both her parents had already passed away. One Monday morning at school, she accosted me. Her uncle had also passed away from AIDS complications the previous Friday. Her aunt was not her blood relative, and if Margaret stayed with her, her aunt could not guarantee that she could afford to pay Margaret’s school fees. Three days after her uncle’s death, Margaret was already soliciting alternative sources of support: might I be able to find someone to sponsor her, she asked? By then, I was receiving regular solicitations for sponsorship, so I explained that I was a student without much means. Had she tried any of the NGOs in town to see about educational assistance? She answered that she had gone to Christian Children’s Fund, but they had essentially slammed the door in her face, telling her she would need to come back with an adult to vouch for her. The point was that she was left with fewer and fewer possible adult caregivers, but she could hardly go knock on the door of the Ministry of Education to demand her right to go to school, either.

Though many NGOs targeting children for humanitarian intervention purport to follow children’s rights mandate, Valentin and Meinert have argued that “...they have also taken on the role as a second guardian in order to cultivate ‘proper’ children and parents who can live up to the supposedly universal ideals of a ‘good childhood’ in a neocolonial civilizing mission that infantilizes African children, parents, and nations in the name of children’s rights” (2009, 23). I would further argue that the use of children’s rights mandates, especially when operationalized through identification of vulnerable
child populations, reinforces the status quo of the vulnerable (child, developing nation, receiver) and the powerful (adult, industrialized nation, giver) in a symbiotic relationship of charity. Rights-based approaches, in contrast to humanitarian intervention, make no heroes out of donors; though adhering to a rights-based approach has more transformative potential, many individual and private donors find the idea of facilitating the procurement of what people are already entitled to dull compared to the promise of “saving” a child’s life with their spare change. This approach depoliticizes the roots of global poverty that have precipitated both the AIDS epidemic and its consequent “orphan crisis” by training attention on micro-solutions rather than macro systems of structural violence, as it strips children and families of their agency and rights-based arguments for making claims on the neoliberal state (Farmer 2003, 8). Yet we cannot deny that in most cases, basic needs must be met before rights can be adequately addressed. These two approaches are contradictorily wedded by constructions of OVC as children who are both victims and denied rights, yet in need of charitable care more than empowerment to act for themselves. The result is a failure to achieve an environment of actionable children’s rights for OVC.

If this is the case, why have the category at all? Why not just extend services to all children and enumerate specific qualifications instead of creating such problematic identifications? Perhaps the state means to create these ineffable categories because it too hopes to gain: given that the Ugandan government budget is typically comprised of more than 50 percent donor funding, identifying “90-something percent” of children vulnerable could mean that the government could claim even more donor funding, very little of which leaves the ministry offices much less reaches the OVC it is meant to assist. The appeal, by government or individuals, is to donors’ and NGOs’ sense of charity, and not actually to expanding state services that would serve OVC, as funds rarely reach those whom it is meant to assist. By creating a national OVC policy without a service delivery budget, governments basically coordinate the local and international NGOs that might have otherwise flown under their radar, thereby reclaiming some control of the global, neoliberal aid agenda. According to Helen Epstein, “Every government ministry, from Education to Labor to Defense, now has an AIDS budget” (Epstein 2007, 206). In 2009, former director of the Uganda Center for Accountability, Teddy Cheeye, was convicted of embezzling 120 million Uganda shillings (about US$56,000) from The Global Fund to Fight AIDS, Tuberculosis and Malaria (Wandera 2009). Such misappropriation is grave and explicit, but allocation of aid resources also have more subtle stakes: under George W. Bush’s President’s Emergency Plan for AIDS Relief (PEPFAR), faith-based organizations with no experience in AIDS prevention were eligible to receive PEPFAR money and have been using it to further a neoconservative social agenda that emphasizes abstinence only education (Human Rights Watch/Africa 2005). As a result, new HIV infections have begun to rise for the first time in two decades. Even celebrities stand to benefit and further their own agendas: Madonna contravened Malawian adoption law to adopt her son, David, by offering a million dollar donation to his orphanage – with the stipulation that they practice Kaballah. The most unfortunate consequence, however, is not that people exploit the suffering of OVC but that adhering to hegemonic notions of vulnerability perpetuated in aid discourse and practice reinstates not only the victimhood of children but the neocolonial representation of Africa as a continent perpetually in need of assistance from outside sources, whether they be foreign government donors or international aid organizations.

So while it remains a purposefully vague notion, vulnerability is being fully instrumentalized, creating hierarchies of need by those who wish to define it. Whereas before, being designated as orphans determined the entitlements that may come to children and their guardians, now it is vulnerability. Such *modi operandi* will become more detrimental to orphan survival as more and more children like Margaret are left to fend for themselves, without adult interlocutors to help them gain access to aid or state resources. Not only must aid be driven more by a rights discourse than a needs discourse; it must be driven by a human rights agenda that encourages people’s empowerment, rather than a
children’s rights agenda that stresses protectionism over empowerment – a difficult task given that it counters both local and global understandings of children’s competencies. But this may be necessary in order to avoid letting the vagaries of vulnerability put children even more at risk of exploitation.

In the meantime, the rhetoric of vulnerability continues to trickle down into the operational language of other NGOs who want to show that they share the same commitments to helping OVC – and the local population in turn adopts the lingo in order to try to gain entitlements from organizations with resources to distribute. Aviva, an international orphan advocacy group, did a census of orphan services and found that some families were receiving disbursements from as many as three different organizations for the same child. Even when two children in my study died, the family brought two more to replace them on the assumption that assistance would be forthcoming for children in the study. I even had to drop one family from the study because their grandmother had trained the grandchildren she was caring for to detail their material needs in the absence of their parents, and their responses to our questions were so scripted that we could not include them in the study. These strategies can be seen in themselves as agentive acts on the part of the vulnerable: on an upcountry trip with UWESO to talk with some of their clients, I spent the afternoon with some children whose families benefited from UWESO income generating programs. They were shy at first, but when we starting kicking around a soccer ball, they loosened up and started joking with each other, trying their English out on me. They seemed to think they were speaking my language in more ways than one: one child said to another, “You are an orphan. You need special care!” They laughed as they enumerated their own vulnerabilities, all the while keeping the ball moving.

**Author Biography**


**References**


Oleke, C., A. Blystad, and O. B. Rekdal. 2005. "'When the Obvious Brother Is Not There': Political and
Education Refugees and the Spatial Politics of Childhood Vulnerability

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Abstract
This paper examines the practices of Southern Sudanese children who obtained an education in refugee camps abroad and subsequently returned to their communities during many decades of civil war, and how these practices influence and are influenced by educational interventions mobilized by international institutions intended to protect displaced children and regulate their movement. Education has only recently become a standard tool among these interventions, but has for a long time been a motivating factor in the movement of people around the globe. This meeting of historically and politically conditioned practices of movement with new international policy responses to displacement crises raises questions about distinctions that are made between voluntary and involuntary movement, between the various socio-cultural and economic conditions that give rise to child migration, and how we define home and vulnerability in a milieu of global interconnectedness and interdependence. Identifying both junctures and dis-junctures between the uses of education by child refugees and the international institutions that provide it, the author proposes a research agenda on the education refugee to better understand the development and consequences of education policy in emergency and post-conflict situations.

In early 2001, a 15 year old Dinka boy named Bol ➊ sat in a scorched field about 60 km from his home in Southern Sudan with three other boys. The field, formerly planted with sorghum and sesame, had been the site of a battle a few months earlier, one of many constant reminders of the civil war that had been raging there since before Bol was born. They had been sitting there in the shade of a giant mahogany tree, faces arched toward the sky, for over three weeks waiting for an airplane. They ate very little during this time, one meal every other day, even though their pockets were stuffed with cash given to them by their fathers, proceeds from the sale of a few precious cows. There was a small village nearby where they could buy a little food, but this was not what the money was for, and each time they ate, it meant decreasing the possibility that they would achieve what they had come there for. The plane, assuming it would come—it was already three weeks late—was to take them nearly 1000 km across the Kenyan border to the Kakuma Refugee Camp where they would go to school.

Bol’s uncle, a civilian official in the Southern People’s Liberation Movement (SPLM), knew about his nephew’s desire to continue his schooling. Having served as a liaison between the SPLM, the political wing of the Southern Peoples Liberation Army (SPLA), and the large number of humanitarian aid groups serving the region during the war, ➋ he visited Kakuma regularly—his wife and children
were there—and knew many of the aid pilots. Using a radio owned and rented by Somali refugees in the
camp, he convinced Bol’s very skeptical father to
sell the cows, and arranged for the flight. He was
able to make similar arrangements for at least 50
children to come to Kakuma. These children were
not necessarily the most vulnerable in the area. In-
deed, they were from families who wanted to enroll
a child in school and had the means. Most were the
children of his friends or extended family, or those
who were able to compensate his family in some
way, mostly by paying cows. This latter arrange-
ment was less common, he told me, but this was
how things worked. And he wasn’t the only one do-
ing it.

Seven years after reaching Kakuma and enroll-
ing in school, joining the Boy Scouts, performing
AIDS awareness skits in drama club, making videos
about the drawbacks of polygamy and alcoholism in
film club, working in a video hall where tickets were
sold to view screenings of Chuck Norris movies, and
being elected as a youth representative to the camp
management council, Bol, now 22 years old and
with a high school diploma in hand, returned to his
village. He quickly found a job as a primary school
teacher in a private school funded by a former
neighbor who now lives in the United States, and as
an agricultural project manager with a international
non-governmental organization (INGO). He lived
once again in a Tukul, the round mud and thatch
houses that typify a Dinka homestead—an improve-
ment from the makeshift shelters of thorn
branches, tarps, rags, and tin scraps, not to mention
the big nasty spiders and scorpions, which are the
bane of refugee camp housing. When he was not
teaching or working for the INGO, he was helping
his brothers and sisters farm and tend to a dwin-
dling herd of cattle and sheep. He gave the bulk of
his pay to his immediate and extended family to
purchase more cattle, and dried fish, soap, sugar,
and tea from the market. He also sent money to
one of his brothers who had made his way to Kam-
pala, Uganda to attend high school.

Bol was one of many young people I inter-
viewed over the course of two years in Kenya and
Southern Sudan who had similar stories. They do
not conform exactly to the typical narratives of the
traumatized and vulnerable refugees one comes
across in the media or in funding appeals from hu-
manitarian aid organizations. They are not uncom-
mon, however, in Sudan. Returnees like Bol have
been eagerly welcomed back since the signing of
the Comprehensive Peace Agreement (CPA) in 2005
halting 22 years of civil war, and there has been lit-
tle if any animosity toward them by those who
stayed behind and endured; they are held, how-
ever, to very high expectations. Although the better
known Southern Sudanese “Lost Boys”—the 27,000
unaccompanied minors whose 1000 mile trek to
Kenya in 1992 amidst wild animals and starvation
inspired multiple films and worldwide sympathy—
fit the refugee child stereotype, young people like
Bol and his friends were just as numerous according
to my interviews with refugees, camp administra-
tors, and aid workers, and more likely to enroll and
stay in school. In fact, they were not unlike some of
my friends back home in the United States whose
parents sent them to boarding schools in far-away
places because the education was superior to the
local schools, and because they had the means or
connections to do so.

I make this analogy in part to provoke attention
away from the typical construction of children af-
fected by war as vulnerable victims, as persons
knowable only through their need, which dehuman-
izes and dehistoricizes the refugee (Malkki 1997:
224). For the purposes of this paper, I take the
viewpoint that war-induced displacement be
viewed, rather, as a “normal” part of a child’s lived
experience in places like Sudan. While it is not to
deny the dire consequences of war nor the need for
appropriate responses, this approach makes visible
a set of practices, adaptations, and coping mecha-
nisms conditioned by displacement (Horst 2006),
and how these practices influence and are influ-
enced by educational interventions mobilized by
international institutions intended to protect dis-
placed children and regulate their movement. Edu-
cation has only recently become a standard tool
among these interventions, but it has for a long
time been a motivating factor in the movement of
people around the globe (Castle 2009). This meet-
ing of historically and politically conditioned
practices of movement with new international
policy responses to displacement crises raises questions about distinctions that are made between voluntary and involuntary movement, between the various socio-cultural and economic conditions that give rise to child migration, and how we define home and vulnerability in a milieu of global interconnectedness and interdependence. It is from this viewpoint that I propose a research agenda on what I am calling the education refugee.

Education refugees are those who have the means to seek asylum across frontiers in order to access an education not otherwise available. In the context of Southern Sudan and the Rek Dinka communities in which I conducted my research between 2007-9, education refugees have been a part of social and political landscapes since before colonial-era mission education was introduced in the 1930s, and continue to be conditioned by a history of crisis, cultural adaptation, political resistance, and a lack of access not only to an education, but an education of the desired kind and quality. The relationship between childhood and education thus holds very particular cultural, economic, and political meaning for Dinka young people and their families, but these meanings are not always congruent with the intentions of international institutions who have supported the provision of education for the displaced and who are now dependent on the return of education refugees to sustain their post-conflict reconstruction agendas. In this paper I will describe some of the lived meanings that education can have for young people in Southern Sudan today, and how these meanings are historically and politically produced. In the process, I examine refugee camp education and repatriation policy as a manifestation of international constrictions of child and refugee vulnerability, and measure them against the spatial practices of education refugees and their families. I argue that the concept of education refugees has much potential to contribute to the broader literature on forced migration and education in emergencies and post-conflict reconstruction.

For many refugee and internally displaced children from Southern Sudan, the experience of exile was no doubt harrowing, but also productive. Because of the ideas, practices, and credentials obtained while in exile, and perhaps equally so because of the perceived superiority of refugee camp schooling to that available in Southern Sudan, returnees—defined here as those who returned from exile in Northern Sudan or other countries since the early 1970s—have nearly exclusive access to scarce opportunities working for the Government of Southern Sudan (GoSS), INGOs, or as teachers in the growing number of primary schools in the region. More than half of the teachers in the 15 primary schools I visited attended refugee schools in Kenya or Uganda, and nearly all of those who completed primary eight or higher had been refugees. My interviews with INGO managers and county and state government officials revealed that returnees are preferred as employees not only because of their better education and training, but also because of the Western work habits and human rights ideals they are perceived to have internalized while abroad. Obtaining an education in times of war and displacement has been a practice of Southerners at least since independence in 1956, even though education has historically been looked upon by most Dinka very skeptically (Deng 1972). In fact, during the combined 37 years of civil war and chronic famine since 1956, the pace of school enrollment increased dramatically in Southern Sudan, while it decreased in the 11 years of peace (UNESCO 2003). This is not a paradox if one considers the social and political history of education in Southern Sudan.

The very slow pace of educational investment in the South was due to disinterest on the part of both British colonial administrators, who begrudgingly sanctioned missionary education in the late 1930s after 50 years of neglect, as well as the many people who lived roughly south of the 13th parallel, especially the Dinka, by far the largest ethnic group (Collins 2008; Deng 1995; Sanderson & Sanderson 1981). Despite the fact that less than a hundred government primary schools and a handful of post-primary schools existed in all of Southern Sudan by independence in 1956—most of the colonial era educational infrastructure was laid in the
North ⁴-British colonial policy toward the end of its reign attempted to reverse its neglect in part by forcing Southern families to send at least one boy to school (Sanderson & Sanderson 1981). In response—aside from the many families who ignored this directive altogether—most children who did attend school were those deemed by their families as unable to assume the normal role of a young Dinka male: cattle keeping. This meant the smaller, weaker, or disabled boys—or those who showed uncommon academic acumen (Bol used to pilfer milk from his family’s cattle and use it to barter for books)—were typically sent to school in hopes that they would be able to contribute to family wealth and security in some other way.

As an agro-pastoralist society, however, “the practical use of education was for a long time lost on the average Dinka. There was no indigenous role that it could improve his capacity to fill; on the contrary, by restricting his opportunities to learn, by observation and experience, the skills of a highly specialized transhumant pastoralist and of a warrior, it dis-educated him from the fundamental roles of an adult male” (Sanderson & Sanderson 1981: 7). It was only when educated Dinka were able to find employment lucrative enough to help families grow the size of their herds did local interest in education increase, usually from a civil service income or remittances from abroad. Nonetheless, Dinka school enrollment increased gradually over time because families came to use it as a security net and a way to strengthen a weakening pastoral enterprise (Devereux 2006; Krätli 2001; Ruto et. al. 2009). Education came to be seen as a way of accessing economic and social capital outside the pastoral circuit particularly sought after by the growing number of Dinka households whose entitlements within the pastoralist political economy had been eroded over many decades of imperialism, war, famine, and disease, and who felt increasingly vulnerable to destitution (Dyer 2006).

To this day, most rural Dinka families still send only a few of many children to school even in an international “education for all” environment. It makes little sense to send all the children to school, but perfect sense to diversify. “The notion of individual development embedded in the idea of education for all is extraneous to the logic of the pastoral enterprise,” Krätli (2001:3) writes. He continues, “Education is provided in a logic of individual specialization, but it is consumed in one of household diversification. Although the two perspectives can complement each other, the change in emphasis from the former to the latter makes the idea of educating all the children in a family void of sense” (Krätli 2001: 3). Similarly, based on my interviews and observations, the current rise in enrollment of Dinka girls in rural areas has less to do with an adoption of Western notions of gender equity, and more to do with pastoral economics: educated girls fetch larger dowries. Pastoral communities with low school enrollment are thus not necessarily indications of poverty—they may also be indications of wealth (children required to work with large herds) and a different set of priorities. Accordingly, the rise in school enrollment figures since the cessation of war in 2005 is more likely to be an indicator of the increased vulnerability of the pastoral household, especially where school feeding is provided, rather than a sign of “development.”

Following independence from Britain in 1956 and the simultaneous onslaught of civil war, education came to be a tool of the Arabization and Islamification agenda of Northern Sudanese political elites (Beshir 1969; Deng 1995; Jok 2005). The post-colonial dismantling of the Christian missionary monopoly on Southern schooling, the imposition of Arabic as the language of instruction, and the introduction of Koranic studies as a required class caused many Southerners to seek education elsewhere, if at all (Collins 2008; Deng 1995; Jok 2005). Indeed, mass exodus due to limited or insufficient educational opportunities was particularly characteristic of the post-independence era in many parts of Africa. While it was not the only reason, this was one of the primary grievances, for example, of black Rhodesians and Namibians in the late 1960s and 70s, who fled their homes or were interned in the face of resistance to racial discrimination following independence (Jackson 1994; Makanya 1994).

In Sudan, the amount of cross border migration for education was made abundantly clear upon the conclusion of the first civil war in 1972 when the Commission on Return and Reintegration, set up to distribute and prioritize all post-conflict aid and assistance, was forced to alter the Organization
of African Unity’s definition of a refugee. The existing definition, based almost entirely on the 1951 UN Convention on Refugees, had proved limited in its ability to recognize the large number of returning Southerners who traveled to neighboring countries to continue their education (Akol 1994). The added language recognized “those who, because of political instability in the Southern Sudan, had fled to neighboring countries in search of educational opportunities provided by the various agencies for the refugees” (Government of Sudan 1972, quoted in Akol 1994: 80). In Sudan as elsewhere in Africa, one of the primary determinants of voluntary repatriation and subsequent social and economic standing back home was level of education, especially that which was obtained while in exile (Akol 1994; Rogge 1994; Tapscott 1994). It would also prove to be a key factor in halting the war, at least for a while.

In fact, while documenting the meager and usually political or religious rather than educational agenda of colonial era education in Southern Sudan, Sanderson and Sanderson (1981) make an important political connection between education and the negotiated conclusion of the first civil war in 1972:

The Missions, with the financial help of the [colonial] government, had after all developed an educational system capable of producing a leadership not only acceptable to Southern Sudanese but increasingly able to meet the Northern Sudanese elite on equal terms. The very existence of this leadership compelled Northern leaders to abandon their politically crippling “primitive” stereotype of Southerners...while its growing capacity for sophisticated dialogue opened the way for a possible negotiated settlement of the conflict (429).

The education obtained by many Southerners in the North, as well as in neighboring countries and all over the world, fastened a settlement of the war. Southern leaders like Joseph Lagu, Abel Alier, and William Deng, all of whom would play key roles in both waging and ending the first civil war had obtained much of their education in Khartoum. Even by the start of the second civil war 11 years later, most Dinka families with a child in school continued to resist Northern cultural and religious oppression by preferring primary schools in the South, where English and Christianity were the principal modalities, but still sought secondary and higher education in Khartoum or Egypt because they were considered higher quality. Northern elites hoped that attending Islamic universities would indoctrinate Southern elites with a more sympathetic attitude toward Arabification and Islamification (Collins 2005; Deng 1995; Jok 2005).

But by 1983, Southern educated elites were instrumental in organizing the SPLA, the leading organ of Southern resistance to intensifying political, economic and cultural oppression by the North (Deng 1995). Many of the leaders who rose to prominence in the SPLA, such as John Garang, Riek Machar, and Lam Akol had obtained advanced degrees in Khartoum as well as in the United States and Britain. Over the course of the second civil war from 1983 – 2005, education indicators at the height of the war years (1999/2000) compared with pre-war figures (1980/1981) show a significant increase in access to education in the South (UNESCO 2003). This increase occurred during a brutal and destructive war period when there were limited government resources for education and a complete absence of the kind of policy guidance and institutional support deemed necessary today for post-conflict reconstruction of the education sector. One former child-soldier who now works in a rural health clinic and as a science teacher, told me about how during the war he and his friends came and went at will between army units in Sudan, and refugee camp schools in Ethiopia, Kenya and Uganda. The SPLA officers considered them too young at the time to accuse them of army desertion, he told me, and even encouraged them to go to school when they could. He managed to finish eight years of primary school and a lab tech training program between schools in four countries. This is a typical educational trajectory for the youth of his generation, and not unlike that of the generation before him.

The cultural and political history of Dinka educational practices is a complex and seemingly
contradictory one. On the one hand, there was and remains deep skepticism of education because of its uncertain role in the maintenance of pastoral institutions and because of its use as a technology of cultural and political oppression. On the other hand, many Dinka have gone to great lengths and risks to obtain an education, even in schools run by their oppressors; some have subsequently benefitted their local communities and altered national and geopolitical relations of power. After over a century of colonial pillage and decades of civil war, many rural Rek Dinka see their way of life, the agro-pastoral enterprise, as what is most vulnerable, and a refugee camp education—an education abroad—is seen as among the best and most likely to produce the economic and political benefits needed to maintain pastoral institutions. Consequently, central to contemporary rural Dinka practices in education is access to resources and power, understood within a pastoral political economy but also as a geopolitical necessity.

The Spatial Politics of Refugees Vulnerability

The spatial practices of education refugees are conditioned by particular socio-cultural and political histories, but also by international policies pertaining to the care and protection of refugee children. These policies are informed by international constructions of both childhood and refugee vulnerability; the former of which derives from Western notions of the child who is in formation of, or in transition to cultural competence (Cheney 2007), and the latter of which derives in part from what Liisa Malkki calls the metaphysics of sedentarism, which “actively territorializes our identities, whether cultural or national...[and] directly enables a vision of territorial displacement as pathological” (1997: 42). The form and function of international protection measures for refugee children, including education and repatriation, are thus intended not only as a shield from further harm engendered by their age and homelessness, but also to commence a path back to normalcy by repair from within: repair of the refugee child’s physical and psychosocial health (Ahern 2000, Sinclair 2002), repair of his or her culture turned violent (Sommers 2001), and repair of the refugee producing state turned un-democratic (Mosse & Lewis 2005; World Bank 2005). Yet these protection measures are also influenced by geopolitical relations of power and the ideological value of refugee children.

The institutional use of refugee camps emerged in response to the 11 million displaced persons in Europe after the second world war, when the United Nations High Commissioner for Refugees (UNHCR) was established, to protect refugees from forcible repatriation, arbitrary deportation, hunger, disease, and lack of shelter, as well as to arbitrate the negotiation of tripartite agreements for voluntary repatriation or resettlement. Cold war politics at the time, however, made the repatriation of refugees unconscionable since most were from Communist bloc countries, (Chimni 1999). But new wars in Africa and South Asia in the 1960s and 70s created millions of new refugees. This subsequently expanded the UNHCR’s mandate to protect masses of asylum seekers from persecution by hostile regimes and refoulement by host countries threatened by and/or unable to accommodate their presence, effectively rendering the agency a pseudo-state (Waters & Leblanc 2005). By the 1990s, a perceived link between refugee flows and international peace and security moved the agency to legitimate its involvement in the internal affairs of states producing refugees (Barnett 2001). The subsequent focus on coordinated post-conflict reconstruction, peace-building, and democratization by the international political and humanitarian community sowed an environment in the UNHCR bureaucracy where repatriation was possible under less than ideal post-conflict situations (Barnett & Finnemore 2004; Chimni 2004). Repatriation became framed, over time, as tantamount to protection (Barnett 2001), and remains the preferred “durable” solution to refugee crises.

The institutional provision of refugee camp education gained international legitimacy at nearly the same time as repatriation in the 90s, even though it had been four decades since 1951 when both the Universal Declaration of Human Rights and the Convention Relating to the Status of Refugees identified the right to an education. Formerly relegated to the longer-term, state-driven development of human
capital, education’s transformation into an essential part of emergency response and post-conflict reconstruction was due in part to the increasing institutionalization and global legitimization of human rights norms (Andina 2007), especially those pertaining to children. But it was combined with shifts in the ideological value of refugees to international actors, which proceeded from cold warriors after WWII, to victims of hostile and poor regimes in the 60s and 70s, to promoters of democracy and human rights by the 90s. The schooling of refugee children is integral to this latter goal:

In a context where families and communities are often divided or dispersed by the upheaval of conflict, schools are seen as key institutions that will play the major role in rebuilding core values, in instilling new democratic principles, and in helping children recover a lost childhood (World Bank 2005: 16).

Recognizing the trauma, stress, depression, and psychological adaptation of children who experienced war and flight—a “lost childhood”—the provision of psychological, psychiatric, and social services were added to the basic physiological services provided in refugee camps (Ahern 2000, Machel 2001, Sinclair 2002). Refugee camp schools eventually became central not only to fulfill a right to education, but to physical, psychosocial, as well as cognitive forms of refugee protection. In addition to its core academic mission, schools are now a central locus for the provision of shelter, food, and clean water; health, sanitation, and mine safety information; a defense against sexual, criminal, or military exploitation; an opportunity to regain a sense of normalcy, play, and social bonds; and a conduit through which children acquire the skills to mitigate conflict and sow the seeds of peace and democracy all in preparation to be healthy and productive citizens upon their return home (Sinclair 2002; Sommers 2001). These functions are now standard for schooling in many emergency and post-conflict environments (INEE 2010). Refugee camps like Kakuma also offer extracurricular, vocational, political, economic, and religious activities for youth, which together with schooling may indeed have benefits, but are far from normalizing. Refugee schooling and the larger encampment and repatriation responses to mass displacement crises ultimately play a central role in the political democratization agenda of international post-conflict reconstruction actors. It is this spatial politics out of which constructions of child refugee vulnerability—and normalcy—are codified. The actual practices and resources of children who grow up in the midst of chronic war and displacement, and their uses of education, are obscured from view as a result.

Shortly after the CPA in 2005, the UNHCR began to phase out formal schooling in Kakuma hoping that this would encourage refugees to voluntarily repatriate back to Sudan, and discourage continuing refugee flows made worse by ongoing conflicts in Abyei and Darfur. Most of the young refugees in Kakuma told me they would not return until they finished high school, however, and this is the case for refugees in Uganda as well (Bützer 2007). Notwithstanding both the loosened definition of “voluntary” repatriation and the persistent instabilities that remain in Sudan, the ultimate return home of the educated refugee child, as a rehabilitated and indoctrinated young adult, is filled with international hopes of democratic political reform in the weak or failed state from whence they came. Education refugees are seen in essence as comprador state-makers. Yet because education refugees are simultaneously cosmopolitan and global in their perspectives but limited in movement by international encampment and repatriation policy, they are in many ways cognitively mobile yet spatially incarcerated.

**Conclusion**

The history and spatial teleology of refugee displacement, encampment, protection, and repatriation illustrates how mass displacement crises have come to represent simultaneously a perversion of, a threat to, and a hope for repairing a national order of things (Malkki 1997). I have attempted to show, however, that many refugees arrive in camps with particular cultural and political histories that organize space in ways that do not
fully conform to this order (see also Bascom 1998; Bisharat 1997; Hammond 2004; Horst 2006; Kibreab 1993). Drawn from a sedentarist metaphysics, international constructions of child refugee vulnerability are located in both the refugees themselves—as incomplete, uprooted, and traumatized victims in need of protection—and the cultural and political structures rooted in the weak or failed state that produced them. Many Rek Dinka families in Southern Sudan, however, expect a return on their investment in refugee camp education for a child primarily as a way to preserve pastoral institutions made vulnerable by decades of oppression and civil war—the very institutions often blamed for political and economic insecurity (Krätzli 2001). Over time, and despite the enduring lack of access to education as compared to Northern Sudan and the rest of East Africa, the result has been to produce a supralocal Southern leadership capable, although not without fractures, of organizing resistance against the very tyranny responsible for their oppression.

In short, refugee schooling is intended by its providers to rehabilitate children made vulnerable by displacement, and to subsequently democratize the state and enable a capitalist model of economic growth, all of which are considered preconditions for a lasting peace. Refugee schooling is used by families from Southern Sudan, by contrast, to enable access to resources capable of rehabilitating a vulnerable pastoralist political economy and also membership in an economic and political world order (Ferguson 1999), both of which are considered preconditions to access the wealth and power necessary for resisting persistent state sponsored oppression. Education refugees themselves, whether back in their villages or resettled abroad, must navigate these competing expectations throughout their child- and young adult-hood. These expectations, while incongruous, are not necessarily mutually exclusive, but they have deep implications for the design and consequences of emergency and post-conflict education policy and the degree to which it is in tune with the actual practices of young refugees, their uses of education, and the many ways they confound international definitions of migrant children. Given that international aid policy frameworks increasingly focus on good governance and democratization as a precondition for longer-term security and economic growth in developing countries (Mosse & Lewis 2005, World Bank 2003), which in post-conflict reconstruction situations largely depend upon the provision and standardization of education (Davies 2004; INEE 2010; Sinclair 2003), understanding the lived meanings and competing expectations of education refugees is more important than ever for academics and policy makers alike.

I do not suggest, however, that education refugees be deemed a distinct category of refugee or migrant; like both of these categories, the countless variety of meanings across displacement experiences around the world obliterates its analytical usefulness (Malkki 1995). Rather, I seek to bring attention to the increasingly common practices of education-driven migration, and the ways these practices challenge contemporary notions of normalcy and vulnerability, home and displacement, and the politics of culture in a world of interconnected and interdependent spaces. In this way, the education refugee as a research subject offers a number of opportunities to examine the socio-cultural, economic, and political agendas behind exilic education, whether for Sudanese refugees in Kenya, the children of Burmese migrant workers in Thailand, or upper middle-class boarding school students from inner-city Detroit. The temptation to separate these practices in terms of their voluntariness and socio-economic privilege is to deny the resources, capabilities, and views of forced and poor migrants.

**Author Biography**

Andrew I. Epstein is completing his PhD in International & Comparative Education at the University of Wisconsin-Madison, where he is a lecturer in education and the social sciences. He is also a consultant for UNICEF, Save the Children, and other humanitarian aid and development organizations in the areas of education, health, and project monitoring and evaluation. Prior to this he was an alternative high school principal and English teacher in the United States. His recent work focuses on the impact of refugee camp education and repatriation policy on
rural communities in Southern Sudan. The ethnographic research for his article was conducted between 2007 and 2009 in the Kakuma Refugee Camp in Northern Kenya and in Gogrial East County, Warrap State, Southern Sudan. He is also assisting UNICEF with the development of a pro-poor, equity focused education strategy to meet the education targets of the UN’s Millennium Development Goals.

Endnotes

1 A pseudonym.
2 This was the first time humanitarian aid groups were granted permission to deliver aid in the middle of an on-going civil war (Harrigan 2004)
3 By 1954, Christian missionary “bush” schools were enrolling over 30,000 students, while government schools accounted for just under 5,000 pupils (Sanderson and Sanderson 1981).
4 Comparatively, in 1960 shortly after independence, the South had 28% of the total population but only 8% of primary services, 2% of secondary services, no technical secondary schools or universities, and only 5% of university students in Khartoum were from the South (UNESCO 2003).
5 Now called the African Union.
6 For example, the number of pupils enrolled in primary school more than doubled from 143,000 to 319,000, the number of primary schools increased from 809 to around 1,500 and the primary gross enrollment rate increased from 12% to 30%.
7 The average time a refugee spends in a refugee camp in Kenya and Uganda is 25-34 years (USCRI 2009).

References


Gendered Moral Dimensions of Childhood Vulnerability

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Abstract
Community, state, and international definitions of childhood and vulnerability play a central role in determining which people and families receive the limited resources available to support vulnerable children's survival and thriving. International definitions of childhood and vulnerability are often assumed by international development organizations (IDOs) to embody universal human rights and equality norms, and thus to serve as an appropriate basis for creating universal categorization frameworks to identify vulnerable children across communities and states. Community definitions, on the other hand, may be viewed as particular and potentially biased, embedded as they are in local power dynamics and social relations. Nonetheless, IDOs increasingly rely on communities to identify and distribute support to vulnerable children. This paper utilizes vertical ethnographic approaches to map and compare the gendered moral assumptions that shaped community, state, and international conceptions of childhood and vulnerability and responses to vulnerable children in border communities in Malawi and Mozambique. It argues that a gendered lens on childhood and vulnerability reveals both the gender inequitable assumptions underlying international and community childhood and vulnerability frameworks, and the urgent need for gendered analyses of childhood and vulnerability that engage honestly with people's lived realities, opportunities, and social relations. These analyses would explicitly link efforts to improve children's lives to gendered analyses of the local, national, and international social and political economic systems that differentially shape survival strategies and opportunities—and people's judgments of the morality of these strategies—for females and males.

Gendered Moral Dimensions of Childhood Vulnerability

As Cheney (this issue) notes, there is a trend among international development organizations, governments, and some communities in Africa toward officially categorizing an expanding number of children as “vulnerable.” As this categorization expands, the meanings and resources associated with the term also shift. For example, there is some evidence that state and international development and humanitarian aid related to HIV/AIDS and poverty alleviation is being redirected to those who are categorized as “vulnerable.” Where, for example, food aid may previously have targeted “the poorest of the poor,” it may now be redirected to the “most vulnerable to poverty” (Mealli et al 2004). And where entire marginalized populations (e.g. girls) may have in the past been targeted for development aid, individual children labeled extremely vulnerable may now be targeted instead. At the same
time, international and state aid resources are shrinking, particularly in arenas that have historically targeted children, such as education. As Cheney documents, this results in an expanding number of “vulnerable” children and a shrinking pot of funds, further increasing efforts to define, categorize, and prioritize vulnerabilities, and thus aid recipients.

This article will briefly describe some of the frameworks for defining and categorizing childhood vulnerability that are being used in Southern Africa to inform government and international development support for vulnerable children, and then turn to an alternate analysis of childhood and vulnerability based on ethnographic research conducted in Malawi and Mozambique in 2009 and 2010. I argue that state and international definitions of and frameworks for categorizing vulnerability, which are rooted in a top-down, universal rights model, align only partially with the definitions and categorizations employed by research participants in the rural villages in Malawi and Mozambique in which we worked. The differences between community and international and state categorizations and definitions have important implications for who receives support, from whom, in what manner, and to what effect.

Community frameworks can form the basis for models of vulnerability that are rooted in more nuanced and holistic understandings of the daily struggles that transform children’s safety, security, and survival. I highlight one area in particular, gendered discourses of morality and vulnerability, in which current state and international actors’ involvement in programming for vulnerable children would benefit from listening carefully to community voices concerning childhood and vulnerability, and from thinking about their own assumptions concerning the morality of vulnerability and aid.

**International and State Frameworks**

Given the techno-rational assumptions that underlie development approaches and international development institutional rationalities (Mitchell 2002), and the universal human rights framework that dominates moral assumptions in international development discourse (Lumsdaine 1993), it is not surprising that the moral assumptions underlying international definitions of childhood and vulnerability have been critiqued as rooted in Western ideas about individuals and their relationships (Bourdillon 2006), or that evaluations of development responses to vulnerable children have sometimes been found to undermine extended family and community support structures, thus making children more vulnerable (Samati 2010). These unintended consequences are most often treated as techno-rational failures; there has been little discussion about the moral assumptions underlying top-down international approaches to categorizing and targeting vulnerable children, or about how these assumptions may interact with community moral frameworks and social relations to create these “unintended consequences.”

As I have discussed previously (Kendall 2008), many current state and international models of childhood and vulnerability are based on a set of assumptions central to late 20th and 21st century Western concepts of childhood and wellbeing that codify the age of adulthood at 18, and assume that childhood is a time that is different than adulthood and that requires special protections (Bourdillon 2006). The assumption of children’s need for protection from adults; their inability to participate in “public sphere” activities such as politics, economics, and marriage; and their need to gain rights through adults are codified in international declarations such as the Convention on the Rights of the Child, many state legal frameworks, and many research approaches and academic disciplines (Wyness, Harrison and Buchanan 2004). In international development work, as in national and international political, economic, and legal processes, these assumptions place children in what Lee (1999) calls a ‘vulnerability complex’. Innocence equates with vulnerability, which legitimizes children’s political exclusion and adults’ right to talk on behalf of children. At the same time, children’s exclusion is linked to children’s lack of voice, with silence here taken as a sign of their incompetence rather than the outcome of any process of
exclusion (Wyness, Harrison and Buchanan 2004: 85).

These assumptions represent a set of moral values whose universality has been actively challenged within and outside of the West (e.g. Bernhard 1995), but that is less frequently discussed or challenged within international development frameworks (cf. Bornstein 2002). This paper maps some of the similarities, differences, and points of tension between these “universal” assumptions and those that underlay community conceptions of and responses to children, families, and survival insecurity. The comparison reveals different, gendered, frameworks of morality, each of which provides openings and limitations in meeting the needs of children identified by community, state, or international actors as vulnerable.

Childhood Vulnerability, and HIV/AIDS in South Africa

In Southern Africa the category of “vulnerable child” was initially largely subsumed into the category “orphans and vulnerable children.” The category of “orphans” was used to identify and target aid to children affected by AIDS, using a definition of orphanhood rooted in the model of a Western nuclear family (Giese et al 2003). The term “orphans and vulnerable children” was later adopted to acknowledge that orphanhood was only one of a range of vulnerabilities facing children affected by AIDS (Giese et al 2003, Skinner et al 2006); nonetheless, programming for “orphans and vulnerable children” often continued to provide support for orphans, at least in part because they were perceived as easily identifiable and evidently vulnerable.

It has proven much more difficult to define and operationalize “vulnerability” than it has to adopt international definitions of orphanhood. This difficulty is evident in the dozens, if not hundreds, of frameworks being generated to define and identify childhood vulnerability, categorize the types of support that vulnerable children require, and outline actions that states and the international community need to take to assure this support (e.g. Family Health International 2001, UNAIDS, UNICEF and USAID 2002, UNICEF 2004, DiPrete Brown 2008).

First, the term “vulnerable children” is itself a globally variable construct. It may be used to capture a range of vulnerabilities caused by HIV/AIDS; describe and identify children affected by a range of potential calamities or events such as war, famine, and profound poverty; identify children whose basic rights and needs are being violated, often because the child is fulfilling what are perceived as adult roles (sex work, manual labor, marriage); and so forth.

Moreover, reaching agreement on and moving from vulnerability as a theoretical construct to vulnerability as a measurable category has proven even more difficult. For example, focusing only on frameworks examining an AIDS-related construct of “orphans and vulnerable children,” UNICEF’s The Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS (2004) defines orphans as follows:

Maternal orphans are children under age 18 whose mothers, and perhaps fathers, have died (includes double orphans). Paternal orphans are children under age 18 whose fathers, and perhaps mothers, have died (includes double orphans). Double orphans are children under age 18 whose mothers and fathers have both died (p. 7).

In contrast to the clear-cut definition provided for orphans, the author does not provide one definition of “vulnerable child,” instead listing a range of family and social situations and “threats” that can render a child vulnerable:

Although precise estimates are not available, a much larger number of children have been made vulnerable by the impact of HIV/AIDS. This vulnerability is due to poverty, hunger, armed conflict and harmful child labor practices, among other threats, all of which fuel and are fuelled by the epidemic. In the countries affected most, parents, adult relatives, teachers, health care
workers and others essential to the survival, development and protection of children are dying in unprecedented numbers.

These and other recent efforts to define, categorize, and program for vulnerability have raised questions about whether a universal categorization of vulnerability is feasible (e.g. Nyberg 2007), but these questions usually address the perceived difficulties in categorizing risks across settings, and in measuring socially contingent vulnerability-related constructs such as psychosocial well-being. For the most part, international organizations have not raised questions about the goodness or feasibility of crafting a “universal” framework for vulnerability that rests on the assumptions of childhood, innocence, and morality that shape international child rights declarations and the modus operandi of many development aid organizations, and most groups have not considered the strengths and weaknesses of alternative approaches to defining vulnerability and childhood. The much smaller number of research efforts to build national or regional definitions of vulnerability from local stakeholders’ perspectives (e.g. Giese et al 2003, Skinner et al 2006) have tended to yield much richer, but more difficult to measure and potentially less generalizable, constructs and categorizations that are largely ignored in debates about universal categorization efforts.

In 2009, the author and a team of research collaborators led by Zikani Kaunda (Malawi) and Calisto Bila (Mozambique) conducted research that adopted a vertical ethnographic approach (Vavrus and Bartlett 2009) to mapping childhood and vulnerability constructs. Vertical ethnographic approaches compare constructs and practices across levels of organization and social scale (from communities to UN declarations, individuals to states). The research aimed to examine and compare the practical interactions among community, national, and international vulnerability constructs in order to better understand how similarities and differences among them might be identified and examined as potential causes of some of the “unintended consequences” of current international efforts to support vulnerable children. We lived in sister communities located within seven kilometers of each other across the Malawi/Mozambique border during a six-week study (Summer 2009) and two-week follow-up (Summer 2010, Malawi). We conducted extensive classroom observations; participant observation; interviews and focus group discussions with students, parents, teachers, school committee and PTA members, and local leaders; and household surveys.

Community Conceptions of and Responses to Vulnerability

I have previously discussed some of the implications of using ethnographic research to critique and inform development aid practices (Kendall 2008, Kendall and O’Gara 2007). In this paper, I focus on an issue that was central to understanding community and international conceptions of and responses to childhood vulnerability but that has been largely ignored in international and state literatures: the gendered moral assumptions underlying community, state, and international judgments of which children or families are deserving of aid. This section begins with a series of brief case studies that we collected of children and families from the Central region of Malawi and Tete Province of Mozambique. Drawing from these case studies, I analyze some of the key ideas about vulnerability, childhood, and morality that emerged from the ethnographic research, and compare them to those present in international vulnerability frameworks.

The communities in which we conducted research lay near Malawi’s main North-South national road. They had some access to markets, but were themselves rural and comparably (to other districts and provinces) poor. Both communities were populated primarily by Chewas/Nyanjas and were matrilineal and matrilocal. Both communities appeared to have HIV rates similar to those of other communities in the district/province, and there were no other particular defining features (such as extremely high male migration rates for work or recent famine) that might be expected to impact child or family vulnerability differently than in surrounding communities.
**Joseph and Marumbo**

Joseph and Marumbo were a brother and sister who were orphaned of both parents when Joseph was 13 and Marumbo was 12. They had three younger siblings, and when their parents died, Joseph and Marumbo became their primary caregivers. They continued to live in their parents’ home and to farm their parents’ garden, and though they struggled (and received no regular or significant help from the community), they were able to survive in the year after their parents’ death. Both were even able to continue on in school, and the year after their parents passed away, Joseph completed grade 8 and passed the Primary School Leaving Exam. An uncle in town, who had been providing minimal assistance to the children, came and picked up Joseph, telling him that “I am going to educate you so that you support the rest of this family; I won’t be supporting you forever.” Joseph went to secondary school; during this time, the uncle continued to provide minimal support to Marumbo and the younger children, but the household became increasingly impoverished. Marumbo finished primary school, but had no opportunities to continue to secondary school because of her caregiving responsibilities and the family’s finances.

The day that Joseph successfully graduated from secondary school, the uncle’s support for the family disappeared entirely. Joseph returned home to look for a job, but was unsuccessful finding one. Six months after he finished secondary school, the family was flat broke, and Joseph had no job prospects. Marumbo and Joseph decided that Marumbo, now 17, should accept a marriage proposal made by an older businessman in the community so that she could support their younger siblings. She did so, and was able to keep all of the younger siblings fed and in school over the coming 18 months. She found, however, that her husband was quite cruel; he traveled often, leaving her without financial resources for long periods of time, visited prostitutes when he was home, and beat Marumbo regularly.

During the 18 months in which his sister supported their younger siblings, Joseph decided to stop looking for a job and to start his own business. He used some of the skills and connections that he made in secondary school to get the business up and running, and by the time we met him three years later, he was married, had built a lovely home, and had a car. He had taken over responsibility for his younger siblings from Marumbo, who lived right nearby but in much less pleasant conditions. The younger children had all stayed in school and appeared to be quite secure in their older brother’s care.

Joseph, Marumbo, and their younger siblings were repeatedly pointed out to us as an example of a successful child-headed home. Joseph described himself as having to overcome difficulties to become successful, but he did not feel that he or his siblings had been particularly vulnerable, even right after their parents died. Marumbo saw things differently; she felt that the family’s desperate poverty and the community’s lack of support had led her to “choose marriage, not school,” a decision that continued to affect every aspect of her life.

**Mercy and Loveness**

Mercy and Loveness lived with their grandmother. Their mother had passed away in 2005; their father had disappeared when they were both young; though rumored to be alive, he had not visited the girls since his disappearance. When we met them in 2009, Mercy was in the process of dropping out of grade 6, while Loveness was in grade 8. The girls’ grandmother was an older woman with a number of physical ailments, who declared adamantly that continued education provided the only path to a brighter future for both girls. Though the family was desperately poor, she and Loveness continued to plan for her to attend secondary school the following year, and both continued to try to get Mercy reestablished in school.

Loveness was her grandmother’s, and the community’s, obvious favorite in the family. She was regularly described to us as being a “very good girl.” She spent a great deal of time at school and doing schoolwork; she was also very active in the church, and busy the rest of her waking hours helping her grandmother farm. Mercy, on the other hand, had begun hanging out in bars at night in the local market, getting drunk, and dancing. She had stopped attending school, she rarely listened to her
grandmother’s counsel, and we were told by multiple research participants that Mercy regularly had sex with bar patrons. By most accounts, the sex had initially been forced and unpaid.

Despite Loveness’ and her grandmother’s soulful conversations about what was happening to Mercy and how she might be led back onto a “righteous path,” Mercy was providing a fair amount of the total food resources available to the family. Mercy was also the only member of the family who was dressed in non-ripped clothing, and she repeatedly denigrated her grandmother’s pleas that she return to school, responding once “Do you think school will feed me?” In fact, without Mercy’s support of the family, it is unclear whether Loveness would have been able to even complete grade 8.

Community research participants pointed out this family as an example of how much children’s vulnerability was, they felt, tied to individual personality. There was strong blame placed on Mercy for her actions and a great deal of community sympathy for Loveness and her grandmother; this did not, however, translate into financial support for them. Loveness and her grandmother in turn perceived themselves as poor, but surviving and protected by God, while Mercy was truly vulnerable—to disease, to moral decay, and to a short and bitter life path. Despite their hopes and prayers, when we visited in 2010 Loveness had not continued to secondary school, due to her and her grandmother’s inability to raise the school fees.

**Eliza, Grace, and Chipha**

Eliza, Grace, and Chipha were three friends in grade 8 when we met them in 2009. They were average-to-high-performing students, and all three said that they hoped to continue on to secondary school when they finished grade 8. All three knew they would have a difficult time doing so, as their parents were “only farmers” (they were not involved in business ventures), who were themselves not highly educated, and who had not sent any of their older siblings to secondary school. Though not the poorest households in the communities, none of the girls’ homes were wealthy, and food security was a year-to-year and month-to-month issue.

Chipha, Eliza, and Grace were well aware that their chances to continue to secondary school were slim, but they explained in 2009 that there were no better options for them. When we met up with them one year later, all three had passed grade 8, so all three were eligible to attend the nearby community day secondary school (this is a non-boarding local school, considered the lowest quality secondary school type in Malawi). None, however, had been able to secure the funds to do so. At 15 and 16, Eliza and Grace were already pregnant. The grade 8 boys, all but one of whom had continued on to secondary school after passing, said disparagingly that the fathers were “unknown” older men from the village who would not take responsibility for their babies.

Eliza and Grace did not initially tell us they were pregnant, instead insisting that they were prepared to return to secondary school if they could just find fees. Later, at the end of the interview, they told us that an older girl (age 18) in the community had recently given birth secretly and killed her baby by throwing it down a pit latrine. When we asked why she had done this, the girls responded, “she was too miserable; everyone was talking about her being unmarried.” The story appeared two days later in the national newspaper, alongside a story about a rash of infanticides at the hands of teenage mothers desperate to escape what they perceived as hopeless futures for themselves and their children.

Eliza, Grace, and Chipha were not viewed as particularly vulnerable by anyone in the community, including themselves. In later conversations, however, they expressed the opinion that girls in the community had no options after school other than to eventually become involved with boys, both because “village living is too dull,” and because girls’ labor for their parents was unpaid and they had no personal access to money except through boys (who had various paid labor opportunities and fewer labor demands from parents).

These case studies illustrate the extent to which community conceptions of vulnerability rested on gendered assumptions of individual morality, tied particularly to the immorality of female sexual activity outside of marriage and the goodness of boys and men leaving to find work and make money. Despite and because of the structural constraints that
differentially affected younger and older females’ and males’ access to capital, moneymaking opportunities, and social support networks, females were much more likely to “fail” to meet these gendered norms (as in Mercy, Eliza, and Grace’s cases). Younger women’s access to money (and thus schooling opportunities and long-term food security) was largely tied to sexual interactions with older men. Younger men, on the other hand, as in Joseph’s case, had multiple pathways, including schooling, starting businesses, migrating for labor, or working for wealthier community members, to access money and live securely and independently if they so desired.

Comparing Gendered Constructs of Morality, Vulnerability, and Deservedness

International and state constructs of childhood vulnerability focus on risk factors that lie outside of the child, such as poverty, the death or illness of caregivers, abuse or neglect, or lack of basic necessities (food, clothing, school fees). The focus on external aspects of vulnerability may appear to reflect universal values and conceptions of human rights, but it is embedded within and arises from certain assumptions about the nature of children, their relationships with adults, and the spaces that children should and should not inhabit. For example, international human and child rights frameworks make particular assumptions about children’s innocence and incompetence (Wyness, Harrison, and Buchanan 2004), and their corollary right to and need for special protections from adults. Not surprisingly, then, many international programs attempting to address external vulnerabilities try to protect children by moving them out of arenas in which they directly earn money or food (labor), and moving them into environments that build their future capacity (schools), while adults provide for their survival.

Most state and international programs for vulnerable children heavily discourage efforts to support children in surviving on their own, because of a deep concern about family structures that do not include adults, and a general trust that children are better off under the protection of adults, even when signs of adult abuse are present (Giese et al 2003). International and state frameworks for vulnerability thus embody assumptions about the nature of childhood (a time of innocence and incompetence that lasts until 18), the desired relationship between children and adults (the vulnerable and their protectors), the nature of external aid that should be provided to vulnerable children (indirect, to adult caregivers, except for schooling), and the appropriate institutional site for building children’s futures (schools). These frameworks are deliberately de-gendered: “childhood” is a universal category in which all children have the same rights and responsibilities, none of which are linked to the child’s gender. Children who act outside of these expectations are either judged to be acting as they are because of malefeasance or neglect on the part of adults (e.g., children sold into labor or sexual bondage), or they are judged to no longer be appropriate innocent children, and therefore no longer appropriate targets of aid to children (increasingly the case with teenage mothers, married girls, or school dropouts, for example).

Research participants, on the other hand, brought differing conceptions of childhood and the expected relationship between adults and children to their judgments of whether or not individuals and families were deserving of aid. One of the most important of these differences was that communities did not view 18 as the age at which children suddenly transitioned to adulthood. Expectations for adult roles and responsibilities were furthermore gendered: adults and children agreed that girls were generally considered adults once they reached puberty, while boys were considered adults when they finished school, began to make their own money, left for work, or got married. As a result, by the age of around 15 for girls, and around 17 for boys, most participants agreed that individuals were expected to bring in resources for their natal family or start their own families, unless they were still in school. Resources for schooling were not equally distributed to girls and boys, however; families in these communities, as is the case throughout most of the world, were more likely to invest in boys’ continued education than girls’ (Pasqua 2005).
A second difference in community and international constructions of vulnerability and age was evident in most interviewees’ identification of grandmother-headed homes (not child-headed homes) as the most vulnerable household category. These households were usually composed of younger children and aged adults, and thus had no fully able-bodied farmers or people who could engage in piecework labor. Child-headed homes, if headed by people old enough to do these tasks (around 14 or older) were generally viewed as better off. It was also widely assumed that older siblings would become “mother and father” to younger siblings in order to assure that younger siblings received needed care—a correlate to the much-valued and internationally-vaulted extended family networks that continue to provide the majority of support for vulnerable children in Africa (Brown 2009). Likewise, if parents were ill, older children were expected to become caregivers and full-time farmers if this was needed to support the home. This was particularly true of girls, but it was true of most older children, who were publicly taken to task for being selfish if they did not fulfill these expectations.

A related difference between international and community frameworks in judging vulnerability arose in the typologies constructed by different actors and institutions. Though there were important differences between the two communities in which we conducted research, definitions and categorizations of vulnerability were in all cases dual: first, they reflected the same type of concern for structural vulnerability evident in the international and state frameworks. Structural vulnerability was viewed as being linked almost entirely to being desperately poor and food insecure (in Mozambique, also shelter-insecure). Structurally vulnerable homes could be further hit by disease, famine, loss of land, and other such events, but their defining characteristic was deepest poverty and survival insecurity. The second type of vulnerability was viewed as being caused by individual choice, such as people’s “choice” to drop out of school, drink heavily, do drugs, have sex outside of marriage, be deserted by a husband, be very poor when still able bodied, and so forth.

These two types of vulnerability interacted in different ways in the two communities (perhaps in part because of the two countries’ quite different political economic histories), but in general, adults and children—but particularly girls and women—were viewed as having “made decisions” that made them more vulnerable if they violated behavioral expectations, even when structural sources of vulnerability were evident. In these cases, such as with community judgments about Mercy, individuals and families were viewed as undeserving of aid, even if they were also identified as vulnerable. In contrast, when international constructs of vulnerability engaged with issues related to individual characteristics, they often did so in terms of individuals’ “resilience”—that is, their capacity to use limited aid “effectively” to significantly improve their lives. Individual resilience was measured in terms of individual processes and outcomes viewed as favorable in international rights frameworks (e.g. staying in school), not in terms of communal social relations, expectations, and obligations.

The calculus used to determine who needs support most in order to survive and thrive is different in community and international frameworks. Community frameworks take into account aspects of daily life and social relations that international frameworks do not—the question of who can generate the most food for a family, broad community norms concerning when “children” become “adults,” moneymaking options open to younger versus older people, how family structures are kept intact (often at the sacrifice of older adults or older children) to impact the greatest number of youngest family members, and the continuing question, given the dearth of resources accompanying international frameworks, of how to triage small amounts of support among so many people and families struggling for survival and security. This is not, then, a framework about children’s rights to a universal childhood, but a much more pragmatic understanding and calculus concerning individual and versus communal survival.

International frameworks are often discussed as embodying “global” norms, but they are based on a largely Western, Christian morality framework that in some cases conflicts with community
frameworks. Current international discourses concerning childhood and resilience are moralizing: a child who stays in school no matter the hardships they encounter is considered resilient, for example, while a child who drops from school to support their siblings is seen as not resilient (personal interview, international organization officer for vulnerable children, 2006). In contrast, communities viewed older children’s decision to stay in school no matter what as an extreme form of selfishness that would result in their younger siblings’ loss of a future.

Most importantly for this analysis, international frameworks do not address the gendered nature of childhood, and are built on liberal democratic models of gender parity for adults. They therefore fail to acknowledge the (de)gendered assumptions underlying their constructions of childhood, innocence, deservedness, protection, social roles, and life opportunities. Take, for example, girls’ statements that their only means of gaining access to money was through older men, and research participants’ agreement that girls were expected to start providing resources for themselves or their families by about the age of 15. International organizations push policymakers to raise the formal age of marriage for females and males to 18 and ban child labor, decry the HIV infection statistics that indicate young women are much more likely to be infected than their male counterparts, and raise concerns about girls being forced into sexual relationships by predatory adults. They do not examine the linkages between gender, sex, and survival for young females and males; or social norms for family support in heavily resource-strained communities, leading to child support strategies that fail to acknowledge structural, gendered inequities in expectations, resources, and outcomes; or the role that international efforts may play in constraining, not opening, spaces for young women to survive and thrive in schools, communities, and families.

Gendered Considerations in Identifying Vulnerability

As stated previously, international and state frameworks increasingly emphasize the need to work through and support community responses to vulnerable children (Schenk and Michaelis 2010). Despite the lack of regular support for vulnerable children and families in both communities in which we worked, community members had strong opinions about who was vulnerable, who was deserving of aid, and why; and community leaders regularly played a role in determining to whom state and international aid for vulnerable children was distributed. The understandings of childhood vulnerability and of gender roles that drove these determinations were quite distinct from those of international development organizations. Community categorizations of vulnerability and their relationships to morality, individual choice, and social responsibility raise important questions about how international and state actors determine which behaviors are risky, categorize types of vulnerability deserving of support, and work through communities to identify vulnerable children and determine the kinds of services provided to them. This research highlighted the significantly different opportunities for survival and moneymaking available to boys and girls, men and women in the communities, and the different moral judgments imputed to these survival choices.

We found that most of the survival strategies identified by community respondents as being available to girls and women were tied to sex and viewed as morally corrupt, while boys’ and men’s were not. This raises questions about how communities link ideas about vulnerability to structured gender and political economic inequities, and how their moral judgments affect their categorization of individual and family vulnerability. To give one example, children whose father had died were regularly categorized as “orphans” (a category of import to international organizations), while children whose fathers had disappeared and deserted their mothers were not categorized as “orphans,” and were in fact described as undeserving of aid because the mother had been deserted by the father.

International and state frameworks differ, but are no less problematic, in their assumptions about gender and survival approaches. Boys’ strategies, tied as they are to wage labor or joining gangs or armies, are often deemed inappropriate, illegal, and dangerous for children and are targeted in child labor policymaking and programming; girls’
strategies, on the other hand, are often hidden from public discussion and programming (with the sometime exception of organized sex work), and instead their undesired outcomes (pregnancy, HIV infection) are analyzed and bemoaned. There is seldom serious discussion about how gendered pathways to survival and thriving might be addressed or transformed for adults, much less children, despite a growing body of evidence that many current state- and internationally-supported efforts to decrease poverty and generate family income fail to evaluate gender outcomes (e.g. Bieri and Sancar 2009), and in practice favor men (e.g. Mayoux 1993, Kantor 2002). Similarly, international and state, like community, conceptualizations of vulnerability tend both to not directly engage in analyses of gender relations and their effects on vulnerability, nor to link discussions of childhood vulnerability with broader discussions about gender and individual or family economic security.

Conclusion

International, state, and community frameworks and stakeholders seldom engage in discussion and debate about the effects of global, gendered, political economic arrangements on families’ and children’s—but particularly poor children’s—survival and thriving. A systematic consideration of how to understand concepts of individual risk, protection, vulnerability, and resilience within the broader social, economic, political, and cultural systems in which people live has not occurred internationally (Skinner et al 2006). By ignoring this reality, international frameworks fail to engage in a necessary analysis of the gendered nature of “vulnerability outcomes,” of the nature and types of risks that girls and boys face at different stages of their life, or of the implications of some of the measures they are using to judge the “vulnerability” or “resilience” of children and adults.

A critical gender analysis of vulnerability, childhood, and HIV/AIDS is desperately needed within community, state, and international responses to vulnerability. International organizations continue to bemoan the gender inequitable HIV rates among young girls and boys, the age-inequitable sexual relationships that fuel these data, and the spate of early pregnancies and marriages that draw so many girls in Southern Africa out of school and into early “adult” roles. Community participants bemoaned the spread of HIV, the growing lack of marital and family cohesion in the younger generation, and a perceived increase in economic insecurity in woman-headed households. There was not, however, an incorporation into the identification or aid targeting process of a systematic gender analysis of the political economy of vulnerability or of the particular role that perceptions of gender- and age-appropriate survival opportunities play in fuelling children’s vulnerability generally, and girls’ HIV rates, pregnancies, and undesired marriages in particular. To do so would raise serious questions about the gendered assumptions concerning children, agency, and models of gender parity in international, state, and community frameworks. By working across these frameworks and realities, through vertical studies, for example, it may be possible to craft responses to younger and older people’s vulnerability that both address and attempt to transform the gendered realities of trying to survive and thrive in communities like those in which we worked.

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Endnotes

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A Cultural and Gender Perspective on Marginal Children on the Streets of Kenya

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Abstract

How to best analytically position street children in comparison to others in various social circumstances requires a robust theoretical discussion. The very concept of street children can be contested as essentialized, serving to mask social and behavioral differences, especially those between boys and girls. The limited perspective of the street child as a victim and thereby psychologically vulnerable is also contested. Cases considered here serve to illustrate that all children on the streets share a common experience of social marginality. This is experienced by them as children, as members of the powerless jua kali (hot sun) workers class, and in their isolation from cultural institutions. Some of these children however, especially girls, are vulnerable and clearly victims of harsh social circumstances. A theoretical perspective is put forth to explain a relative social marginality for women, taking into account increased social class differences and changing cultural values since 1900. Girls on the streets are therefore best understood as being at the bottom of a gendered hierarchy in Kenya. Concepts like the street child and the vulnerable child in current use as master labels serve to hide agency reported here even on the margins of Kenya’s cultural, social, and gender hierarchy. An ethnographic method is put forth as a useful strategy for discovering strategies for success on the streets. To specifically evaluate gender, follow up research with adults previously described as children (1991) is combined with new material from children in Nairobi and the smaller city of Nyeri in central Kenya. A theoretical perspective from general anthropology is offered as one way to better align studies of children with broader theoretical concerns in anthropology and related disciplines.

Introduction

I will set out here why I believe it is important to emphasize that children living on the streets of Kenyan cities are best understood as marginal in relation to their social status as: (1) Kenyan children, (2) members of the Kenya poor working class and (3) to African cultural institutions. A marginal gender status also matters more for girls than for boys. This perspective, emphasizing class, culture and gender, is needed to make more complex and contextual the common view that children on the streets are street children and nothing more. This essentialized status in Kenya is stigmatized and masks their marginality in more favorable social categories shared with other Kenyans. I have emphasized previously, for example, that children living and working on Nairobi’s streets are similar in
many ways to other Kenyans, involved in the same social institutions, informal work routines, cultural beliefs, and gender relations (Kilbride, Suda and Njeru 2001). An ethnographic method is highlighted here as one avenue to a culturally informed, holistic understanding of children on the streets.

In my previous collaborative research (Kilbride, Suda and Njeru 2001), my role was that of the ethnographer. C. Suda, a Kenyan sociologist, undertook a large scale social survey while E. Njeru, a Kenyan anthropologist, worked with focus group interviews and provided community social profiles of places where street children originate. I had previously worked in areas in rural East Africa on various topics concerning family life and children (cf. Kilbride and Kilbride 1990; Weisner, Bradley and Kilbride 1997). As before, my ethnography on the streets of Nairobi was a long-term process of repeated visits and “experience near” attempts to provide a “testimony to other humanities” (Da Matta 1994). This time, however, Kenyan children were not only culturally different, but also distant in age and social class from me.

I did follow up field work in Kenya in 2007-2008 and will refer to this material too. My purpose here is to illustrate marginality as an analytical category and the social circumstances that promote this, especially for girls on the streets. Concepts, such as vulnerability, are less powerful as social categories connotating instead a psychological trait or attribute of the child more than the social circumstances in which she finds herself. I will show also that some girls on the streets are more vulnerable than others; all children on the streets in Kenya are socially marginal, some are more at risk for their safety or livelihood or well being than are others or are vulnerable children. There are, moreover, some circumstances for children in Kenya for which the term vulnerable child would be imperative as we shall see.

**Work and Marginality**

Work involvements for children on the streets are not dissimilar overall from adults who make up the working poor in Nairobi. The *hua kali* (hot sun) informal sector includes adults and children. Observation of a busy street favored at lunchtime by street boys reveals a complexity of shared street space for gaining a livelihood. I noted in my observations,

Seated on the pavement beside one another along a main street, as well as along other streets, are shoeshine vendors and newspaper sellers. Walking about on the sidewalk and street are flower sellers and hawkers of radios, watches, flashlights, telephones, dust pans, magazines, fruits, and vegetables. This street, as do others, has stalls with used clothes for sale and kiosks where fruits and vegetables are sold. While standing amongst taxi drivers anxiously hailing potential customers, street boys attempt to earn money by guarding or washing parked cars, carrying packages for store patrons or begging (Kilbride, Suda and Njeru 2001: 71)

Still, such children do stand apart as a distinct social category both in their own minds and that of the public as well. For both boys and girls use of the glue bottle and public begging are visible to members of the public and tourists alike. These behaviors symbolize their negative status in the society at large, and for many are stereotypes that obscure the very real work that many children do, especially boys collecting garbage and other waste products for sale. For girls, survival sex is a major means of economic survival. Odegi-Awuondo writes that in Nairobi, scavenged garbage is used to make toilet rolls, exercise books, wrapping paper, and envelopes (1994: 45). He also reported that a large number of garbage collectors sleep on the streets and are in their opinion street children.

Mwangi (2008) considers work and in age an evolving street child label. He reports that the small city of Naivasha is divided into three zones based on age and that children,

...no longer went by the name of street children. ‘We regard ourselves as a street family due to our advanced age, he adds. This base is home to those aged 20 and above, the veterans of street life.’ Half are said to
have spent the better part of their lives there... The boys have started a robust dog selling business. They have more than 40 dogs that help them feed the group of over 30 lads (Daily Nation, 1/18/2008).

In Nairobi, children often share space with other beggars on the streets. We noted one day how one boy blended in with other well-dressed pedestrians heading to work, many of whom were dressed for jobs in Westlands’ stores and office. We observed further, along with street children,

...disabled men were also heading to Westlands this morning as they do daily to occupy their regular street locations where they beg. Some of these people include, among others, a blind man who comes each day by bus to stand near a popular bakery frequented by middle-class [people] of all nationalities. A limbless man is carried to his favored spot near an appliance store in front of which he sits on the sidewalk beside his money can... We discovered that begging children are sometimes seen as a threat by adult beggars and can be heard screaming at them (Kilbride, Suda and Njeru 2001).

We found that although street boys and girls do accept the public label of street child, they rarely think of themselves as such most of the time. Like people everywhere, they experience joys and sorrows, have nicknames, pets, career aspirations, family connections, lovers, and dreams of life after the streets. The street child label as an essentialized master status masks such behavioral complexity and personality diversity. Most importantly, most of the children in our study were not born on the streets, had a life before the streets, and will grow out of the label ‘street child.’

Cultural Marginality

A further problem with essentialized labels, including vulnerability, is that although marginal and stigmatized, in many ways children on the streets of Nairobi are culturally African like their counterparts in the wider society. Their marginality prevents them from actualizing many values shared with other Kenyans. They do, for example, organize harambee (let’s pull together) requests through respectful petitions on the streets to support such things as, for example, transportation costs and burial fees for fellow street children in rural locations. This is in keeping with a deep-seated, cultural value for a proper burial custom. Other values include a strong desire to have children for some and participation in food exchange networks whenever possible.

Street children are known as chokora, translated from Kiswahili as pokers at dustbins or garbage heaps in search of food and other valuables. An earlier generation of street boys was known as “parking boys,” named for their assistance in guarding and parking cars. Chokora as a verb in Kiswahili means “to pick” or “to poke.” Accordingly, Kenyans describe street children as ones who “grab inside” or “pull down,” as if from a dustbin or garbage can. One boy, for example, noted that, “What makes us chokora is that we always pick litter and go to rubbish pits in the process.” Chokora as a noun refers to a “kitchen boy,” one who does odd jobs. In either usage, an association with food is suggested. It is of interest that the Kiswahili term chokora and English phrase “parking boy” imply nothing about vulnerability or street residence, but draw attention to food deprivation and occupation. From a cultural point of view alienation from food exchanges is indeed a serious void for the children. Kinship relations and marriage practices, for example, highlight food sharing, redistribution and productive cooperation. Boys frequently visit their mothers in rural locations bringing with them sugar as a special gift.

Preoccupation with food was frequently observed in our ethnographic work. Comparing food problems with street sleeping, one street girl aptly stated in our focus group work, “You cannot sleep if you eat nothing.” It must be emphasized that street children, though marginal in food access, are smart in knowing where and when food is provided regularly by schedules given out to street children by churches and NGO’s. One girl, for example, regularly searches for food upon waking in her street space near the city market. She said, “When I go
there, I find things like potatoes, bananas and tomatoes. After that I look for a big tin, some pieces of paper, matches and do my cooking. When I need salt, I go to where they sell chips and I am given” (Kilbride, Suda and Njeru 2001: 113). Another girl, who sleeps near her, once reported a “longing” to eat rice, beans, bananas and passion fruits, but rarely having money for these luxuries. Girls with children beg or engage in survival sex to obtain money for their children’s food. We noted too that, “We were struck by the extent to which the child is integrated into the daily routine of his mother and also by the degree to which street girls report assistance from other street girls when they are pregnant or have children” (Kilbride, Suda and Njeru 2001: 117). Gifts of food are part of regular cooperative networks among the girls. Boys frequently purchase food on the streets or in outside market restaurants where traditional treats, such as mutura (Kikuyu sausage) or cow’s intestine can be purchased. Nevertheless, the dustbin is a major source of food for both boys and girls and as such symbolizes their cultural marginality.

R. Desjarlais states concerning marginality that for street children everywhere, “The common drawbacks of being homeless might be less in their perceived physical or phenomenal features, such as moving about, sleeping in the open, or lacking privacy from others than in being isolated, disaffiliated, and marginalized from the social, economic, and political worlds of others” (1997: 424).

Indeed, many children (and adults) in Kenya suffer frequent food deprivation especially during famines. In places like the Western Province there is a “hungry” season of about six months when maize has been eaten or sold off for cash (Cohen and Odhiambo 1989). It, therefore, would make little sense to speak of children on the streets as “the hungry,” vulnerable children to be assisted as such. Rather, they would benefit much better by programs to assist the hungry all over Kenya. Rural poverty is still the major impetus for urban migration, including by children. We found that Kenyan street children are preoccupied as much if not more with food anxiety, fears of police harassment and negative reactions to them from the public as they are from any sense of being “homeless” while on the streets.

Marginality from shared cultural values is the desire for some girls to have children. Doing so potentially provides a close connection to their pronatalist cultural context and is a social, psychological connection of significance for some of them. In our research, for example, we discovered one girl named Margaret, for example,

...has grown close to the youngest child in the first year of her life. Her younger child, a girl named Agnes after Margaret’s mother, provides Margaret with a chance to ‘keep my mother’s name alive by transferring it to my daughter.’ This attitude is, of course, consistent with our view that some street girls desire to have children for cultural reasons, and an attitude derived from... indigenous beliefs (Kilbride, Suda and Njeru 2001: 112).

The major reasons given by street girls for getting pregnant, however, are not only cultural. These include failure of men to use condoms, rape and “because babies are valuable in Kenyan culture and a baby will be someone who needs her and will give her a family to belong to. Babies facilitate more charity for both the mother and the child” (Mott and Kilbride 1999).

Ethnography: A Cultural Perspective on Vulnerability

After many years of research in East Africa, I began ethnographic research in Nairobi with most of the usual categories in mind, such as the “street child” and the “vulnerable child” with a long-term hope to somehow contribute to an improved life style for children who were seemingly so extremely victimized. After some years of summer field trips and some sabbatical time in Nairobi, I came to a better understanding of the complexities of classification and categorical assumptions concerning the children in my research. A cultural perspective enhanced by repeated visit ethnography in time put my assumptions to the test (Kilbride 2009).

I was understood at first by the children to be a humanitarian tourist, missionary priest or social
worker, all people who have assisted street children in significant ways. I was also a mzungu (white person) and in the Kenyan context was therefore assumed to be rich and a likely source for material reward. In a similar context, Cheney has spoken of her whiteness in Uganda as follows,

Another issue that distanced me from the children was being white. Ugandans regard whiteness with a deference that I honestly found alternately humbling, disconcerting, and advantageous. Mainly on the basis of encounters with missionaries and aid workers, they tend to perceive individual white people, especially Americans, as friendly, rich and generous (2007: 32).

I was able to respond to only some requests for food and clothes, but for many this was not enough. One boy who I befriended requested my Nike’s at the end of each summer, a practice I stopped after discovering that my shoes were converted into cash for glue after my departure. This awareness impressed on me the extent to which the well-meaning outsider is manipulated for material gain in the survival calculations at work on the streets. Such agency is not of course limited to only my situation as fellow foreigners reported requests for their shoes as well.

I was also an instrument of agency for children in more positive ways. A number of older children worked for me as translators, for example, in vernacular languages and life story collections. Assistance in census work, especially at night, was provided by some boys. One boy worked over several summers as a key informant-assistant with whom I regularly traveled the city. Others have spoken of the employment of children in research to better get at their voices about themselves, for example, and I strongly endorse this method (cf. James 2007; Panter-Brick 2003). Our research overall revealed the overwhelming extent to which both boys and girls desire work opportunities and technical education like most other Kenyans.

A repeated, ethnographic visit approach enabled me not only to discover the fate of my shoes, but to enable the children to better grasp by a long-term presence my goal to write a report (book) where their voices would be represented. In brief, my mzungu status allowed special access to the children, who often fear members of Kenyan society whom they believe may poison their food and other harmful actions.

Working with street children also helped me realize that my strong desire to “help” children seemingly so vulnerable was for better or worse a strong American cultural value. Swadener (Swadener, Kabiru and Njenga 2000) has written of her collaborative work with Kenyan colleagues in attempting to decolonize social science research. In her reflection on her cultural values, Swadener, like many Americans, wanted “fast” practical results in her research and applied activities. When such outcomes were infrequent or slow her “haste” was noted by the street children in Nairobi who come to refer to her as mamma haraka (fast mother).

Are there Vulnerable Children in Kenya?

While all street children are marginalized, other relatively harsh circumstances, like the streets in Kenya, also marginalize children from mainstream childhoods in family and community -- for example, children at work on plantations, house girls in exploitative homes, very young girls engaged in survival sex, begging children from refugee camps, and homeless migrants from politically-instigated violence (tribal clashes). The label “vulnerable” can be applied to some children in all these environments, but for others there is evidence for agency and resilience masked by the label vulnerable, though all are marginal as childhoods.

In Kenya, however, when one considers the “battered child,” he is almost always a “vulnerable child” given both harsh circumstances and no opportunity for resistance. In Kenya, such children are without exception considered to be vulnerable and at extreme risk. They are not socially marginal, but have crossed a threshold into a vulnerable status beyond their control. Even though we know that “child abuse” is sensitive to cultural definition (cf. Korbin 2003), the “battered child syndrome” everywhere including Kenya seems beyond culture so to speak, especially concerning infants in Kenya.
Kilbride and Kilbride report,

Bwibo, a Kenyan pediatrician, states, ‘Recent figures show that in 1980-81, twenty-one children with battered child syndrome were admitted to Kenyatta National Hospital, of whom five died’...Bwibo notes that victims...included: (1) ‘The babies of single mothers thrown along the road, dropped in pit latrines or dust bins, (2) the babies whose hands are burnt because they stole a piece of money from the homes’ (1990: 193).

Categories such as the vulnerable child, if categorically applied to street children in Kenya, agree with Panter-Brick who writes,

It has been forcefully argued that a portrayal of children as vulnerable, incompetent and relatively powerless in society...is deeply problematic. To present street children as helpless victims of social discrimination does little to recognize their remarkable initiative and ingenuity in coping with difficult circumstances. For this reason, research has shifted emphasis from portrayals of vulnerability and dependency to a discussion of children’s coping strategies in the face of adversity (2003: 156).

If the category “vulnerable child” is problematic to cover all children on the streets there are circumstances which are more or less problematic for children there. Life in a street environment, for example, is often not harsh for male children in Kenya, but it is almost always more harsh for girls. Aptekar and Ciano-Federoff write comparing girls with boys,

We suspected that an alternate situation exists for street girls. Generally, Kenyan mothers teach girls to cope with the difficulties of poverty by staying at home. Thus, if poor girls become street girls, we also hypothesize that, because their presence on the street stems from a breakdown in the family process, they would have more developmental and psychological problems than street boys (1997: 34-53).

The Persisting Street: Work and Gender

During a return visit to Kenya in 2008, some children in our earlier project were contacted for follow up information (cf. Kilbride 2010). Some of the boys are now men but remain on the streets. One has moved from being a street collector of waste products to a middleman who now buys discarded paper and metal items from boys for sale to recycling companies. He saved enough money to buy weighing scales needed for this, but he still needs money to buy paper waste and steel products from stores to sell in bulk as waste. Another man still collects but gets money for odd jobs and like the former, no longer sleeps on the street. Both are married and domiciled, cultural attributes of adulthood in Kenya. They are now members of the working poor adult status. A third man still collects garbage, begs, scavenges for food and occasionally shines shoes, but is not married and still is homeless.

My follow up work with girls was interrupted in Nairobi by election violence, but I did have a fortuitous encounter with a former informant. This has been reported elsewhere as follows,

One day, however, I did unexpectedly meet one of several girls described in our book while on a major highway slowed by rush hour traffic. As we waited, a woman about 30 (but who looked much older), knocked on our window to beg. It was Margaret who we had followed for several extended periods of time in the past. She greeted me. While after recognizing her, I was in a state of sadness and shock. Margaret was pregnant [yet] again, held a baby on her arm, and wore tattered clothes but despite rotted teeth had the same big smile as previously. She said after greeting me that she no longer gets help from NGO’s for
her children as she is now ‘too old’ (Kilbride 2010: 8).

In our book (Kilbride, Suda and Njeru 2001), we described Margaret (pseudonym), and then around 19, as a girl who scavenged for food, begged, and practiced survival sex. She had a three and a seven-year-old child then. Margaret is even worse off today, having more children to support and no sources of money beyond begging and prostitution. She can no longer get help from the NGO that assisted her before as a “street child” with children.

In 2008, I spent some weeks in Nyeri, a small city of about 200,000 people located 100 miles north of Nairobi. The major economic base there is agriculture, but there are, nevertheless, children on the streets, although fewer than in Nairobi or Nai-ivasha mentioned previously. Nyeri is much less developed than these two locations, not, for example, having sidewalks and many inhabitants who are demonstratively curious about wzungu, having seen few tourists. Children sometimes flocked after me while begging and shouting for money – sometimes in dramatic fashion. I observed this flocking response too, rare in Nairobi, when a wealthy local businessman parked his car. Research revealed that the collection and resale of waste products and frequent use of glue bottles were significant here as in Nairobi. Unlike Nairobi, there are very few street girls, all of my inquiries revealed that there are only four.

Extended work with one of these girls provided a glimpse into gender on the streets of Nyeri. The girls in Nairobi referred to above are all children “of” the street, sleeping there in contrast with children who have homes and survive “on” the streets. We found this distinction significant in our Nairobi project estimating that children “of” the streets (about 20-25%) were the most socially marginal. In Nyeri, Charity (pseudonym), on the other hand, is a girl “on” the streets, like the other three girls who live in rented rooms in a Nyeri slum. She shows considerable agency in her life style and successfully manipulates a “street girl” label as an adaptive strategy for survival like her counterparts in Nairobi sometimes do. Charity is in many ways socially marginal, but her overall circumstances are less harsh than those in Nairobi as seen above in the life of Margaret. Charity earns money by washing clothes and glasses in a pub, carries luggage at the bus station, and packages at the supermarket. She hangs out at a roundabout with street boys and does not beg but will accept money from “well wishers.” Charity collects waste, scrap metal and plastics on occasion like boys in Nyeri and Nairobi. She displayed the key to her rented room and spoke of a boyfriend and a recent negative HIV test, behaviors similar to other young women her age.

We first encountered Charity near a roundabout sniffing glue, a practice she later revealed prompted her to self-identity as a “street girl” due to peer pressure. She wants to marry one day and plans to become a hairdresser, if possible. She originally ended up on the streets after her mother’s death several years ago. Although Charity faces a challenging set of circumstances, nevertheless her agency comes through clearly in her words and actions. Her manipulation for advantage of the label “street” girl is notable. This is possible given a minimal amount of police and street child harassment compared to Nairobi (Human Rights Watch 1997). A more tolerant public makes Charity much more like a jua kali worker than the more vulnerable street girl Margaret as described above.

Street Girls: Culture and Class

Throughout Kenya in every city side by side with shanty neighborhoods, can be observed affluent, often gated communities with frequent signs such as mbwa kali (fierce dogs; beware). Displayed affluence, dogs, gates and other symbols of class status continue to mark Kenya as one of the most economically unequal countries in the world. “What’s striking about Nairobi is that each wealthy neighborhood lies cheek to jowl with a slum, remarks former MP Paul Muite. It’s almost like a twining arrangement. Poverty and wealth stare each other in the face” (Wrong 2009: 148). Bishop Kuria of the Church of the Provence of Kenya believes that there is enough wealth already in Kenya to uplift the standards of Kenya’s disadvantaged, including street children (cf. Kilbride, Suda and Njeru 2001).

Population growth and lagging infrastructural
development, especially in rural areas, often through corruption, combine to produce new generations of child migrants to urban areas in search of a better life. Urban decay offers little solace for its migrants where living conditions are often worse off than in rural areas. Many infants and small children from urban slums are living with their street children parents. Social class, much more than the category “disadvantaged child,” is a robust, universal, analytical category of real potential benefit for a useful understanding of children on the streets.

Concerning work alone, efforts to assist all members of the working poor understood here as urban and powerless will benefit even children who are marginal among them within the jua kali sector of the economy.

Gender intersects with social class such that street girls are at the bottom of the Kenyan status hierarchy, a hierarchy where on the whole men are advantaged over women in many areas of public and family life (cf. Kilbride and Kilbride 1990). Nevertheless, many women in the upper strata of the population frequently characterized as the wealthiest 10 percent in Kenya enjoy numerous advantages compared to men in the jua kali sector. A social class perspective is thus useful along with a cultural one to best understand the social situation of Kenyan children on the streets. Culture, gender and class together analytically converge to best inform our understanding of children living there.

A historical perspective, moreover, is crucial in understanding this interaction. Ortner (2003), in her research on American gender disparities in late capitalist circumstances, applies her paradigm of agency, gender, class, and cultural schemes in a historical perspective I find useful in Kenya. She examines life outcomes from her New Jersey high school class (1953), taking into account how social class mobility played out in the American cultural ideology of “success.” Historically, the anti-war, civil rights movement, and feminism were key cultural/political/ideological movements that impacted directly the lives of women in her study.

Concerning cultural values in Kenya, an extended family model often contrasts sharply with the western emphasis on individualism and the nuclear family (cf. Kilbride and Kilbride 1990; Suda 2007) to best understand changing gender dynamics. Girls on the streets or those who become pregnant while in school and are expelled with drastic consequences for them and their families (cf. Kilbride 1992) would shock a previous generation of Kenyans as investigated by Wagner in the 1930s. Writing about Abaluyia of western Kenya, he noted the importance of having children for both men and women. So strongly was fertility emphasized that a girl could insure her chances of marriage by first becoming pregnant. He reported, “When I asked some elderly pagans whether pregnancy or the birth of an illegitimate child would decrease a girl’s chances to find a husband, they seemed genuinely surprised at my question...They merely indicated that such a girl would marry soon as she would no longer care to reject suitors” (1949: 381).

Street girls who get pregnant are sometimes exercising their agency in a still favorable national, prenatal cultural context, but one where changed social and economic circumstances no longer provide support for these values. For Kenyans from all walks of life, it is still generally true that,

The importance of marriage and procreation in traditional Africa cannot be overemphasized...the transmission of human life was one of the most important values, if not the most important value of society...to be alive, to be a person, one had to generate children biologically (Shorter and Onyancha 1999: 27).

In conclusion, I have briefly illustrated here a theoretical perspective drawn from anthropology which is helpful in moving our understanding of children on the streets not only from their marginal position in Kenya, but also from the periphery of anthropological theory. Movement towards the disciplinary center, a vision recently advocated by James (2007) is intended here not only for those not specializing in childhood studies, the vast majority, but also for those that do. A holistic, theoretical perspective emphasizing context and circumstances, I hope, makes this point.
Author Biography

Philip L. Kilbride has taught at Bryn Mawr College since 1969. His continuing ethnographic research in East Africa focuses on family studies, childhood, and social change and he has also published on the Irish living in Kenya. Most recently, he has considered the plight of children on the streets in Kenyan cities. This work includes collaborative projects with Kenyan colleagues.

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Social Change and the Legal Construction of Child Soldier Recruitment in the Special Court for Sierra Leone

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Abstract

Concern over the recruitment of child soldiers in armed conflicts has grown over the last decades. While public advocacy and media attention tend to focus public attention on the most egregious cases of child recruitment, emerging international law has actually had a more profound effect on the relationship between children and the military. What began as a relatively narrow concern with protecting children under 15 years old who served as combatants in armed forces and armed groups has evolved into an international effort to sever a broad range of connections between all persons under 18 years old and the military. Indeed, the entire legal concept of the “child soldier” has evolved to encompass a greater number of children engaged in a wider variety of activities than was previously the case.

The drive to create a universal legal and moral standard has trumped any concerns about local understandings of child soldiers, which are treated not as legitimate expressions of local culture but rather as deviant and inhumane practices under international law. International humanitarian law is not merely ethnocentric; it is indeed intentionally ethnocentric. Its concern is not to respect local norms but rather to systematically alter them. The drafters who crafted the language of the first international treaty that barred the recruitment of children under 15 years old were keenly aware of significant cross-cultural variation in the ages of childhood, youth and adulthood. But their view that the participation of children and adolescents in combat was an “inhumane practice” made such considerations irrelevant. An examination of the development of international law and its application in Sierra Leone shows that as international law develops an increasingly expanded concept of the child soldier, the disjunction between the normative aspirations of law and the reality of local practice continues to grow.

The presence of child soldiers in armed conflicts has a long history. In more recent decades, however, it has received prominent attention, especially in Africa, where it is frequently seen as a particularly heinous aspect of modern warfare. Attempts to end the use of child soldiers have involved both sustained advocacy by a wide variety of humanitarian and children’s rights groups and the refashioning of the laws of war (international humanitarian law) and international agreements concerning children’s rights. While public advocacy and media attention tend to focus public attention on the most egregious cases of child recruitment, emerging international law has actually had a more profound effect on the relationship between children and the military. What began as a relatively narrow concern with protecting children under 15 years old who served as combatants in armed forces and armed
groups has evolved into an international effort to sever a broad range of connections between all persons under 18 years old and the military. Indeed, the entire legal concept of the “child soldier” has evolved to encompass a greater number of children engaged in a wider variety of activities than was previously the case.

The rhetoric about recruiting child soldiers remains heated and sharp, both within advocacy groups and in the popular imagination (Rosen 2005, 2009a). Recruiters of children are almost invariably described as criminal deviants. Using children as soldiers, says Carol Bellamy, Executive Director of the United Nations Children’s Fund (UNICEF) from 1995-2005, should be “an illegal and morally reprehensible practice that has no place in civilized societies” (UNICEF 2002a). This statement clearly reflects the goal of UNICEF and many other humanitarian and human rights organizations to eliminate the use of anyone under the age of 18 in the military. UNICEF’s view, which is no doubt shared by many in the West, is that recruiters of child soldiers are evil-doers engaged in a practice that is both illegal and immoral. While these groups sometimes acknowledge that economic and structural issues underlie the use of children as soldiers, they generally see the problem of recruitment of child soldiers as primarily deriving from the actions of abusive and corrupt adults who bring harm to innocent and vulnerable children.

This rhetorical model is designed primarily to affix blame and assign criminal culpability under international law. But it is also a narrative that is located within a broader discourse about the inherent vulnerability of children. Like the child laborer, child bride, or child prostitute, the child-soldier exists as a category because of the assumption that children are inherently vulnerable and dependent — and thus require protection through the wide scale intervention of the international community. The growth of this interventionist perspective can be seen in the fact that while advocacy developed in response to the worst-case scenarios of using force against children, the emerging law now reflects a broad-based social policy that is designed to create a wall of separation between children and the military.

The international law underlying the trials of recruiters in Sierra Leone has been criticized for failing to take into account alternative cultural constructions of childhood and child soldiering in Sierra Leone (Kelsall 2009). At the heart of this criticism is the charge that international humanitarian law is ethnocentric, and therefore does not allow for constructions of childhood that encompass different understandings of the age at which children become adults, as well as alternative accounts of the rights and duties of children. How could international law take into account, for example, local traditional notions that for boys the transition to manhood might necessarily involve participating in protecting the community as warriors?

This use of the law to create social change dominates the development of laws regarding child soldiers. Law has emerged as a form of broader advocacy for children, and in this context, whether or not actual force is used in the recruitment of children has only limited legal relevance. Humanitarian, human rights, and other advocacy groups that seek to ban the use of child soldiers have defined child soldiers as persons under age 18 who have been recruited or used by an armed force or armed group in any capacity (UNICEF 1997). Under widely accepted human rights and humanitarian principles, child soldiers are regarded as victims of war, even when they themselves may have been responsible for committing terrible war crimes (UNICEF 2007). The need to offer an umbrella of protection to child soldiers has dominated humanitarian, human rights and legal discourse (Silva 2008). The Office of the Special Representative of the Secretary-General for Children and Armed Conflict asserts that, “children are uniquely vulnerable to military recruitment and manipulation into violence because they are innocent and impressionable” (UN 2010, 1) From this perspective, the essential characteristic of a child soldier is that he or she is a victim whose long-term physical and psychological well-being has been severely compromised.

Although advocates for the ban on child soldiers focus on age 18, the emerging international legal consensus has been to impose criminal penalties upon recruiters of child soldiers under age 15 (Rosen 2009b). The 1998 Rome Statute of the International Criminal Court, for example, makes it a
nearly universally accepted war crime for any national army, armed force or group to conscript or enlist children under the age of 15 or to use them to actively participate in hostilities (International Criminal Court 1998, Article 8 (2)). In reference to a more specific conflict, the Statute of the Special Court for Sierra Leone also criminalized the recruitment of child soldiers below age 15 (Special Court Statute 2002, Article 4(c)). The Special Court was created in the aftermath of the civil war in Sierra Leone (1991-2001) to deal with the large number of war crimes and atrocities that took place during the conflict. Its statutory provisions regarding child soldiers are identical to those of the Rome Statute that relate to conflicts which are not of an international character. In an important decision, the Appeals Chamber of the Special Court has also ruled that recruiting children under age 15 is a crime under international customary law, and thus the prohibition is universally binding upon all nations and persons (Prosecutor v Norman 2004). Cases involving child soldiers are also before the International Criminal Court, although all but one are in pre-trial stages. The trial of Thomas Lugbanga Dyilo, a rebel leader in the Democratic Republic of the Congo, focuses exclusively on the recruitment of child soldiers, but it has been suspended by the court at this point in time (Prosecutor v. Dyilo 2006).

Virtually all discussions of child soldiers are framed by the assumption that adults are abusers of innocent children when they recruit them as soldiers. The UNICEF report “Adult Wars, Child Soldiers,” metaphorically links the problem of child soldiers to the worst forms of child sexual abuse such as sex trafficking or child pornography (UNICEF 2002b). It offers a model of criminality in which unscrupulous adults exploit immature, innocent and impressionable children. Child soldiers are frequently described as “used,” “manipulated,” or “cheap and disposable” (Youth Advocate Program International 2004). The latter term likens them to cheap modern goods and products – disposable cameras, razors, plastic cups, wristbands – that are easily consumed and discarded. Children are also frequently described as “cannon fodder.” Historically, critics of war have often used the term “cannon fodder” to describe raw, untrained recruits, both young and old, who were deemed expendable in the face of enemy fire. But more recently the term has been seen as especially applicable to child soldiers, who have sometimes been described as “the cannon fodder of choice” (Masland 2002). Both advocacy literature and media accounts routinely refer to child soldiers as having been “programmed,” in the sense of being trained to function like robots or members of a cult. They are said to be “programmed to kill,” “programmed to lie about their age;” they are said to be “programmed to develop a mindset that resists any acknowledgment of injury and sickness, be it physical or psychological” (Jamail 2009). The general polemical position advanced by advocacy groups is that at the heart of the child soldier problem is the adults’ use of actual force – often horrific force – in the recruitment and use of child soldiers. The legal effect of this assumption about the use of force works in two ways: it serves to allocate criminal liability to child recruiters, but it also relieves child soldiers themselves of any moral or legally relevant agency. All their actions, no matter how criminal or heinous, are attributed back to the adults who recruited them. But the question remains as to the appropriateness of completely relieving children of all culpability as virtually no system of criminal or juvenile justice in the world takes such a radical position.

The Special Court for Sierra Leone: Expanding the Concept of forced recruitment

The issue of force was central to the NGO campaign against the recruitment of child soldiers, but the statutory frameworks of the International Criminal Court and the Special Court for Sierra Leone make clear that actual force is not a necessary legal element of the law against the recruitment, enlistment and use of child soldiers. In its place, the court uses the legal idea of “constructive” force, in which force is imputed as a matter of law and social policy. The presumed vulnerability of the child, together with its legal correlate that the child lacks any legally relevant agency or competency, substitutes for actual force.
At this point, the Special Court for Sierra Leone has been the only judicial venue in which convictions for recruiting child soldiers have been obtained. Accordingly, it is the only judicial venue in which judicial decision making can be explored. The Statute of the Special Court explicitly prohibits the use of child soldiers. It specifically prohibits “conscripting or enlisting children under the age of 15 years into armed forces or armed groups using them to participate actively in hostilities (Special Court Statute 2002, Article 4(c)).” The language of the Special Court Statute parallels that of the Rome Statute of the International Criminal Court.

The Special Court Statute makes distinctions between enlistment, conscription, and “using” children to “participate actively in hostilities.” The purpose of the statute is to ensure that it makes recruitment of children illegal whether that recruitment is voluntary or forced. The prohibition against “using” children to “participate actively in hostilities” has generally meant a prohibition against direct participation in combat, as well as active participation in military activities linked to combat, including scouting, spying, sabotage and the use of children as decoys, couriers or at military checkpoints. It also prohibits using children in a direct support function, such as acting as bearers to take supplies to the front line, or activities at the front line itself. However, the statute specifically excludes activities that are clearly unrelated to the hostilities, such as food deliveries to an airbase or their use as domestic staff in an officer’s married accommodation (Heller 2000).

At the Special Court for Sierra Leone, separate Trial Chambers were established to try the principal leaders of the contending forces during the civil war. These included the leaders of the rebel forces of the Revolutionary United Front [RUF]; the Armed Forces Revolutionary Council [AFRC], a military junta in league with the RUF; and the Civil Defense Forces [CDF], groups of local militia, usually called Kamajors, that fought to restore the lawfully elected government of Sierra Leone and played decisive military and political roles during the war (Hirsch 2001). An additional Trial Chamber was established to try former Liberian President Charles Taylor for his involvement in the war (Prosecutor v. Taylor 2003). All were charged with “conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities” (Special Court Statute Article 4 (c)).

The issue of actual force was central to the conviction of the RUF and AFRC leaders. They were convicted on the basis of evidence that showed they forcibly abducted children of a wide variety of ages. Both the RUF and AFRC factions were guilty of some of the most egregious war crimes in recent history; the abduction of children was only part of a broader pattern of atrocities (Rapp 2008). As the Trial Chamber in the AFRC case stated, “the only method described in the evidence is abduction” (Prosecutor v. Brima 2007, par. ¶ 275). As the Trial Chamber in the RUF cases made clear, abduction is easily encompassed by the statute; it is a form of forced conscription (Prosecutor v. Sesay 2009). Moreover, there is considerable ethnographic evidence that force and abuse played an important role in RUF recruitment (Denov 2009). By contrast, the CDF cases were more problematic, since it appeared that large numbers of children voluntarily enlisted in the Kamajors and were involved in fighting in the defence of their homes and villages against a particularly ruthless rebel force. The question was whether this also would be legally construed as forced recruitment.

The three CDF defendants were Samuel Hinga Norman, Sierra Leone Minister of Defense, and the founder of the Kamajors militia; Moinina Fofana, one of the leading generals in the Kamajors militia; and Allieu Kondewa, an important military leader who was also described as the “High Priest” of the Kamajors for his control over the religious dimensions of CDF recruitment. Norman died during the course of the trial Kondewa and Fofana were convicted of a number of war crimes. Fofana, however, was acquitted by the Trial Chamber of the charges of recruiting child soldiers. Kondewa was initially convicted by the trial court of recruiting child soldiers, but this verdict was later reversed on appeal. Though Kondewa was acquitted, both the trial court and the appeals court levels of the Special Court grappled with the statutory distinctions between conscription, enlistment, and use of child soldiers.
Kondewa’s appeal of his conviction, in particular, gave the Appeals Chamber the opportunity to define the meaning of enlistment under the statute. He was in charge of initiating recruits, including child soldiers, into the Kamajors, a term in the Mende language of southern Sierra Leone meaning “hunter” or “traditional hunter.” Because of this traditional gloss of the term Kamajors, a key question before both the Trial and the Appeals Chamber was whether initiation into the Kamajors constituted military enlistment per se under the statute. This was a difficult issue to decide because local units of the CDF evolved from village associations of hunters that were not necessarily military in nature (Ferme and Hoffman 2004).

The history of Sierra Leonean youngsters’ involvement in war lends support to this criticism. The traditional cultures of Sierra Leone, as in many areas of West Africa, abound with secret societies and associations. Some, like the all-male Poro society or the all-female Bundu or Sande societies, initiate virtually all adolescent boys and girls into their secret rites and rituals. Initiation involves highly orchestrated and elaborate initiation rights (Ferme 2001; Little 1951, 1965). Once initiated into these societies, children were generally regarded as adults. In the past, there were no exact chronological dates that determined when boys became men or girls became women. There were no calendars or birth certificates. Instead people relied upon external signs of mental and physical maturity. As a result, the locally defined category of “adults” included many persons who in Western societies or under international law would be regarded as children, especially if age 18 is deemed the marker of this transition (as is the case in the Convention of the Rights of the Child).

In Sierra Leone, it was commonly understood that for boys, becoming a man necessarily involved participating in protecting the community as a warrior. There were no separate and permanent military institutions. Warfare involved mobilizing all eligible men, that is to say all persons who were members of the Poro. In this light, initiation into the Poro was not necessarily tantamount to immediately joining a military group, although it could be if there were existing conflicts. The members of the Poro could be rapidly mobilized as a military force. The youngest of these young persons, sometimes called “war sparrows,” fought alongside more seasoned warriors (Little 1951, 35). The military functions of the Poro were particularly associated with the resistance to British colonial rule during the so-called Hut Tax War at the end of the 19th century. All this suggests that from a local perspective it might not seem deviant or even unreasonable to recruit children for the Kamajors. Clearly, the court faced the problem of interpreting forms of social organization with which it was entirely unfamiliar.

But it is crucial to keep in mind that international humanitarian law is not merely ethnocentric, it is indeed intentionally ethnocentric. Its concern is not to respect local norms, but rather to systematically alter them. The evidence for this is clear in the entire history of statutory construction over the recruitment of child soldiers. The drafters who crafted the language of the first international treaty that barred the recruitment of under 15 year olds (i.e. the 1977 Additional Protocols to the 1949 Geneva Conventions) were keenly aware of significant cross-cultural variation in the ages of childhood, youth and adulthood. But their view that the participation of children and adolescents in combat was an “inhumane practice” made such considerations irrelevant (International Committee of the Red Cross 1987, par. ¶ 3183). The drive to create a universal moral standard trumped any concerns about local understandings of childhood, which are treated not as legitimate expressions of local culture but rather as deviant and inhumane practices under international law. The drafters’ only concern was that age 15 seem “reasonable” to members of civil society, and they excluded any concern as to what might seem reasonable in local practice (International Committee of the Red Cross 1987, ¶ 3179). Accordingly, courts have a powerful incentive to avoid grappling with cultural issues, essentially perceiving them as irrelevant or as a threat to the implementation of international law. the implementation of international law.

This perspective is evidenced by the CDF trials in Sierra Leone, where the trial court tried to grapple with the issue of culture, but its analysis was rejected in the Appeals Chamber. The Kamajors arose
in many parts of Sierra Leone as prominent defenders of local communities against the forces of the RUF. Recruitment into the Kamajors was modelled on the rituals and forms of mobilization associated with the Poro society. They were, in fact, based upon associations of hunters, who themselves were members of Poro and probably had distinctive rites and rituals tied to initiation into membership. They are probably best regarded as a subset of Poro members (Fanthorp, 2007). There is strong historical and ethnographic evidence that the emergence of the Kamajors during the civil war involved a rapid transformation of local hunters, first into military scouts, and finally into the organized civil militia of the CDF (Ferme and Hoffman 2004, 73) As in the Poro, membership in the Kamajors was tied to formal and elaborate forms of ritual initiation. However, these rituals lent the aura of tradition to forms of military organization that were increasingly professional, urban, and highly integrated into the Sierra Leone government and military (Ferme and Hoffman 2004, 77). So in the end, unlike the Poro, initiation into the ranks of the Kamajors really signified membership in a distinctly modern military structure, in which most of the initiated were not traditional hunters (Ferme and Hoffman 2004, 77). Nevertheless, given the modes of recruitment, the Trial Chamber had difficulty deciding whether the age of initiation was clearly proven and whether initiation per se into the Kamajors constituted recruitment into a group of traditional hunters or enlistment into a modern militia.

The Trial Chamber heard testimony from three former child soldiers, but in convicting Kondewa it relied solely upon the testimony of one of them, witness TF2-021. The witness first became a child soldier at nine years old when he was abducted by the rebel forces of the RUF in 1995. He remained with the rebels until 1997, when he was captured by the Kamajors. Immediately after his capture, the Kamajors required him to help carry property that had been looted in a Kamajors attack. Following this he was initiated into the Kamajors at Base Zero, the main base of the Kamajors fighting groups, just north of the town of Kenema, in territory controlled by the Kamajors. The witness testified that he was eleven when he and about twenty other young boys were initiated by Kondewa. Later, at thirteen, he was also initiated into another group of the Kamajors identified as the so-called Avondo society, a group allegedly directly led by Kondewa (Prosecutor v. Fofana 2004, 33-34, 87-87, 91-96).

In the Sentencing Judgment, the Trial Chamber noted the particular vulnerability of the witness and of child soldiers more generally, although there appears to have been no evidence introduced on this point, and it was merely the unsupported dictum of the court. Nevertheless, citing the commentary of the International Committee of the Red Cross, the Trial Chamber stated, “child soldiers are deprived of a family, deprived of an education, and all the advantages that would otherwise help them be children and prepare them for adulthood,” and asserted that, “child soldiers will suffer deep trauma, which persists long after the fighting has stopped” (Prosecutor v. Fofana 2007, par. ¶55). The Court further determined that an aggravating factor in Kondewa’s sentencing was his role as “High Priest” of the Kamajors, a position that placed him in charge of initiations and played an essential role in the leadership of the CDF (Prosecutor v. Fofana 2007, par. ¶61).

In dealing with the cultural challenges posed in the interpretation of initiations into the Kamajors, the trial court determined that initiation into the Kamajors did not necessarily mean enlistment. Trying to navigate unfamiliar cultural terrain, the court implicitly accepted that idea that the Kamajors were, in fact, a society of “traditional hunters.” Opining that parents might want to have their children initiated into the Kamajors for reasons other than enlistment, the trial court held that it was necessary to examine the totality of the factual circumstances around any particular initiation in order to determine whether an initiation constituted a form of enlistment (Prosecutor v. Fofana 2007, par. ¶970). Based on this factual examination, the Court found that the initiation by Kondewa of TF2-021, in fact, constituted enlistment. The court determined that the fact that initiates were given potions to rub on their bodies before going into battle, were told that the potions would make them strong, were given military training, and were sent into battle, proved beyond a reasonable doubt that the
The initiation of TF2-021 was an act analogous to enlistment into the military (Prosecutor v. Fofana 2007, par. ¶ 970).

The Appeals Chamber dismissed this entire approach to the problem and acquitted Kondewa. Ignoring the Trial Chamber’s legal analysis of initiations, it reversed Kondewa’s conviction on the grounds that TF2-021 had actually been recruited and enlisted prior to his initiation (Prosecutor v. Fofana 2008, par. ¶142). Looking back to events immediately after TF2-021 was captured by the Kamajors, the court pinpointed the moment that he carried looted property for the Kamajors as his “enlistment.”

Here it is useful to directly examine the testimony on which the Appeals Chamber relied. In his testimony, witness TF2-021 recounted his capture by the Kamajors after the attack on the village of Ngeihun:

Q. What events did you see in Ngeihun while you were staying with the rebels?
A. Well, when I was with the rebels, Kamajors came and attacked the village.
Q. How did you know that they were Kamajors who attacked the village?
A. Well, after they attacked the village, they captured seven of us little boys.
Q. When did this attack occur?
A. Well, from 1997 to 1998 – by then AFRC was in power.
Q. What happened when the Kamajors attacked the town?
A. When they attacked the town, they captured seven of us little boys with three women.
Q. How old were the little boys?
A. We were all in the same age group. There was only one that was older.
Q. How old was the one who was older?
A. He was 15 years of age.
Q. What happened to the three women who were captured with you?
A. When they captured us in the town, we were gathered together in one place, they entered the huts and looted some properties and brought them outside and then set some houses ablaze and the things that they looted, they gave some to us to carry on our heads. They said we should come down to Kenema. On our way to Kenema the three women that were captured --

PRESIDING JUDGE: Not too fast.
MS PARMAR:
Q. Witness, I’ll ask you again to go slowly so that everyone can follow what you’re telling us.
PRESIDING JUDGE: You said they gave them the looted property to carry – to where, to Kenema? Take it from there, please.
MS PARMAR:
Q. Witness, what type of properties did you carry?
A. Well, the properties I saw were tape and some clothes – some clothing, some seed rice. That was what they gave to us to carry (Prosecutor v. Fofana 2004, 33-34).

It was these events, which took place before TF2-021’s initiation, that the CDF Appeals Chamber ruled constituted “enlistment” into the CDF. The actions described in this testimony show that the witness, a captured enemy child combatant, bore looted property as the Kamajors militia were retreatting out of the town of Ngeihun in Kono District away from hostilities and back toward the town of Kenema, the CDF stronghold. From the evidence it appeared that this act was not forced conscription. Moreover, it also did not appear to constitute “use” under the statute, which requires a connection to active participation in hostilities. Moreover, even though the abduction of civilians and forcing them to carry looted property is a well-established independent war crime, it is generally not regarded as form of recruitment when applied to adults (Prosecutor v. Otti 2005, par. ¶18). In labeling this fact pattern a form of enlistment, the court seems to be widening the range of culpable connections between children and the military.

It seems clear that the Appeals Chamber did not want to address any of the cultural issues tackled by the Trial Chamber. It seemed to reject the idea that each and every instance of initiation into the Kamajors might require a factual interpretation of the totality totality of the circumstances to determine whether it was initiation or recruitment. Instead, it seemed to want to find a bright line that would establish whether TF2-021 was recruited. There could
be no mistake of the fact that TF2-021 was below age 15. By holding that he was “enlisted” when he carried rice to Kenema, the court could avoid the controversy over whether initiation constituted enlistment, but the court’s position also resulted in reversing Kondewa’s conviction. For clearly if TF2-021 was recruited when he was captured, he became a Kamajors long before his so called “enlistment” by Kondewa. Accordingly, the Appeals Chamber vacated Kondewa’s conviction. It held that these very first actions performed by the witness for the CDF long before his formal initiation constituted enlistment.

The implications of the court’s decision go far beyond this case, however, because in making this ruling it also expanded the legal definition of enlistment as applied to armed groups. The Appeals Chamber initially stressed that the different modes of recruitment detailed in the statute were distinct from each other (Prosecutor v. Fofana 2008, para. ¶139). Citing the AFRC Trial Judgment, it defined enlistment as “accepting and enrolling individuals when they volunteer to join an armed force or group” (Prosecutor v. Fofana 2008, par. ¶140). But the Appeals Chamber immediately disregarded these distinctions, holding “the act of enlisting presupposes that the individual in question voluntarily consented to be part of the armed force or group. However, where a child under the age of 15 years is allowed to voluntarily join an armed force or group, his or her consent is not a valid defence” (Prosecutor v. Fofana 2008, par. ¶140). The Appeals Chamber further stated that “in the context of this case, in which the armed group is not a conventional military organization, enlistment cannot be defined as a formal process. The Appeals Chamber regards ‘enlistment’ in the broad sense as including any conduct accepting the child as part of the militia” (Prosecutor v. Fofana 2008, par. ¶144).

The court’s reading of the statute expands adult culpability by expanding the definition of child soldier. Its interpretation of the idea of enlistment constitutes a very broad reading of a criminal statute. The statute clearly distinguishes between three different forms of culpability: 1) Conscription refers to involuntary recruitment involving the use of force or threat of force; 2) Enlistment, which may be subjectively voluntary and consensual on the part of the child but which is deemed “involuntary” and “non-consensual” as a matter of law by virtue of the child’s age; and 3) “Use,” which requires a nexus to active participation in hostilities. By redefining enlistment as “any conduct accepting the child as part of the militia,” the court seems to be saying that virtually any “use” of a child by an armed group, including that which falls far short of any connection to hostilities, will now constitute the war crime of enlistment. Moreover, the phrase “any conduct” makes clear that force is not a central element of the crime and that the crime encompasses a wide variety of activities in which children subjectively participate as volunteers. The court’s decision creates an ever-widening prohibition against involving children in armed groups. This very broad reading of the criminal statute by an international court applies to all armed groups, even those that are lawful combatants allied with a national government. It remains to be seen whether this standard will be applied to state level armed forces.

Legal attempts to eliminate the use of child soldiers are part of a social movement to create a universal system of rights for children. The Special Court’s holding makes it hard to imagine that any kind of activities in which a child might engage in connection with armed groups would not be deemed criminal. This will be especially true for rebels and armed groups, which have often relied on young people. While the advocacy rhetoric about child soldiers has focused on the worst cases, the most substantive changes in the international response to the use of children as soldiers are being seen in the legal decisions that are building a wall that separates children and armed groups. Here we clearly see the intent of using the law as a tool to bring about directed social change on an international scale. It is, however, by no means clear how this normative legal approach will actually affect child recruitment, especially if it assumed that the presence of children in the military stems from a complex array of cultural, social and structural factors rather than simply from the decisions of nefarious adult recruiters. This suggests a continuing disjunction between the aspirations of international law and the realities of local practice.
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