From Combatant to Casualty

Challenging Conceptions of Children's Political Agency in Colombia

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Thesis Submitted for Fulfilment of the Requirements for the Degree of Doctor of

Philosophy

March 2018

ABSTRACT

This project aims to advance understandings of children as political agents. Children are emerging as complex political actors in global conflicts. Their ambiguous roles on the battlefield pose important questions about their positioning in post-conflict society, particularly through mechanisms of transitional justice. Despite this, there is a lack of scholarly engagement with the question of the political agency of children in post-conflict societies. Of particular concern is how social constructs of "children" and "childhood" prevent those who are under 18 from receiving the support they need to be viewed as legitimate political actors. Child actors are thus not acknowledged in their own terms. Rather their roles as actors are framed through the conceptualisation and context of an adult world that is not designed to, nor has made space for, understanding their political agency. Due to a lack of self-determination and self-definition, a disabling combination, children have been left vulnerable to exploitation and ultimately a denial of political agency. Instead, children exist within a narrow framework defined by cultural and social expectations that prohibit them from partaking in activities considered 'adult.' When war causes the child to act outside of familiar social frameworks, they become misunderstood, misrepresented, and ultimately marginalised. This thesis examines the overarching international approach towards the child actor through the United Nations Convention on the Rights of the Child (UNCRC). It investigates the way the UNCRC creates a prescriptive understanding of children and childhood, drawn from a European history of ideas. The thesis identifies three pairs of themes that position the child's identity: citizenship and agency, innocence and immaturity, education and labour. The case of Colombia is then used to assess the impact of framing the child in this way. By examining the role of children in an environment of conflict and transition to post-conflict, the thesis investigates the international discourse on the child. The context of conflict and post-conflict enables an analysis of the roles that children assume that appear contrary to the identity outlined within the UNCRC. This tension between the international discourse on the child and the framework of Colombian discourse affects the security of children in vulnerable positions. The thesis concludes by contesting dominating discourses on children within the international arena and explores the positive implications of positioning the child with greater political agency.

DEDICATION

This thesis is dedicated to my family, who have supported and loved me unreservedly and unconditionally. And for my husband, who was worth waiting for.

ACKNOWLEDGEMENTS

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CHAPTER 1

Conceptualising the Political Agency of the Child Actor

Introduction

On the morning of the 10th of July 1999, members of the FARC (Revolutionary Armed Forces of Colombia)[1] began an attack on Puerto Lleras Police Station in Colombia (El Tiempo, 1999b). The attack had been anticipated, and the previous evening residents had closed up and taken refuge in homes. The rural town of Puerto Lleras is situated next to the river Ariari in the municipality of Meta, in central Colombia. The district adjoins Cundinamarca, the municipality of the capital city, Bogota. As the focus of the hostilities, the police station was besieged and for the next thirty-six hours police officers fought to repel the assault. This assault was part of a widespread strategic effort from the FARC, which had begun two days previously. From the 8th of July, the FARC had carried out attacks in thirteen of the thirty-two municipalities across Colombia as part of an attempt to strengthen their position in potential negotiations with the government (El Mundo, 1999). Consequentially, the Colombian army arrived a day and a half later to Puerto Lleras, which had been extensively damaged. As the army forced the withdrawal of the FARC troops, these guerrilla soldiers retreated and began making their way towards a large FARC-held territory in the south of Colombia, known as the 'détente' zone (illegally-held zone). When the Colombian army detected this corridor of two hundred FARC soldiers, they immediately launched a counter-assault. As the FARC scattered, many were killed.

On the 13th of July, the first 30 bodies were brought to the Pantano de Vargas battalion facility in Granada, Meta. It transpired that half of those killed, 15 bodies, were children (El Tiempo, 1999c). Other bodies were recovered where it was impossible to tell the age, or even gender, of the remains. Additionally, surviving FARC had concealed an unknown

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[1] The FARC (Fuerzas Armadas Revolucionarias de Colombia: Revolutionary Armed Forces of Colombia) are a guerrilla movement that formed in 1964 in Colombia. The group is based on Marxist-Leninist ideology and came together in the wake of *La Violencia* (The Violence, 1948-58). The ten-year conflict was a civil war between left and right-wing political movements. When the right-wing eventually gained control, the FARC later formed as a resistance movement. On 24th of November 2016, the Colombian government and the FARC signed a peace accord, marking an end to the conflict.

number of bodies, killed FARC members, in an attempt to diminish a government 'victory'. It is not known how many of those bodies were also children.

Figure 1: Picture taken in 1999 of the bodies laid out at Pantano de Vargas battalion facility in Granada (Meta). Source: El Tiempo, 1999c.

The aftermath of an event such as this demonstrates the complexities surrounding children and their category as complex political actors in global conflicts. The involvement of children in the brutal assault described above, requires a response to questions surrounding children's political agency, and the very perception of the category of childhood itself.

This event illustrates, firstly, the lack of clarity around the roles children assume when they are in environments that are considered non-conventional spaces for children to occupy, such as in conflict. Their ambiguous roles on the battlefield provide a backdrop against which to pose important questions about the political agency of children. As children assume roles in conflict, it questions the boundary lines that are drawn around their identity, both internationally, as well as on a local level. These boundaries in turn impact how children are positioned, not only in active combat, but also in post-conflict society, particularly through mechanisms of transitional justice. However, questions surrounding the position of children as political agents transcend the battlefield and post-conflict reconstruction, and challenge other roles where children are enacting a political agency that goes beyond the boundaries of the identity set for them.

The lack of clarity around the roles that children assume in conflict was reflected in the coverage of the event at the time. When the deaths were reported in the national press after the assault, there was no mention of the ages of those who were killed. Those soldiers who were below the legal age to engage in combat (under international and Colombian national law) were presented as part of the wider statistic of FARC deaths. El Tiempo, a major newspaper outlet in Colombia, reported that:

> In Puerto Lleras (Meta), a scene of the heaviest fighting, another military fleet destroyed a truck with 35 guerrillas. In addition, ground troops, commanded by the army commander, General Jorge Enrique Mora, came in contact with another large group of subversives and killed 65 others (El Tiempo, 1999b).

The children shown above in Figure 1 were part of those killed in a 'destroyed truck' and labelled as 'subversives'. Another prominent news source, El Mundo, reported that the army had restored public order and countered 'the biggest and most insane guerrilla offensive of the last forty years' (El Mundo 1999). They provided a clinical list of deaths that had occurred, stating that the military had 'destroyed 13 guerrilla vehicles, with 177 casualties in several regions' (El Mundo 1999). El Mundo credited the official military response with forcing the FARC columns' retreat 'with their dead and wounded into the detention zone' (El Mundo 1999). The children were not categorised as children upon their death. They were simply invisible within the wider discussion of military victories and defeats. There was thus a lack of clarity and definition around the roles that children had assumed in this confrontation.

This leads to the second point that this event shows: in not acknowledging the children and their role in this assault, in making them invisible by including them alongside adults in casualty reports, it demonstrates a lack of engagement with the political agency of children. The place that children occupied in this event is not discussed. The lack of suitable vocabulary to discuss FARC child soldiers prevents the necessary conversation about child subject positions and their corresponding agency.

These children have clearly enacted a form of agency equal to adults. I argue, however, that international narratives about children, which have been adopted by 194 countries through the ratification of the United Nations Convention on the Rights of the Child (1989), do not engage with child agency, and thus children are disqualified from being considered as political agents. Child actors are not acknowledged in their own terms. Rather their roles as actors are framed through the conceptualisation and context of an

adult world that is not designed to understand, nor has made space for understanding, their political agency. Conflict demonstrates that while children may be conceptually and legally unable to assume a role as fully recognized political actors, the reality is that they *are* assuming these positions. Of all the actors involved in conflict, children are the most vulnerable. Due to a lack of self-determination and self-definition, a disabling combination, children have been left vulnerable to exploitation and ultimately a denial of political agency. Instead, children exist within a narrow framework, defined by cultural and social expectations that prohibit them from partaking in activities considered 'adult.' It can be seen here; when war causes the child to act outside of familiar social frameworks, they become misunderstood, misrepresented, and ultimately marginalised.

This is a problem that has been highlighted by academics, such as Helen Brocklehurst (2015), who argues that 'childhoods are constructed and contained – yet also defy categorization' (2015: 29). Brocklehurst (2015) goes on to explain the consequences for children who exist excluded from categorisation: specifically that such children find exclusion is 'at some cost to their protection' (2015: 29). Remarkably, however, there is a lack of scholarly engagement with the question of the political agency of children (cf. Aitken, 1994; Brocklehurst, 2015; James, Jenks and Prout, 1998; Sibley & James, 1991), and this is particularly accentuated in post-conflict societies (Kerr & Mobekk, 2007).

Finally, in drawing attention to those children who exist outside of categorisation, this event highlights the way institutions, both international and national – particularly where these institutions collaborate - frame understandings of children and childhood. This event exemplifies a child-subject position that contradicts the expectations that are placed on children within international institutions and agreements, such as the UNCRC (1989). This document, which outlines the human rights of the child, stipulates that:

> States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities. (UNCRC, Optional Protocol, 2000: Article 1)

And again:

> Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years. (UNCRC, Optional Protocol, 2000: Article 4)

The UNCRC (1989) has influenced the Colombian legal system and the articles on children's rights have been incorporated into the Colombian Constitution. Such an event accentuates the impact of these framings of children on events that are unfolding globally with children at their centre. Of particular concern is how social constructs of 'children' and 'childhood' prevent those who are considered minors from being viewed as legitimate political actors and receiving the support they need. For example, *No Peace Without Justice,* in cooperation with UNICEF, (NPWJ & UNICEF, 2002: 12) claims that 'crimes against children have not received due attention in… international justice and truth seeking mechanisms' and that they are lost within the larger issues of the 'civilian population in general.'

What is at Stake?

There is a direct relationship between the security and support that children need, and their ability to attract 'due attention', in other words their political agency. Yet both international law and Colombian law create a prescriptive understanding of childhood that does not make space for the political agency of children. In this thesis, I argue that the rigid and prescriptive boundaries that are drawn around the subject position of the child affect how we see children, indeed, whether we see children at all. The key issue here is how the social framework used to define children impacts the laws and the policies we create in our aim to protect children. More importantly it raises questions about what is being secured – what type of child is being protected, and what happens to those children who do not conform to expectations. More often than not, children who exist outside of these expectations do so because they are unable to fulfil social expectations due to family, social, or financial circumstances. Children who exist outside of social expectations are consequently outside of the protection that society offers because they fail to meet the prerequisites. Yet such children are made vulnerable and therefore need society's protection the most.

When space is not made for them in conventional discourses, children will operate outside of discursive frameworks. This makes them vulnerable because it exposes them to the activities that are also excluded from conventional discourses. In conflict, these activities are often illegal and dangerous and involve adopting positions excluded from legal protection. Framing children who assume these subject positions as innocent victims that

need to be repatriated into conventional discourses prevents a discussion about how and why children are assuming these roles. This in turn prevents investigations into changes that need to be made around their subject positions within conventional discourses to prevent children from quitting these subject positions, which are acknowledged and offered legal protection, and adopting roles that leave them open to exploitation and maltreatment. If, for example, children quit the sphere of conventional expectation that they should be in education and assume the role of a soldier; by blanketing this decision as 'victimisation' and not acknowledging or engaging with the motives behind such a choice, the correct understanding and representation of the situation will be sidelined. When discourses continue to misunderstand and marginalise these roles that children assume, they prevent such children from accessing the public sphere support that they need, often to survive.

In order to address this, this thesis examines the construction of childhood and its corresponding impact on children's political agency and vulnerability. It does so in the context of the overarching international approach towards the child actor through the United Nations Convention on the Rights of the Child (1989). It investigates the way the UNCRC (1989), as an international document, creates a prescriptive understanding of children and childhood; an understanding, it is argued, that is drawn from a European history of ideas. The thesis outlines the way in which European understandings of childhood as a period of innocence, immaturity and confinement, have influenced the 'international child' framed within the UNCRC (1989). I argue that three pairs of concepts position the child's identity: citizenship and agency, innocence and immaturity, and education and labour. The case of Colombia is then used to assess the impact of framing children between these concepts.

By examining the role of children in an environment of conflict and transition to post-conflict, the thesis investigates the place of an international discourse on the child. The context of conflict and post-conflict enables an analysis of the roles that children assume that appear contrary to the identity outlined within the UNCRC (1989). This tension between the international discourse on children and the framework of Colombian discourse affects the security of children in vulnerable positions. The thesis aims to advance understandings of children as political agents and concludes that children's security is compromised when their agency is not appropriately acknowledged. This thesis

will show how a lack of political agency leads to vulnerabilities for child actors when children are forced to assume roles outside of social expectations. These roles are unregulated, often illegal, and not covered by international or national law, and thus children exist in excluded dimensions without legal protection. In doing so, this thesis will contribute to discussions around agency, children, and conflict. It will aid scholars seeking to understand the complexities of subject positions existing beyond discursive expectations, and how boundaries between discourses are framed within international relations, contributing to the exclusion of certain subject positions. It will illustrate how such positions are open to vulnerabilities. Finally, it will illustrate that for child actors, these vulnerabilities are closely connected to a lack of political agency, and add empirical evidence to calls for a greater understanding of child actors within political or public sphere environments.

The Position of Children within the Discipline of International Relations

Contemporary scholarship surrounding children's rights is characterized by a lack of research addressing the political agency of children in conflict and post-conflict contexts within international relations literature (Kerr & Mobekk, 2007). Macmillan (2015) comments that 'a small cohort of scholars engage with the security issues children present, but their collective output is small and often appears on the fringes' (2015: 62). Brocklehurst describes how, during the late 1990s when she began contemplating the presence and absence of children in international relations, she was 'constantly reminded by [her] peers that they 'were' thought about' (Brocklehurst, 2015). However, she describes how this inclusion amounted to seeing children on the news, 'most often as infant victims of humanitarian emergencies – or as gun toting teenage boys' (Brocklehurst, 2015: 32). Such identities, these projected perceptions of such children, suppress any critical engagement with understanding and articulating the roles that children are adopting. It can be said that children are physically present, but their places, motives and roles, lack the interpretation and articulation that would engage with their political identity and actions.

Moreover, international and national discourses both fail to recognise the voices of children and their agential actions. Brocklehurst (2010) argues that those persons under the age of 18 are not involved in, and often do not accept, the definitions of either

national or international law. This has led scholars to question whether 'western conceptions of childhood may have held back understandings of children's agency' (Brocklehurst, 2010: 449-450). It is argued in this thesis that the universalising narrative of children's rights within the UNCRC (1989) has been a part of the vulnerabilities that children experience. Not only does it create specific boundaries around the identity of children and the spheres of activity within which children can operate, it also creates a series of assumptions that can cause children to be manipulated outside of discursive norms. Examples of this will be highlighted in Chapters 8 and 9, where children have been employed by the Colombian military, Colombian criminal networks and Colombian guerrillas or militias, *because* of the perceptions around childhood. These examples will show how the concepts of innocence and immaturity have caused children to be manipulated into roles of drug smuggling, human shields, informants, etc. These roles rely upon perceptions of children and childhood as immature and innocent to get through check points unmolested, to discourage military aggression, and to be eyes and ears where they are not expected (HRW, 2003; Watchlist, 2012). These complexities draw out discussions of boundaries and the constructed identities of children and childhood within international law. It opens discussion around the subject positions constructed for children, and how such a position circumscribes what children can and cannot do, regardless of any agency they are already enacting. Most importantly, it brings up questions of how to best secure children in insecure environments.

In order to investigate this, the UNCRC (1989) will be juxtaposed with local procedures, so as to highlight the ways in which international and national frameworks construct, and in turn, marginalise, the complex agency of children. It will outline the vulnerabilities that children experience by examining the case of Colombia, and show how challenging conceptualisations of children's political agency can create a better security for children who are marginalised.

Conceptualising the Agency of the Child Actor: Constructing Childhood

In order to understand international and national framings of children and childhood, this thesis sets out to demonstrate how understandings of children and childhood are constructed concepts. By approaching the UNCRC (1989) as a discursive framework, it is possible to show, when that discourse reaches a nationalised or localised level, why well-

meaning international standards established for children and childhood are often ineffective and seemingly unachievable. I conclude a more in-depth explanation of discourse theory in Chapter 2. However, I make the case that understandings of discourse theory can be used to frame the discontinuities between international intentions and localised disillusionment.

At the core of discourse theory is the importance of understanding how meaning is constructed (Howarth, 2012; Culler, 1975; Culler, 1976; Hall, 1997). With its roots in linguistics, discourse theory has developed to encompass a broader system of meaning and incorporating the extra-linguistic into meaning making. Social groups create and assign meaning to different concepts, and these concepts build up into a framework through which the world is understood. This theory, which is detailed in Chapter 2, opens understandings around the constructions of identity, and as such, this thesis works within the premise that identities are constructed through a framework of meaning. This creates an understanding that meanings and identities are not static. Basham (2015: 78) states 'childhood and 'the child' is the outcome of social transformations and continuities, not a natural state of being' (Ariès, 1973; Nadesan, 2010). Ariès' (1973) iconic work, *Centuries of Childhood*, maps out the 'social transformations' that have been taking place throughout the last few hundred years of European history. His work shows how shifting narratives have reassigned concepts around children and changed the boundaries by which we identify and define children and childhood. Under the premise that meanings of childhood change, and that different discourses construct different meanings, and in light of developing global conflicts and the roles children have assumed outlined in the previous sections, this thesis will set out to show the following:

Overall Aim:
- To advance understandings of the position of children as political agents, and to show the vulnerabilities caused when children act outside of the constructed expectations of children and childhood delineated within international discourse.

Key Objectives:
- Firstly, to show how meanings of children and childhood are constructed concepts, and how they have been constructed within the UNCRC (1989) through a European history.

- Secondly, to address how this convention is interpreted into local contexts through the case study of Colombia.
- Thirdly, to show how and why the different discourses create different boundaries or expectations around the identity of the child.
- Fourthly, to explain why these different narratives cause the vulnerability and exploitation of children.
- Finally, to explain this vulnerability and show that in constructing a position for children within international discourse that does not appropriately acknowledge their political agency, many children are pushed outside of discursive norms into excluded subject positions. These positions are often dangerous, acting outside of law, and lack protections provided by legal definitions.

In the following section, I outline how the thesis will frame the problem by discussing the use of Colombia as the case study for this project. The section outlines the role of Colombia in conceptualising gaps between the international and localised discourses. It also discusses the importance of Colombia's transitional justice process and the impact of the peace negotiations on the bringing together of national and international discourses in a way that frames the aims and objective of the thesis. Finally, this chapter will move onto discussing the outline of the thesis, and the development of the argument through the chapters.

From Combatant to Casualty: Colombia as a Case Study

Colombia represents an environment that has created opportunities for the subject position of the child to act outside of the constructed social expectations. The growing involvement of Colombia within international agendas has led to a contradiction between the international position on children, and the local insecurities that children face daily. Therefore, Colombia as a case study provides the framework within which to meet the key objectives of this thesis as a significant empirical example. It has provided an example of children enacting roles of agency that are rejected within the discursive structures of official Colombian narratives, and international norms. The contradiction between the roles that children have assumed, and the process of repatriation into social norms once they have been 'rescued', provides a space to explore the questions surrounding the agency of children. It was possible to collect data that shows examples of the vulnerabilities that children have encountered because of the contradiction between the

excluded roles they have enacted. Additionally, Colombia was selected, as I am familiar with the country, having visited regularly over a period of fifteen years.

Children involved in the Colombian conflict are part of a national struggle that extends beyond the 'current' almost sixty-year civil war, including: colonisation, the fight for independence, the implications of lingering racism, a war on drugs, the multiple factions engaging in guerrilla warfare, the various peace processes and the conclusion of current peace talks in a signed declaration between the government and the FARC on the 24th of November 2016. All these factors frame transformations in Colombia's history that have articulated and justified shifting narratives around the child actor.

This backdrop frames the contradiction between the apparent choices that children have made that have led to assumed roles of political agency, with the international discourse that resists children making choices that are outside of the conventional narrative. In transition to post-conflict, official state discourses have made decisions on behalf of children, and I argue that these decisions are not always advantageous or beneficial to the children (Brocklehurst, 2010; Feliciati, 2006; Häkli & Kallio, 2011; Marks, 2007; NPWJ and UNICEF, 2002). Chapter 3 articulates in further depth the selection and use of Colombia as a case study. I spent ten months in the field, employing discourse analysis, ethnographic methods and semi-structured interviews to obtain qualitative data between 2013 and 2014. I have used this data within the thesis to explore and articulate how children's security is compromised when their political agency is not appropriately acknowledged. In the following section, I outline how the overall aim and key objectives are developed within the chapters of this thesis.

Outline of the Thesis

This thesis expands on the argument outlined above in three stages. Firstly, Chapters 2 and 3 explain the theoretical and methodological framework that will be used. This framework will structure the analysis of this thesis, showing how understandings of children and childhood are constructed in order to explain how those embedded within international law can unhelpfully impact children's security and increase children's vulnerability. In the second stage, three chapters build an understanding of children's place within international law. The first of these chapters, Chapter 4, will ground the thesis

and the place of this research within the wider literature on children's security. It will include a specific outline of the position of children in Colombia and the process of conflict and post-conflict reconciliation taking place. Chapters 5 and 6 will discuss the background of the international document that frames understandings of child agency globally, the UNCRC (1989), and analyse the language used within the document. It will conclude that the document protects a specific understanding of childhood that does not always benefit those children who are most vulnerable. This specific understanding of childhood has been categorised into three sets of concepts identified within the UNCRC (1989) that construct children's identity: citizenship and agency, immaturity and innocence, and education and labour. Finally, the thesis will carry out the empirical analysis of research carried out in Colombia between 2013 and 2014. This research focused on the international discourse of the UNCRC (1989) and national discourses employed within conflict and post-conflict reconstruction within Colombia. It will discuss whether the identity of the child laid out in the UNCRC (1989), and the protections afforded children, actually benefit children who are in the most vulnerable situations. This analysis will be structured around the three sets of concepts identified as defining categories of childhood within the UNCRC (1989).

The first chapters set up the structure of the thesis by outlining the theoretical grounding within which the analysis is based, followed by the methods employed in the thesis. In Chapter 2, I outline discourse theory. The main argument in this chapter is that childhood is a constructed concept. By drawing on the work of Saussure, Laclau, and Butler, this chapter creates an understanding of how identities of children are constructed and develop through history, with certain explanations of children and childhood becoming dominant. Starting with Saussure, and his understanding of the relationship between the signifier (a word) and the signified (the object or concept) and its assemblage into a sign, this chapter begins with the process of meaning making. I then employ the work of Laclau to show the importance of understanding such assemblages of meanings. It is in Laclau's work that it can be seen how different systems of signification can have different meanings that do not always coalesce. Additionally, and more importantly, Laclau's work shows the consequences for those concepts that are excluded from a structure of meaning, and, as such, cannot be made sense of within a given system or discourse. Finally, I outline Butler's work on performativity, to explore the importance of making meaning through an enactment. I aim to create an understanding of the way discourses can be altered through 'performative surprise' that challenges patterns of behaviour

expected within discursive structures (2004: 93). The second part of this chapter discusses how such a framework of discourse theory can show the differences in discourses between international organisations within Colombia and Colombian national discourses, including those of separatist groups. In outlining the discourses within the case study, I will show how children are excluded when they act in ways inconsistent with expectations within a discourse. When children act outside of what is considered normal behaviour for children, there is not the adequate framework of language to discuss what it is they are doing. Despite these children presenting as a fairly common global phenomenon, the lack of engagement with these subject positions has left a void in the language and framework used to discuss their actions.

Having established the theoretical framework through which the thesis is analysed, Chapter 3 discusses the methods employed to gather and organise empirical data. The data, which is analysed in Chapters 7, 8, and 9, was collated through the case study of Colombia. This chapter outlines the case study method, the implementation of discourse analysis as a methodology, and the ethnographic approach employed as well as the ethical concerns. In this chapter, I describe and justify the research design. In defending the case study approach, I show Colombia as the most appropriate case study and explain the single-case research design. I then describe the use of discourse analysis as a methodology and outline the use of critical discourse analysis, employed alongside ethnographic methods, and critical linguistic analysis, used to deconstruct the document of the UNCRC (1989) (Phillips and Hardy, 2002: 20). The final section of this chapter explains the use of ethnographic methods employed alongside semi-structured interviews and the involvement of children in the field. In discussing the implications of an ethnographic study, I also address ethical concerns encountered in the fieldwork for this thesis.

The next part of the thesis consists of three chapters that outline the ways in which child identity has been constructed through a series of historical discourses. Having established the theoretical framework of discourse and the methodology used to ground the thesis, the argument moves on to discuss how such a framework can help us understand the positioning of children in the international sphere. In particular, these chapters focus on the production of meaning making and how meanings are constructed and developed through time. In Chapter 4, I outline the literature on children's political agency and children's security within international relations, specifically conflict and post-conflict

reconstruction. This chapter focuses on the place of this thesis within such literature, detailing the discussion around children's political agency and the approach of international institutions towards the role of children in public sphere acts or events. This is particularly important when children have been active political agents within a conflict, where there is a significant trend for children to be dismissed and disregarded in post-conflict transitions, or transitional justice. The implementation of international law through the UNCRC (1989) sets the standard of what this childhood entails. This chapter, therefore, highlights the place of the thesis in the wider academic debate, and concludes that conflicting discourses cause children to move between expectations without the possibility of self-definition, and despite showing capacity for political agency.

In Chapter 5, I discuss the roots of the international expectations that are placed on children, particularly in post-conflict transition. In order to achieve this, I will create an understanding of what is meant by 'children' and 'childhood' when the terms are used within the international sphere. This chapter makes the argument that these terms invoke an identity constructed within the confines of a European history. This thesis focuses on the UNCRC (1989) as the benchmark of international standards for children and childhood (being the most ratified UN treaty). As such this treaty is the focus of investigation as the leading narrative on the position of children in the international sphere. By tracing the discursive roots of terms that are employed within this document, it is possible to map the meanings and values that are contained within the text. As such, this chapter relies upon discourse analysis to trace the historical evolution of ideas surrounding constructs of children. It is structured around the three sets of concepts identified as constructing the identity of the child within the UNCRC (1989), namely: citizenship and agency, immaturity and innocence, and education and labour. The chapter moves through these sets of concepts looking at the developments of these concepts through a European history and how these terms have been imbued with specific meanings that have contributed to their current status. This chapter concludes, therefore, that a European history have impacted the structuring of the international document on the rights of the child, and as such, are securing a very specific type of childhood.

Building on Chapters 4 and 5, Chapter 6 turns to the document of the UNCRC (1989) itself. The main purpose of Chapter 6 is to show how the document uses particular language that frames children and childhood from a European historical perspective. In

examining this document, this chapter concludes part two of this thesis in building an understanding of how the identity of children is constructed in the international sphere. In order to frame the analysis of this text, I form the analysis around the three sets of concepts outlined as historically relevant in the previous chapter: citizenship and agency, immaturity and innocence, and education and labour. The chapter critiques the document, and the literature and policies that surround it, to show how these three sets of concepts and the specific terms around these concepts are interpreted within global events. This is essential to understanding how the UNCRC (1989) impacts the positioning of children in international events, particularly international crisis or conflicts. This analysis begins to show how these international boundary lines around the identities of children can cause vulnerabilities when national discourses do not hold similar meanings and values. This chapter concludes with the question: what does it mean for children's security when national discourses ascribe different meanings and roles to children and childhood, other than the identity of children and childhood outlined in the UNCRC (1989)?

The final part of the thesis takes this question forward by putting the discussion in the context of empirical evidence. Chapters 7, 8, and 9 follow the three sets of concepts that construct the identity of the international child within the UNCRC (1989): citizenship and agency, immaturity and innocence, and education and labour. Each chapter focuses on a different set of concepts. The chapters critically analyse how framing children within these prescriptive understandings can leave children vulnerable and open to exploitation. In these chapters I argue that by outlining the rights of children through European understandings of childhood, children who do not fit the descriptive markers of such a childhood, are excluded. This exclusion, outlined in Laclau's work, opens the discussion on children's subject positioning within discursive frameworks, and challenges meanings that have been perpetuated around the roles children are expected to assume. I argue that the expectations of childhood negate children from active political agency and exclude children from public sphere activity. In these chapters, I show how the imprecise, and therefore inappropriate, language used to discuss children who enact a form of political agency, leads to children being misrepresented, misunderstood and marginalised. Instead of an acknowledgement, children are often repatriated into official discourses and their political acts are dismissed or disregarded. While this discussion is opening within academia, it remains significantly under-theorised and currently the literature is underdeveloped.

This thesis aims to outline a framework that can contribute to the growing discussion on children's political agency. The theoretical framework, used to discuss the making of meaning in Chapters 4, 5, and 6, now frames the discussion of what happens to those categories of children that are excluded from systems of meaning, also explained as national discourses or international discourses. I examine how the case study of Colombia can be used to exemplify how children subvert the identities outlined for them. The case of Colombia shows that children often defy expectations of their subject positions, both national and international, and enact political subjectivities. I conclude that there must be greater academic engagement with such children, and a recognition of the complex motives that cause children to become involved in political activity. These chapters argue that only with such engagement, will we be able to secure children within vulnerable and exploitative environments, indeed everywhere.

Chapter 7 opens the analysis with the first pair of concepts: citizenship and agency. The main argument of this chapter is that children cannot enact their citizenship if they are not granted the corresponding agency to do so. I begin by showing how the rights granted within international and Colombian national law that afford children citizenship are paper rights, as children are not extended the agency to enact their citizenship. Instead, within international and state discourses, children depend upon the agency of others in order to enact their rights. This section then discusses the positions of other discourses at work in the Colombian conflict that are making space for children to enact a form of agency. Children who assume these positions become excluded beyond the boundaries of what is expected of children. While the standardising effect of international law has increased the visibility of children who become excluded from official discourses, this thesis argues that international law also increases their vulnerability. In the second section, I argue that excluding children from public sphere activity affects their security by exposing them to those that will acknowledge their agency. I outline how this operates within conflict as roles open to children that are not available in other contexts, such as child soldiers, drug smugglers, and 'hit-men'. I show the differences between the boundary lines drawn around children in Colombia and in the international sphere, and those offered to children as an alternative. However, this chapter concludes that ultimately neither the international and national state discourses, nor those that open through conflict as deviant discursive

positions, allow children a legitimate form of political agency. Instead, children are continually framed and objectified within an adult world.

Chapter 8 explores the framing of immaturity and innocence for children in Colombia. In this chapter, the main argument follows on from the previous chapter to investigate: if children are consistently denied a legitimate form of political agency, how do the concepts of immaturity and innocence reinforce the exclusion of children from the public sphere? Building on understandings established in Chapters 5 and 6, this chapter looks at how constructs of innocence and immaturity are interpreted into the Colombian conflict and post-conflict transition. I argue that these constructs are important because they impact the way children are positioned and viewed in light of the roles they have assumed during conflict. In particular, these constructs inform justifications that exclude children from acknowledged agency in the public sphere. In order to address this, the chapter is divided between the traditional binaries that children find themselves caught between: victim or perpetrator. Are children involved in conflict activity simply passive victims who need protection for 'their own good'? Or are children perpetrators, aberrant subjects who need to be disciplined, deprived of the childhood that they have disregarded, and punished? The melodramatic binary (melodramatic because these binaries perpetuate mindsets where children are inherently good and helpless, or entirely bad), prevents us from engaging in discussions that grapple with concepts of children choosing certain actions, or not. It is argued that the historic debate (outlined in Chapter 5) between these two binaries has not significantly progressed in theoretical spaces. These concepts remain at the centre of approaches towards child protection versus child prosecution. In this chapter, I outline the impact of using European constructs of innocence and immaturity to protect or prosecute. Instead, I conclude that drawing on these historical constructs limits understandings of children who engage with conflict, and without an acknowledgement of agency, it is impossible to create a reliable understanding of these children.

Chapter 9 concludes the analysis of the concepts with the final concepts: education and labour. This chapter brings the developing argument together to show that conceptualisations presumed within the UNCRC (1989) of children's citizenship and agency, immaturity and innocence, are irrelevant and insignificant in the face of daily insecurity and lack of opportunity that faces certain sections of Colombia's child population. The final pair of concepts focuses the argument by contextualising the

channel through which rights are given to children: education. The assumption within the UNCRC (1989) establishes education as the foundational standard for a good childhood. Equally it consigns opportunities of labour as that which is uncivilised. For those children who assume a role of labour in order to survive, it means many such children are an excluded category. The economic need faced by many children, need that is expounded by conflict, drives them to excluded positions and begs wider questions of whether a choice really exists for many children. This chapter brings a challenge to international law; that in establishing a 'universal' standard that is applicable in northern, wealthier states, the international law does not consider the necessities of those who do not have similar luxuries afforded to them. In Colombia, it is the case, as a developing nation attempting integration into the international sphere, that the state is working to comply with high standards that are established on an international level. However, such standardisation has removed the discussion of children legitimately working. Instead, the only access to money that children have is through illegitimate, namely excluded, roles. In this chapter, I ask the question: how far the international standard actually protects children, when children are forced outside of the standard and end up resorting to illegitimate positions, such as child-soldiering and prostitution, simply because the architects of such conventions cannot conceive of children needing to legitimately earn a living, when the concept of childhood is so firmly set against it. Instead, it is assumed that on a global scale, it is more important to hold to an idealistic high standard that children must be educated. In this chapter, I challenge such a mindset and assert that more must be done to find alternative policies that genuinely engage with active scenarios, as opposed to clinging to concepts that do not meet children in the discourses they are in.

In the concluding chapter, I summarise the purpose of this thesis; to advance understandings of the position of children as political agents, and to show the vulnerabilities caused when children act outside of the constructed expectations of children and childhood delineated within international discourse. I discuss the contributions of this thesis to such a framework by assessing the chapters against the aims and objectives of this project. I explain how the chapters show a lack of clarity around subject positions of children who act as political agents. I summarise how this lack of clarity is obscuring the discussion around the roles that children are adopting on the world stage; more specifically, how these children who defy categorisation do so to the detriment of their protection and security. Finally, I show how prescriptive understandings

of children and childhood create a narrow definition of what these identities constitute, and therefore, what is to be protected. Yet it is often those outside of definition, those excluded children, who need assistance and the protection of the law the most.

I outline how this framework has added to conceptual understandings of children and their security, by arguing that a denial of their political agency creates vulnerabilities. I also outline how this framework has added to empirical understandings of children and their security, by showing how these vulnerabilities appear in the Colombian context. These vulnerabilities appear when children are forced sideways into excluded subject positions and end up enacting roles outside of legal protection. To this end, I suggest that the best way to create greater security around children is to ensure a greater engagement with children and their political agency. I argue that in not doing so, we expose them to greater vulnerability and exploitation. I address the need, in particular with post-conflict communities, to incorporate children in rebuilding efforts. Both Duffield (2007) and Wessells (2006a), highlight the importance of self-securing in order to experience a sense of security and to provide security to wider society. The challenge to those who refuse to recognise the political agency of children, is the assessment of what are we securing and for whom. Seeking a child's best interest without their consultation is presented as counter-productive, and ultimately not securing them an identity that is practicable. I assert that those within policy making, particularly on an international institutional level, must acknowledge the incentives and motives behind children's political acts. Equally, children must be engaged with on their own terms, and not through a historical context that does not speak to, or benefit, their life experiences.

This thesis contributes to growing literature in the area of children's security studies and international relations. It seeks to support scholarship investigating concepts around children and childhood studies, complex emergencies, international collaborations, complex subject positions and theoretical understandings of agency, and boundaries around subject positions within discursive structures. The purpose of this thesis is to create a critical framework within which international institutions are challenged to think of alternative approaches to children within conflict and post-conflict and supporting their ability to self secure. This is essential to children who often find themselves excluded from official discourses in circumstances beyond their control without the support and understanding that they desperately need.

CHAPTER 2

Discursive Constructions: Meaning, Discourse, Performativity

Researcher: Do you think that kind of idea; of seeing children not as adults but more in an adult way, is going to be a part of the peace process?

Maria (ICBF): It is even more necessary with the children from the FARC. The FARC does not acknowledge childhood. I had a conversation a while ago when they were holding the previous peace process with the FARC in the demilitarised zone, and there we established a zone centre. We interviewed a man called 'Ivan Marino' I think, to work on the childhood topic. And we requested the childhood topic to be present at the negotiation tables. And I remember he said to me, "Doctor, what childhood? Here, we all are just combatants, we all are poor, what childhood?" I just said, "Well, we do have a lot to talk about! How are you going to forge a new society if you don't recover the patrimony of humanity that is called 'childhood'?"

Maria, 2014 Bogotá, Colombia

Introduction

The aim of this chapter is to outline the theoretical framework employed in this thesis. In the previous introductory chapter I argued that children's agency is under-theorised and misconceptualised. As a discipline, international relations has failed to properly consider the agency of children, especially in conflict and post-conflict contexts. (cf. Aitken, 1994; Brocklehurst, 2015; James, Jenks and Prout, 1998; Kerr & Mobekk, 2007; Sibley & James, 1991). I argued that engagement with the identity of children has been centred on definitions of childhood within international legislation, which are tightly prescriptive and based on a Western conceptualisation of what childhood 'should' be like. These boundaries placed on the definition of the child in international legislation exclude children from the requirements necessary to fulfil political agency: the most prominent requirement being that of access to, and agency in, the public sphere. As such, children are denied political agency. Not only does this prevent them from active participation in political spheres, but it also does not acknowledge the current roles they *are* filling in political contexts, such as in conflict. This thesis argues that children who do assume such positions are therefore left excluded from definitions of childhood, as they do not fulfil social expectations. This leaves these children vulnerable and open to exploitation as they act out roles that do not conform to social expectations and social structures. This

vulnerability comes about when, due to a lack of political agency, children are forced into roles outside of social expectation. As excluded categories, children enact roles that are unregulated, often illegal, and not covered by international or national law, and thus children exist in excluded dimensions without legal protection. As such, children are open to exploitation and manipulation.

This chapter will therefore seek to outline a framework that explains how categories such as public, private, child and adult are constructed and thus challenges the hold that international legislation has on descriptions of childhood at a global level. This will be undertaken through the theory of discourse. Such a framework enables a qualitative investigation of the constructed meanings around the identity of the child in international legislation and how such descriptions of childhood are created and consolidated. It also enables a critical analysis of how such a framework unfolds in practice at a national level.

At the core of discourse theory is the importance of understanding how meaning is constructed (Howarth, 2012; Culler, 1975; Culler, 1976; Hall, 1997). Discourse has been employed in a wide range of contexts. With its roots in linguistics, discourse theory has developed beyond linguistic frameworks to encompass a broader system of meaning and incorporating the extra-linguistic into meaning making. Social groups create and assign meaning to different concepts, and these concepts build up into a framework through which the world is understood.

In the case of this thesis and the problematic of children in conflict, mapping out the meanings assigned to concepts of childhood will enable a clearer understanding of the positions they are assigned and the vulnerabilities these positions create. It is the intention of this thesis to show how, through comparing discourses, different meanings have been ascribed to the position and activities of children in ways that are often contradictory. The meanings attached to children by different discursive structures within Colombia are distinct from the meanings attached to children by international legislation. This thesis concludes that, consequentially, children fall between frequently conflicting discourses, and as a result, are misunderstood, misrepresented and ultimately marginalised.

For those children who become involved in conflict, this misunderstanding and eventual marginalisation makes them vulnerable. This vulnerability comes about when roles appear

that children assume, which are not within the accepted discourse. For example, within international legislation, there is an idealised discourse that children should not be involved in conflict activity. Therefore, those children who become a part of conflict activity do not conform to the expectations laid out in international legislation. The disparities between this discourse and the behaviour of such children, creates openings for exploitation. For instance, one of the justifications of children being excluded from conflict is a conceptualisation of their innocence. However, children are targeted because of this assumption that they are innocent. This can be seen in conflict, where numerous roles become available to children on the basis of their perceived innocence. For example, children are used as *sicarios* (hit-men), or drug mules, because they are not stopped or checked. They are utilised on the battlefield as front-line shields to create a barrier between government and guerrilla forces. The potential unwillingness of government troops to shoot at children because of their perceived innocence can give an advantage (Dallaire, 2011). The aim of this chapter is to show how discursive understandings of the child come about, and through this framework, we may begin to understand the consequences for those children who do not conform to expectations.

In a preface to *Gender Trouble*, Judith Butler (1990: viii) comments that:

> The aim of the text [gender trouble] is to open up the field of possibility…without dictating which kinds of possibilities ought to be realized. One might wonder what use "opening up possibilities" finally is, but no one who has understood what it is to live in the social world as what is "impossible," illegal, unreliable, unreal, and illegitimate is likely to pose that question.

Children in conflict often end up assuming roles that are misunderstood as being "impossible', illegal, unreliable, and illegitimate…' because the roles are incommensurable with what it has come to mean to be a child. It is important at the outset to establish that this thesis is the pursuit of opening up possibilities. Discourse theory will offer a better understanding of how the roles of children are constituted through, and find meaning in, wider social structures. By opening up the possibility that there are alternative definitions of what it means to be a child, there is the opportunity to recognise the roles that children are already adopting.

Therefore, the first half of this chapter will address how children are discursively constituted in the Colombian conflict. It will foreground the position of children within

the context of Colombia. It will discuss the impact of particular meanings being attached to the role of the child, both through international legislation, and within Colombian social structures. This will aim to create an understanding of the significance of discourse in this case. The second half will outline the work of three theorists: Ferdinand de Saussure, Ernest Laclau, and Judith Butler, to create a framework for the theory of discourse. Firstly, by understanding the nature of signification. Secondly, by looking into how the meaning becomes stabilised in a system of signs. Finally, this chapter will look at how systems of signs are built up over time through the iteration of meanings.

Understanding the Place of Children in the Colombian Conflict

During fieldwork, I spent a morning waiting in the central offices of *Instituto Colombiano de Bienestar Familiar* (ICBF, the Colombian Institute for Family Wellbeing). ICBF functions as the branch of the Colombian government in charge of advising on and implementing policies that concern children (as well as overseeing family policy more generally). Established in 1968, its mandate is 'to provide comprehensive protection for early years, children and adolescence, and the wellbeing of families in Colombia' (ICBF, 2015). The ICBF currently has 206 centres in over 33 regions, providing services for over 8 million Colombians (ICBF, 2015). From those centres, they supply an extensive and diverse range of services, such as supervising education, providing nutrition, encouraging local projects (e.g. the strategy to buy locally), as well as supplying research and guiding policy. They also control adoption, child and family services, and direct the penal system with regards to those under 18 (ICBF, 2015).

In addition to all of this, the ICBF contends with the continuing complex emergency in Colombia and its effects on children. The ongoing conflict in Colombia has continued for over half a century, with its roots in fragmented periods of violence and upheaval (ICTJ, 2010; Pachón, 2009; Pachón 2010). By the time I arrived in Colombia to carry out fieldwork, the latest round of peace talks had started in Cuba between the current Colombian government and *Fuerzas Armadas Revolucionarias de Colombia (FARC,* Revolutionary Armed Forces of Colombia), a peasant insurgency guerrilla group that operates within Colombia. The FARC is the longest operating guerrilla group in Colombia (UNRIC, 2015). The dialogue was the most recent in a long line of negotiations between the Colombian state and various leftist guerrilla groups and right-wing paramilitary militias

within Colombia. In this latest process, between the Santos administration and FARC, the intention was to agree to a demobilisation of FARC forces in return for access to political participation, among other things. An agreement was reached and the accord signed on the 24th of November, 2016.

Throughout this ongoing conflict, and the various peace negotiations that have occurred between the government and numerous actors, children have been conceptualised and represented in multiple ways (Rosen, 2005; Pachón, 2009; Pachón 2010). Not only have understandings of childhood shifted throughout the thread of Colombian history, but these shifts have also contributed to the role and period of childhood adopting new meanings, being rebranded for particular purposes, or even discarded altogether. Since before Colombian independence, the involvement of children in conflict as combatants has been widespread. Military careers were common and began early on in life (Pachón, 2009). By the turn of the 20th century, the Thousand Day War (October 1899 – November 1902) saw armies completely composed of young adolescents and children, with minors holding positions up to and beyond the level of commander (Pachón, 2009; Pachón, 2010). However, more recently there has been a shift in attitudes towards the recruitment and particularly coercion of children into the conflict. This change has viewed the participation of children in conflict in a negative light.

Such a shift has resulted in efforts by institutions opposed to the involvement of child soldiers, to 'rescue' them from conflict and to rehabilitate them into 'normal' life. This opposition from certain institutions has been a response to the spreading influence of the developing humanitarian movement keen to implement universal rights and standards. This humanitarian movement came about in the wake of two world wars, causing international governmental organisations (IGOs), such as the United Nations, to create an agenda for, and the promotion of, human rights (Kaldor, 1999). These human rights discourses have evolved into humanitarian movements. As a result of this, children have been the focus of attempts by IGOs and non-governmental organizations (NGOs) to rehabilitate them into what are considered contemporary norms according to these human rights discourses.

These human rights discourses have become highly influential to the agendas of states that are seeking to be integrated into an international community. As a consequence, in

Colombia, understandings and approaches to children have shifted towards these discourses as more recent governments have sought such integration into an international community. Within this transition, children have been approached as a domestic issue and a side effect of conflict. The international human rights approach has brought with it the segregation of activities considered for children and not for children. These activities for children are predominantly confined to a private sphere existence and have seen the exclusion of children from the public sphere.

However, involvement in political conflict is often considered a public sphere activity and only appropriate for adults. When children adopt these roles they take on the expectations that come with that role, including agency in the public sphere. Such agency in the public sphere has proved a conflict conundrum, as contemporary human rights law has been informed by western conceptions of what childhood should look like, conceptions that consider children's participation in the public sphere to be inappropriate (Brocklehurst, 2010; Macmillan, 2009). The identity of the child has become incommensurable with agency in the public sphere. When those children who do engage in conflict activities within the public sphere are apprehended, their role is reconceptualised and they are understood as a social issue for the state, which must rehabilitate them into the private sphere and thus reclaim their childhood. The defining period of *childhood* has been dissolved and rebuilt as the subject position of the child oscillates between conflict and social spheres (Berents, 2015; Feldman, 2008 Brocklehurst, 2010).

The oscillation of the child subject position between conflict and social spheres has long been the case in Colombia, since before the ICBF was established. However, it was upon its instatement that the ICBF began to implement across the state a standardised legal approach to children and childhood, beginning with defining what the period of childhood consisted of and its duration. In an attempt to harmonise policy with international norms, this process of articulating the subject position of the child formalised a corresponding and specific place and role for the child in Colombian society. In outlining a legal institution of childhood, the State placed an age restriction on the inclusion of a person within the public sphere. By formalising a specific length and role of childhood, children were then legally consigned to the private sphere until reaching adulthood.

Significantly the Colombian legal structure that defines childhood is derived from international agreements. The Colombian state has ratified both the UNCRC (1989) and the Optional Protocol (2000), but even beyond being a signatory, the Uribe administration of 2006 directly implemented the ideals set forth in the UNCRC (1989) into the Colombian constitutional code. Through Law 1098, the State takes the position that those under the age of 18 are considered to be children. Additionally, the handbook of the ICBF: *el código de infancia y adolescencia* (the code of infancy and adolescence) has been taken directly from United Nations legislation and was constructed in partnership with the United Nations Children's Fund (UNICEF).

The ICBF thus takes their definition of the *child* and *childhood* directly from the United Nations Convention on the Rights of the Child (UNCRC, 1989). The convention identifies the child as those under the age of 18. It makes provisions for these minors and accords them certain rights. These are categorised in 54 Articles and an Optional Protocol that outlines a position on children's activities, forms of expression, and entitlements. It defines a relationship of responsibility between the government and children within the population. As a consequence, children are given a collection of rights that entitle them to certain aspects of wider human rights legislation (freedom of expression, freedom from persecution) but with special provisions and exclusions (the right to education and the restriction of labour activities).

However, drawing from outside of the Colombian cultural context for legislative purposes has created several points of concern. Notably, a gap appears between local tradition and a different set of expected behaviours imposed by legislation. For example, it was repeated in many interviews that I conducted in Colombia, that the average age for leaving school is 10. It is not uncommon for children to enter into work at this stage within family trades (ILO, 2007; OECD 2015a; OECD, 2016). Access to a good education in Colombia is costly, and is seen as a competing priority within certain social groups, where economic need makes work an equal necessity (DNP, 2015; ILO, 2007; OECD 2015a; OECD, 2016). On the other hand, Article 28 of the UNCRC (1989) looks to promote education as the best and most appropriate way to raise a child. It stipulates 'the right of the child to education' and makes an assumption that pursuing this end is an expected behaviour, requiring States to 'offer financial assistance…take measures to encourage regular attendance' and pursue the 'elimination if ignorance and illiteracy throughout the world'

(UNCRC, 1989: Article 40). The assumption is that this will be the best outcome and in the best interest of the child. The consequence of disparities like this disparity between work and education is that social behaviours become separated from the legal structures that regulate such behaviours. Despite the fact that Colombian law stipulates that primary education is compulsory (in line with the UNCRC, 1989), certain social groups within Colombian society hold their children back from school as a consequence of their different discursive understandings of childhood (DNP, 2015; ILO, 2007; OECD 2015a; OECD, 2016).

This thesis argues that these disparities create vulnerabilities around subject positions that do not conform to expectations. These vulnerabilities are not created through a competition between the "rightness" of either the law or tradition. Rather, there are conflicting constructions of child actors. Meanings attached to the child under the law are at odds with those traditionally attached to the child in Colombian communities. The value systems underpinning the law and tradition are constructing a different subject position for the child actor. As such, a zone of ambiguity lies between these descriptions. The law obliges them to attend education to a certain age. Parents oblige children to remain at home and help. This places children in a contentious position where they may be unable to access the rights to which the law allows them, but then become excluded from an economic system that the law facilitates. These vulnerabilities come into being when subject positions that can no longer be placed or explained within the structure are then delegitimised as a consequence. The purpose of this chapter is to examine how this process comes about, how such conflicting constructions are created, and model a framework that enables an understanding of the vulnerabilities involved.

Implementing International Expectations: How the Official Discourse Works in Practice

During my interviews at ICBF, I spoke with Maria who had extensive experience of working for the ICBF and its handling of children, both within social and conflict contexts. We began to discuss the project and I explained to her the focus on challenging the changing understandings of children and childhood and the desire to delineate a part of this through the unfolding complex-emergency in Colombia. We moved into discussing the intricacy of the ongoing conflict in Colombia and the various roles which children

have elected or been cast into. We talked at length about what it means when children assume roles that are incommensurable with their status as children, particularly over the perceived binary of childhood and adulthood. At one point I commented:

> *Researcher: One of the things I am looking at is how these activities, like sexual activities, and other activities that are considered more adult, how they change the identity of a child, then they are not really children anymore.*
>
> *Maria: Imagine, if I receive a gun, I drink, and I have sex - then I'm a grown up.*
>
> *Researcher: And obviously, when they enter into this system [ICBF], they become children again.*
>
> *Maria: No.*

She explained that there was a desire to treat those recaptured minors with respect and outlined her own personal efforts to initiate programmes which would enable them to have a greater level of autonomy during rehabilitation. After discussing how commonplace it is for children to adopt roles that may be considered more adult, I asked her:

> *Researcher: Do you think that kind of idea; of seeing children not as adults but more in an adult way, is going to be a part of the peace process?*

To which she responded:

> *Maria (ICBF): It is even more necessary with the children from FARC. The FARC does not acknowledge childhood…How are you going to forge a new society if you don't recover the patrimony of humanity that is called 'childhood'?"*

In the midst of this conversation, her assertion that childhood is a *'patrimony of humanity'*, and her vilification of the FARC, who *'do not acknowledge childhood'*, was revealing. Previously, she had described the way that children enact positions with a form of unrecognised agency. There was acknowledgement that minors, regardless of wider social positioning, have and do assume positions of an adult (*'if I receive a gun, I drink, and I have sex – then [I will think of myself] I'm a grown up'*). There was even her personal position that there is a need to respect a more autonomous identity of child subject positions. All of this appeared to come from Maria's own experiences of the social environment of Colombian culture. However, in discussing this peace negotiation, there was a reversion to a discourse that enshrines childhood as an essential part of humanity and uses this as a tool for a moral judgment of the FARC. A dichotomy is presented here between Maria's experience and contextual understanding, and an official discourse that she draws on

surrounding the position of children in Colombian society: the former being supported by traditional, social behaviours, and the latter being supported by legal structures.

However, equally significant, there is also a further observation that can be made of the contradiction between Maria's position in the negotiation and her perception of the position of the FARC. In her recounting of the negotiation, Maria reverts to the subject positioning of the child found in Colombian legal structures. By reverting to the legalised discourse for an understanding of childhood, Maria placed her imported legalised structure over the socialised behaviours of the FARC. In doing so, and by understanding her definition of childhood as a 'patrimony of humanity', she is drawing on a specific set of behaviours that are considered normal by the international, and now national, legal standard. This allows her to create a contrast between what she perceives of as the 'right' subject positioning of the child (as set out in law) and what is not (that of the FARC).

In the narrative that Maria constructed, those who do not acknowledge childhood are not acknowledging the very heritage of humanity as it is understood in, for example, the UNCRC (1989), and are, therefore, inhumane. By employing childhood in this way, she is drawing on a particular articulation of childhood as a 'sacred' part of humanity. Feldman (2002) describes this enshrining of childhood as creating 'a phantasmic site, an imagined 'degree zero' that provides various experts of childhood with a baseline measure for evaluating (1) the horrors of society, and (2) the failure to historically realise the norm of social nurturance' (2002: 287).

Maria draws on this phantasmic site, for judging the FARC. The UNCRC (1989) (which in turn draws on the modern western conception of the rights and obligations of the child) is thus a normative baseline for evaluating failures to realise an ideal of childhood. Drawing on a wider set of concepts that originate in human rights discourse, this document creates a very powerful set of phrases on what a 'universalized' baseline measure looks like in an international setting. For example: a minor is a person under the age of 18; that governments 'recognise the right of the child to education'; that governments understand the child shall have 'the right to freedom of expression'; and that the state shall 'protect children from the illicit use of narcotic drugs and psychotropic substances' (UNCRC, 1989: Article 1, Article 28, Article 13, Article 33). As These 'universalized' understandings are sourced from a particular construction of childhood, a

contemporary western discourse. The concepts that feed into this construction of childhood come from specific European discourses, which have filtered into this negotiation and are reiterated by Maria.

Maria's employment of the word 'childhood' is filled, therefore, with these particular meanings found within the UNCRC (1989). These values have been introduced into Colombian legislation, making meaningful in Colombian society a contemporary European set of ideals surrounding the subject position of the child. The direct injection of international legislation has solidified judgments that any participation of children in conflict should be perceived as a deviant subject positioning, an excluded category.

This is not to suggest that a category of childhood did not exist in Colombia before the incorporation of the UNCRC (1989) into the constitution, or that there was a lack of concern and care in Colombian society towards the subject position of the child. Rather, this thesis attempts to bring into focus how particular articulations of childhood are used to access particular sets of meaning. In this case, sets of meaning from the UNCRC (1989) are being projected to provide a baseline measure of what can be classed as a universal humanity, specifically with regards to the child. However, there is an alternative set of meanings present in the articulation of childhood from the perspective of the FARC. In both of their narratives, the discourses highlight a presumption that there is a particular way of viewing childhood. For Maria, her perception of childhood in the negotiation aligns with the position taken up within the UNCRC (1989), in this case – that children should not be active participants in conflict (UNCRC, Optional Protocol, 2002). Additionally, that this is not simply a definition of childhood, but a baseline measure of humanity. Therefore, anyone opposed to such a view does not hold a baseline measure of humanity. In contrast, the FARC commander does not see a construction of childhood that involves all those under the age of 18 (as the UNCRC 1989 stipulates, Article 1). Instead, he sees the same people, but excludes them from Maria's constructed subject positions of children. By distinguishing them as 'combatants', he accesses a different set of meanings that justifies his positioning of those under 18 within his narrative of a conflict environment.

In utilising the constructed position of the child found within the UNCRC (1989), Maria is enabling a particular platform on which she is basing negotiations. However, the

alternative perspective of the child as articulated by the FARC does not fit within the definition as outlined in this UNCRC (1989) platform. It is clearly visible that there is more than one articulation of the child and that they are incommensurable with one another. Both Maria and the FARC representative assert their definition of the child's identity as the 'right' articulation.

In *The Making of Political Identities,* Ernesto Laclau (1994) argues that there is an increasing move towards 'proliferating identities'. He suggests that contemporary developments in theory have recognized the decline of ideological politics, and in its place there is an awareness of multiplying identities. By his account, rather than viewing childhood as a set fixture, with a 'right' articulation and a 'wrong' articulation, it is possible to see multiple political identities proliferate across different narratives. As a result, he suggests there is a growing suspicion towards universalising politics – yet we see in the case of the ICBF that people still cling to essentialisms such as those enshrined in the UNCRC (1989). An essentialist framework treats a particular ideal as if it is natural and universal. Essentialism thus seeks to 'uncover/discover' an identity in the predetermined structure without acknowledging the potential for a plurality of standpoints.

In contrast to essentialism, discourse theory treats identity as constructed and thus accepts that it will be flexible and multiple. As such, contradictions between identities must be explained in terms of different constructions of identity. These different constructions will have different effects. It is less about the questioning of whether one construction is better than another, but rather understanding how two constructions might leave an area of ambiguity between them in which actors may be vulnerable.

Therefore, this chapter asks how children and childhood have been discursively constructed. This enables the wider discussion of how particular articulations of childhood have been so constructed that they promote themselves as a universalism/essentialism: a dominant reading exclusive of all other discursive constructions. Therefore, the rest of this chapter will outline the theoretical framework that will be used to explore the construction of children and childhood as subject position and concept respectively. The works of theorists Ferdinand de Saussure, Ernest Laclau, and Judith Butler will be combined to create an understanding of how societies construct systems of meaning that give rise to subject positions such as childhood.

Through considering the construction of these systems of meaning, it will be seen how concepts become embedded in overarching systems of discourse. As certain concepts are brought into a discourse, they become entrenched through historical behaviour, or as Butler (Butler, 1993; Butler, 2008) explains through iteration and performativity. By building such a framework, the rest of this chapter will outline the way in which concepts are assigned a meaning, how these become stabilised in a system of meanings, and how these are then iterated through traceable histories. This framework will allow us to see that concepts surrounding subject positions become entrenched through their iteration in discourse. This entrenchment, however, is not permanent. As such, concepts have shifted through historical moments of possibility that change the actions, expectations, and perceived identity of a subject position. With this framework in place, it will be shown why it is essential to understand how such discursive structures enable the construction of the subject position of the child.

Discourse: a Framework of Meanings

At the core of discourse theory is the importance of understanding how meaning is constructed (Howarth, 2012; Culler, 1975; Culler, 1976; Hall, 1997). Discourse theories have developed to become a methodology for investigating a broader system of meanings, relationships and inter-subjectivity. It is set in contrast to more traditional methods that postulate objects, people, or environments as containing an essence; by which it is meant that such things have something about them, consistently existing qualities that define what they are. In order to find this essence, or truth, it is necessary to focus on uncovering an origin of these fixed concepts. Therefore essentialists are theorists 'searching for an essential definition… for a discrete phenomenon 'discovered' in nature' (Howarth, 2012: 24).

In following a line of enquiry that challenges whether things have an ultimate source, discourse theory leads to the conclusion that the world is not something that exists externally to us, but is something we understand through the process of attaching meaning. There is nothing that exists that does not have meaning. In other words, objects or things are constituted as socially constructed concepts, and as such, they are inextricably composed through discourse. Laclau (1994) explains this by exploring the

difference between a thing and a concept. He argues that obviously things exist in a world external to the mind. Using the example of a falling brick or an earthquake, he explains that either of these events exists independently of human will. However:

> '…whether their specificity as objects is constructed in terms of 'natural phenomenon' or 'expressions of the wrath of God', depends upon the structuring of a discursive field. What is denied is not that such objects exist externally to thought, but the rather different assertion that they could constitute themselves as objects outside any discursive condition of emergence' (Laclau: 1994, 108).

Such discourses are built up, and over time transform, depending upon the 'structuring of [the] discursive field.' To explain this process, the initial relationship between meaning and object will be explored through the work of Ferdinand de Saussure.

Saussure: the Sign, Signifier and Signified

Widely regarded as the founder of modern structural linguistics, Saussure's work focused on the structure of language. Central to his ideas is the concept of the sign. For Saussure, language is not simply a mechanism for referring to things in the world. Indeed, things and linguistic signs are only associated by convention. The sign is only associated with the thing insofar as the concept the sign refers to is thought to coincide with the thing. Thus, for example, the concept of dog is only associated with certain furry four-legged animals by convention. The question for Saussure is how linguistic signs are constructed and associated with certain concepts (and thus, by convention, things). He argued that the sign is made up of signifier and the signified; the signifier being the sound or orthographic mark that identifies the sign, and the signified, the concept (not 'thing') it refers to (Culler, 1981).

For example, the word or sound 'child' or in the Spanish 'niño', both can indicate the concept of offspring or a 'young-human'. The physical entity of a 'young-human' exists exterior to the word 'child' or 'niño'. There is nothing intrinsic about the linguistic sounds of either word that contains the essence of what a child really is. Therefore, the relationship between the sound that is created, the signifier, and the concept, the signified, is arbitrary; and shows in turn there is more than one phonetic pattern present to indicate a concept of 'child', meaning the relationship between the concept of 'child' and the physical thing of 'child' is also arbitrary.

Saussure (1959: 12) focused instead on the concepts that are associated with linguistic sounds (sound-images), which are used for their expression. These concepts, become linked to the signifier in place of the object. The concept, being the signified, holds the sign together by functioning as a mediator between two people who are communicating by invoking an image. As such, signs collectively build up to become almost a dictionary of images. Saussure refers to this as a 'storehouse of fixed images', so that when a sound-image is articulated, Speaker A has selected a mental image that they are intending to activate in Speaker B's mind (Saussure, 1959: 15). So the conversation becomes as seen in Figure 2:

Speaker   A: concept,   Speaker   A: sound   image,   Speaker   B: concept

Figure 2:
(Saussure 1959: 11)

The thing or object is merely that with which the concept is conventionally associated through the sound-image – concept relation, but the thing/object need not be present for a conversation to take place about the signified. The concept, therefore, is not bound by physical determinants. There may be a discussion about a dog, for example, without the presence of a dog being required. When the word is articulated, the concepts associated with that word are invoked. These concepts will be activated in concurrence with the discursive field in which the word is employed. If the word "ит" (dog) is used in Kazakh, the concepts invoked will be those likely spaces that dogs occupy within that discursive context. This may include, for instance, large guard dogs, dogs that work in farming contexts, or stray dogs that carry disease, or dogs as a source of meat. It is unlikely that the invocation of the word 'dog' in a British discursive context, where dogs are widely thought of as domestic pets, would be connected to a concept of eating such an animal for sustenance.

Saussure's work on explaining the relationship between sound-concept-thing, led to his understanding of language as 'a system of signs in which the only essential thing is the union of meanings and sound-images', and these signs collect to create 'an approximate average between particular groups where the same signs are united with the same concepts.' (1959: 15) This is where Saussure's framework moves to divide the individual execution of speech from language to social facts. He begins this development by postulating how systems of signs collect and become socially crystallised.

Saussure: the System of Signs, Langue and Parole

A system of signs collects when the individual daily use of speech occurs within a collective of social facts, or wider social discourse. Saussure labels day-to-day spoken or written language, the *parole*. He argues that in executing language, or speaking, the individual has control over the way that sound-images are strung together. However, such individual speech acts are only meaningful when they are understandable by a collective. 'The faculty of articulating words… is exercised only with the help of the instrument created by a collectivity' (Saussure, 1959: 14). Take, for example, the context of an individual in a foreign country. If they speak a language that no one around them speaks, their ability to articulate themselves becomes meaningless because there is no collective understanding between themselves and others linking the signifier and the signified. It is only in the social that the expression of a speech act can be understood. Language, therefore, 'is not complete in any speaker' but exists within the collectivity (Saussure, 1959: 14).

Saussure terms this the *langue*, and states 'among all the individuals that are linked together by speech, some sort of average will be set up: all will reproduce – not exactly of course, but approximately – the same signs united with the same concepts'. (1959: 15) A unity then occurs between all individuals who have the same patterns of association. The totality of language correlates to its status as a social product, an agreement that is employed as 'a principle of classification' (Saussure, 1959: 19). As such, Langue is the rules that establish what is possible in parole. Iterations in Parole reaffirm or change langue.

This is where Saussure's contribution is essential. The way he separates out the functions of sound, concept, and thing, enables a theoretical framework to develop that centres not around a 'thing', but instead the 'concept'. It is not the object that carries the essence of a meaning. Rather, but the meanings are invoked through concepts. Here we must understand another element to the framework. The meanings attached to concepts are contained in the linguistic structures in which they are employed. If a word is spoken and a concept invoked, it is only a relevant relationship to those who have a shared agreement on the association between the sound-concept-thing. As such, not only do different linguistic systems sound different, but the association between signifier and signified may vary also, because the concepts being referred to differ. Even more significantly, the content of what the signified entails – the concept - will vary.

Saussure: Negative Meaning and the Deferral of Meaning

As signs accumulate and build up into systems, the separation of concepts becomes vital to the establishment of a discursive structure. In order to employ a sign, it is important to understand how signs function in an overarching discursive structure. Howarth (2012: 17) describes it as explaining chess to a beginner, 'we would first *identify* the different pieces (king, queen, bishop), then we would explain their *possible* interactions (moving, capturing, checking), before finally observing their *actual* interactions in a real game between two players.'

Distinguishing one sign from another is about understanding how concepts gain meaning. In postulating what influences the *content* of concepts, Saussure highlights three areas. Culture, political history and social institutions, these are all instrumental in creating links between signifiers and concepts (Saussure, 1959: 20-21). Further, these three areas enable the evolution of the sign by forming a discursive field, within which meanings actualise (Howarth, 2012; Culler, 1981). Saussure asserts that a symbiotic relationship is established between a social group exerting influence over its linguistic structure, and a language being the dominant influence over its social group.

However, the question remains as to how, within this field of content, specific meanings become associated with individual signs. In order to separate out concepts, Saussure built on comparative philology and the development of language through time and over

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different cultural contexts. In observing the differences between languages, such as Latin, Greek and Sanskrit, patterns began to emerge between the strands that showed how differences cause distinctions. It is through the theory of differences that it is evident why collectivity is so important in expressing the sign. Saussure comments that meaning is only realized in 'a system of interdependent terms in which the value of each term results solely from the simultaneous presence of others' (Saussure, 1959: 13). This may be explained clearly through Howarth's example of chess.

> A certain piece, say the knight, has no significance and meaning outside the context of the game, [i.e., only within the game is it understandable]. Moreover…whether it be plastic or wooden, or whether it resembles a man on a horse or not, does not matter. Its value and function are simply determined by the rules of chess, and the formal relations it has with the other pieces in the game.' (Howarth, 2012: 20)

No sign has any essential meaning, but gets meaning through differentiation from what it is not. This is termed negative meaning: the constitution of meaning through difference. In the same way that chess pieces are made understandable by the system of relations constructed between them, signs become intelligible when, within a system, they are clarified by what they are not. A rook may be utilized because the player knows it cannot move like a bishop. Likewise, concepts have assigned values that create understanding by what they are not, for example, a dog is not a cat, and a child not an adult. Within a structure of differences, some contrasts will add a greater clarity to the meaning of a sign than others. For example, 'mother' is understood by its contrast to 'father'. (Howarth, 2012: 20) But 'fireman' does not contrast these terms in a way that brings the same clarity. Its relationship to the former words is further removed. Within a framework of signs, this is termed deferral of meaning. As all signs relate to one another in a system of signs, within a wider structure there will always be a continual other, a concept that is 'not'. This system of negative meaning and deferral of meaning holds the overarching structure of meaning in place by fixing concepts into a system of signification.

What Saussure gives us is the basis for a broad framework of discursive theory where language is 'a storehouse of fixed images', and forms as a social institution. Where collectively we communicate through shared understandings and meanings. As the meanings accumulate in the form of collected signs, systems of signs are created and used in the collective. This profoundly affects our perceptions of the roles that people perform and the way society creates for them a subject position. If society communicates through a

culturally imbued, politically historical, institutionally constructed 'storehouse of fixed images'; language, then people must conform to the expectations of this storehouse in order to be 'understandable'. In order to be communicable, roles must adhere to the concepts that represent them. There are two questions that are raised by this position. Firstly: how does a discursive framework become stabilised to create specific expectations, and secondly: what happens when the expectations are not met. This will be discussed through the work of Ernesto Laclau.

Laclau: Stabilising the System of Signs

Before the expectations and deviations of discourse are discussed, certain differences between the work of Saussure and Ernesto Laclau need to be outlined. Laclau (1990, 1996, 2007) builds on the legacy of Saussure by developing the idea of a discursive structure. However, he expands on the theory of the sign to include all social practises and relations, not simply the linguistic. By questioning whether it is possible to separate out the sound and concept of a word from its use, he develops a position that idealisms and materialisms are mutually interdependent. In other words, the meaning assigned to a word restricts its use within the discourse of the user, and its employment in turn affects its interpretation by the hearer.

As such, this framework extends to include the association of meaning between all related objects and practises. Objects are a reflection, or identical, to how they are perceived in the mind (Hall, 1997). This is not a rejection of the premise that there is an external material reality. Obviously material objects exist exterior to the mind. But rather the real is defined by the conceptual. Laclau (1990) comments:

> "a stone exists independently of any system of social relations, but it is, for instance, either a projectile or an object of aesthetic contemplation only within specific discursive configuration. A diamond in the market or at the bottom of a mine is the same physical object, but again, it is only a commodity within the determinate system of social relations." (1990: 101)

It is only how we understand the perceived reality that matters. As Howarth (2012) notes, that an object's existence exterior to the conceptual means little because the object will only be encountered if there is a concept that allows us to encounter it. Thus it is only through ideas represented conceptually that we are enabled to discuss what *it* is.

By extending the definition of discourse, Laclau asserts that discursive frameworks encompass not only the linguistic but also the 'extra-linguistic'" In other words, discourses are not simply confined to an 'inner' realm of mental phenomena', but they are evolving structures of meaning incorporating all aspects of what is considered real and 'which enable social life to be conducted.' (Howarth, 2012: 104) With an understanding that everything is constituted as discourse, the stabilisation of discourse and of certain roles within such structures will be examined.

Laclau: the Openness of the Social

Saussure's work outlines that concepts gain meaning through differentiation of what they are not. As such, discourse comprises a collection of signs held in place, being fixed through relations of difference. However, Laclau distances himself from the closed system of signs that is promoted in Saussure's work, as he does not see a system of signs as fixed. Saussure's model asserts that it is possible through signification for all signs to be 'completed'. He constructed a theoretical template where differences, or deferral of meanings, would create a total system, because with any given concept there will be an opposite or a negative meaning, and therefore differences within a system would cancel each other out, or rather complete each other. Thus the concept and its opposite are both contained within the discourse. In the progression of his logic, it would be possible to affix socially constructed meanings within such a framework, reducing 'all *elements* to the internal *moments* of a system' (Howarth, 2012: 103; Laclau 1990; Laclau, 1996). This implies that there is nothing beyond a discourse as 'every social action simply repeats an already existing system of meanings' (Howarth, 2012: 103).

Laclau, on the other hand, advocates a different construction of discourse in which there are infinite meanings – a surplus of meaning, among which 'discourses endeavour to impose order and necessity' (Howarth, 2012: 103). For example, the United Nations Convention on the Rights of the Child (1989) is arguably a discourse, which contains a set of ideas (freedom, determinism, opportunity), that are translated into discursive practises (legal representation, freedom of expression, education). However, in order for such a discourse to be viable, there has to be a point at which, in the surplus of meaning, concepts crystallise. For example, connections between concepts such as freedom, determinism, opportunity, cannot continually be made; there cannot be an infinite deferral

of meanings, as there would be no finite edge to a discursive structure and concepts would cease to be meaningful.

There must be an edge to where such a signification ceases. From infinite possibilities of meanings, only those that become fixed are included within the discourse. At this point, a boundary is established between what is, and what is not included in a discourse. Laclau terms this the 'discursive exterior'. There comes a point in discourse where the completeness of the discourse can express 'this is what is not', that the discourse can gain stability through establishing boundaries on what is not meaningful within the structure. Therefore, Laclau promotes a framework where an 'outside' is required in order for a system to constitute itself.

Laclau: Logic of Antagonisms

A system that is held in place by differences must, therefore, reach a point where the continual deferral of differences stops. This is achieved through a radical opposite to a concept, in which it is possible to say, that is definitely what 'it' is not. This is where Laclau states the necessity for a radical opposite, a radical exclusion. Laclau reasons 'if the systematicity of the system is a direct result of the exclusionary limit, it is only that exclusion that grounds the system as such' (1996: 38). Whereas differential meaning occurs within a discursive structure, radical exclusion is beyond the boundary of a discourse.

Laclau explains this through the example of Marx's works. He begins by making the point that capitalist relations of production are not intrinsically antagonistic. There are no antagonisms between the buyer and seller of labour power. He goes on to say is that the lack of antagonism is due to these labels of 'buyer' and 'seller' of labour power being assigned within the system of capitalism. The discursive system of capitalism is congruent with itself, everything is meaningful within the structure, and therefore there is no antagonism. But he clarifies that this does not mean there is no conflict between workers and entrepreneurs. The roles of buyer and seller are economic categories within a discourse.

However, when these categories are understood within the 'social totalities forming the agents that are their bearers', a multitude of antagonisms may arise. 'For example, a decent standard of living is impossible when wages fall below a certain level.' (Laclau, 1990: 9) There a conflict appears that is not internal to the logic of the capitalist system, 'but takes place where the workers identity is outside – the constitutive outside is inherent to *any* [sic] antagonistic relationship."' (Laclau, 1990: 9) In other words, while 'buyer' and 'seller' conform to the same logic, in that they are understandable within a capitalist system of logic, social realities can change the way these roles are enacted. If, as Laclau points out, the worker experiences a cut in wages, then the worker is placed in a circumstance that may place their actions outside of the logic of a system. For example, the seller may resort to thievery. In stealing, he is no longer conforming to the logic of the capitalist system. Therefore this category of 'thief' is outside of the system because he refuses the logic of the system.

Laclau furthers this constitutive outside by specifying that those identities that align to the outside of a discourse do so because their identity is unachievable on the inside of a discourse. This is not to say that if an identity fails within a discursive system, it is necessarily an identity outside of the system. Only where an identity is *denied* does it adhere to being outside of the system (Laclau, 1990: 11). Laclau gives the example of game theory in which he states, 'the latter entails a system of rules which sets down possible moves of the players and consequently establishes their identity. But with antagonism, rules and identities are violated: the antagonist is not a player, but a cheat' (Laclau, 1990: 11). In view of the discursive structure, the antagonist is outside of the system of rules. For the antagonist, their identity is unable to function within the discursive framework. For example, children who 'misbehave' or perhaps end up in a care system, are within the realms of constituting as a failed identity because they do not meet the expectations within a discursive system. However, they are justified as being a part of that discourse as the internal discourse has a way of rationalising or explaining their identity back into the discourse. Children who adopt a soldier role or a sexual role, on the other hand, are an antagonism to the discourse, similarly to the thief, because they exist outside of the 'rules'.

Laclau: Chains of Equivalence

In order for a theoretical framework involving antagonisms to be viable, Laclau establishes that an antagonism is a threat to a conventional discourse. In so doing, he endeavours to display how the constitutive outside becomes, or is, the place for a purely negative identity 'that cannot be represented positively in a given discursive formation' (Howarth, 2012: 106). For if an identity finds its expression *within* a discourse, then it is no longer a negative identity, but another positive expression interpellated into a discourse. Therefore the negative identity remains outside the discourse as a threat that holds the identity of subject positions *within* discourse in the balance.

This is what Laclau terms the *logic of equivalence*. In other words, identities on the 'inside' of a discourse are held in place because they all hold something in common against the negative identity on the outside of discourse. Howarth explains it in the following way:

> 'In the logic of equivalence, if the terms a, b, and c are made equivalent (a = b = c) with respect to characteristic d, then d must totally negate a, b and c (d= -(a, b, c)), thus subverting the original terms of the system. This means that the identity of those interpellated by a discourse would always be split between a set of particular differences conferred by an existing discursive system (a, b, c) and the more universal threat posed by the discursive exterior (d). (2012: 107)

Chains of equivalence, therefore, form within a discursive structure between those elements that identify with one another as being "not-something" to the exterior; the negative identity on the outside. In the case of conflict in Colombia, for example, certain chains of equivalence have formed that create cohesion within a discourse by positioning a negative identity on the outside. In the discourse of the FARC movement, diverse sections of society are made equivalent to one another in order to oppose the perceived oppressive regime of the state. Men, women and children from different social classes are made equivalent in social status within the FARC discursive structure, by referencing the state as the negative identity *outside* a FARC framework of equality. This enables the FARC representative at the beginning of the chapter to claim that 'there is no childhood in the FARC'; it is negated, as the FARC perceives the state to be blocking the recognition of an equalised, uncorrupted position towards their Colombian identity.

Likewise, the discourse of the state unites different sections of society as equivalent under the equalised 'legitimate' Colombian national, by presenting FARC opposition to the

government as the negative identity. A negative identity that does not follow discursive practises of law and order and does not even recognise 'the patrimony of humanity that is called 'childhood.'

Laclau: the Radical Other

Thus an antagonism creates an edge to discourse, a boundary line to what is in a discourse and what is not. Laclau's understanding of antagonism gives the insight that there are not only boundaries of differential meaning within a discourse, but also radical exclusion beyond the discourse, which is where those subject positions that discard the 'rules' altogether are exiled. Such identities are considered negative identities, as they cannot be understood within the discursive system. They stand as the opposite of chains of equivalence that form *within* the discursive system. These chains are equivalences between different segments of a discourse that can unite out of recognition of what they are not, the radical other. The negative identity that is on the constitutive outside, then, is considered the radical other.

This radical other is identifiable as those identities that refuse to 'play the game. For those subject positions that fall outside of any recognized signification, they are classed as the radically excluded, and as such, their identities are 'violated' or 'denied' (Laclau, 1990: 11). Laclau explains this through a capitalist discourse and the aforementioned labels of 'buyer' and 'seller' of labour power. If a person is in one of these interpellated identities in the system of capitalism and through their purchase/sale, go 'bust', then they are still abiding by the discursive structure. If however, someone breaks into the home to steal, this is a violation of the discourse, and as such the identity of 'thief' is radically excluded. The action is considered unmeaningful in the structure because it does not adhere to the discursive logics of buyer/seller purchase/sale. This then begs the question of how some identities are performed in such a way that they are considered within the discursive structure, and others are excluded as the radical other? This is particularly important when contemplating the identities of children in conflict as subjects who act out a political agency. This thesis frames such children through this theoretical perspective to understand that such children act outside of discourse and so become the radical other.

Explaining Discursive Boundaries

This thesis draws on the outlined framework of discursive structures. In doing so, an understanding can be created about the way discourses establish an inside and an outside. A boundary line appears between what is understandable within a discursive structure, and that which is excluded beyond it. By constituting boundaries between different discursive frameworks, it is possible to map the identities of children and the varying roles that they perform onto the different frameworks that give children and their roles meaning, for example, the UNCRC (1989), a Colombian legal framework, a FARC framework etc.

Separate discursive structures emerge where children are articulated by differing mental images, or concepts. Borders of meaning between different discourses begin to emerge. Within a discourse, meanings are stabilised as lines are drawn around concepts of children and childhood that in turn crystallise. This thesis outlines the roles that children are prescribed within the discourse of the international United Nations Convention on the Rights of the Child (1989), and how these roles and their attached meanings exclude certain categories or roles as 'radical other' identities, for example 'soldier', 'worker'. However, within other discursive frameworks children enact these roles, or they perform them as an exterior or excluded category. This thesis concludes that, consequentially, children fall between frequently conflicting discourses, and as a result, are misunderstood, misrepresented and ultimately marginalised.

Ultimately this thesis does not challenge the theoretical positions outlined. However, the contribution focuses on articulating where the discursive boundary lines are drawn within international law, and what happens when the roles children assume are caught between definitions. Central to this thesis is conceptualising how boundary lines drawn around children within UNCRC (1989) operate in the context of conflict and post conflict transition in Colombia. Investigating this will show how children are made vulnerable when they do not or cannot conform to the expectations of a discursive framework, leaving such children unable to conform to the requirements of a legal definition, and as such, outside of the protections of the law.

The final section of this chapter explains how roles and categories are iteratively performed within discursive structures. Butler explains through the theory of

performativity, how roles are constituted through the repetition of expectations. She outlines the way in which categories or roles subvert the expectations placed on them when they enact roles that do not conform to the discursive framework.

Butler: Performativity and the Iteration of Subject Positions

Saussure's work on a system of signs and Laclau's work on the stabilising of discursive frameworks creates a structure within which we are presented with the radical other; a subject position that is denied within a discursive structure and therefore perceived of as illegitimate. This radical other is essential to understanding the problematic of children's political agency in conflict and post-conflict environments. Discourse theory helps to explain the way in which societies ascribe particular meanings to the subject position of the child. Meanings that can shift and vary based on culture and context. Values are included or excluded through antagonisms that occur on the borders of a discourse, where possibilities of different concepts are included or excluded. It is through this process of inclusion or exclusion that an identity, or subject position, is constituted.

Butler adds to the framework by looking into how meanings become consolidated by repetition through 'performativity'. (Butler, 1993; Butler, 2004; Butler, 2008; Salih, 2004) If discourse theory asserts that a spoken word precipitates a particular set of meanings and actions, Butler states that within this process an expectation comes first before the word and act. The effect comes before the cause (Salih, 2004). For example, if a society repeatedly acts as if women are the only subject position to wear a dress, then the societal discourse sets the expectation that 'women wear dresses', and 'men do not wear dresses'. Or if children play in parks, then the expectation becomes 'children play in parks' and 'adults do not play in parks'. It enables roles to be understood of as being expected *and therefore* constituted. It is the very enactment of a role that consolidates it as meaningful. Therefore, the theory of performativity creates an understanding that not only are identities discursively constructed and constituted, but that the meaning of these identities comes about through repetition of a role; the repeated enactment of a subject position creates expectations that are then constituted as identity.

Butler uses this understanding to continue to interrogate the conditions by which identities, or subject positions, are described, constituted, and circumscribed. Her focus is

on identities that become excluded as the radical other (Butler, 1993; Butler, 2008; Lloyd, 2007). By employing discourse theory, Butler looks into the 'naturalisation' of the body. She challenges the way that behaviours become expected of different subject positions, for example those attributed to certain female subject positions. If society repeatedly re-enacts that women cook in the home, then it creates an expectation that normalises as 'women are better cooks', 'women like cooking'.

To this end, she illustrates the way that meaning builds up through expectation around subject positions within discursive structures:

> …the repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being…(Salih, 2004: 90)

As acts are repeated, and therefore repeatedly attached to a given subject position, it creates the illusion that these acts are precipitated by an internal nature, as opposed to an external stimulus. Butler contradicts this:

> There is no "natural body"'" which pre-exists culture & discourse since all bodies are …[imbued] from the beginning of their social discourse. (Salih, 2004: 90)

Butler emphasizes that this imbuing comes from 'congealed' external expectations. The performance of an act creates precedent, setting up expectations for similar acts to be carried out in future contexts. They create a habitual expectation. She draws from Nietzsche's understanding that 'there is no 'being' behind doing, acting, becoming; the 'doer' is merely a fiction imposed on the doing – the doing itself is everything' (Salih, 2004: 91).

Butler: Expectations and the Mimetic Form Language

The idea of meaning coming from an interior decision making process, of it being a part of a natural body as assumed in essentialist theoretical models, relies upon presenting concepts as prior to signification. Butler discusses the impact of considering signification to come before the concept. This assertion of signification as prior to concept becomes a very part of the effect of signification. What is assumed of as a mimetic function of language, that these words reflect the concepts to which they are attached, 'signs following

bodies as their necessary mirrors' (Butler, 2008: 30), is actually performing a very different and performative function. These words become productive, constitutive.

There is an expectation accessed in the invocation of a word. Rather than mirroring the concept that is selected, it invokes a specific set of reactions and responses. This is outlined in her exploration of Jacques Derrida's interactions with Kafka's "Before the Law". In Kafka's work Derrida reads:

> There is one who waits for the law, sits before the door of the law, attributes a certain force to the law for which one waits. The anticipation of an authoritative disclosure of meaning is the means by which that authority is attributed and installed: the anticipation conjures its object. (Butler, 2008: xv)

It is the very insinuation that signifieds or concepts are prior, that legitimises their signification and therefore enables their invocation. Further, that this invocation, rather than being the cart that is led by the horse, becomes the horse that leads the cart. It is the iteration of a signifier that leads to an anticipation of a particular concept. So that when a word is uttered, it symbolises an expectation that leads to the enactment of a role. Which in turn constitutes how that concept has come to be defined, prescribed, and consolidated.

Butler: Subversions

Butler goes on to explore what happens when subject positions do not repeat the roles pre-ascribed. Her work brings insight into those subject positions that are excluded from discursive structures because they do not conform to expectations. These subject positions become illegitimate, actors who do not conform to overarching discursive structures. Therefore these illegitimate subject positions cannot be interpreted as meaningful within the discursive structure because when a word is invoked, the meanings that have been attached to the signifier do not align with the signified. For example, when the word child is invoked, the meanings and concepts associated with this word are contradictory to the meanings and concepts associated with a soldier, a smuggler, a drug runner, for example. Concepts of consent and innocence, of naivety and protection, are incommensurable with violence and work, illegal trade and informed assent.

When this occurs, when there is a subject positioning that 'should' be labelled in a particular way with all the meanings and concepts that labelling invokes, but that subject

positioning does not perform with the expected behaviour, Butler refers to this as a 'performative surprise' (Salih, 2004: 93). It is possible to re-enact a subject positioning in such a way that it goes against the norm or what is expected. This development from Butler is what Salih calls one of her 'most brilliant insights' (Salih, 2004: 93).

Butler argues that these performative surprises stem from ideas of the other, or the external. There is a need for unrecognised positions in order that dominant discursive matrixes are held in place. That relying upon 'the other' for a form of negative stabilising 'introduces a vital instability at the heart of…norms' (Salih, 2004: 93). Therefore, not only is it inevitability that the system will produce these illegitimate subject positions, but it becomes integral. These surprise performances subvert boundaries that are established around subject positions within discursive structures. Such subversive performances open up alternative possibilities around a given subject position (Butler, 1993; Butler, 2008; Lloyd, 2007; Butler, 2004).

At this point, it is also essential to understand that such subversions are an 'imitation without an origin… a production which in effect – that is, in its effect – postures an imitation'. In other words, these subversions are not attempts to mimic a 'norm', but they are in themselves genuine and without origin – just like the 'original'. As such they expose the 'original' to be only a construct. But by their very existence, these subversive identities display that the 'original itself is a parody' (Salhi, 2004: 93).

It is important then, to understand that in Butler's exploration of performativity, it is not to say that over time identities have been selected and enacted as a performance on a social stage. It is not a selection of a script, a costume, which an agent decides at will to adopt. But rather, as Beauvoir understands it, one is what one does, not what one is (Salih, 2004: 91). Subversions therefore act as antagonisms of the central discursive framework. They challenge the boundary lines drawn around subject positions by performing roles beyond the boundaries of discourse. This in turn challenges the edges of a discursive framework, and in this contention, these subversive roles struggle for their subject positioning and identity.

Conclusion: the Significance of Meaning

Through the perspective of this theoretical structure, it is possible to significantly contribute to the discussions surrounding children in conflict. It creates the possibility to map the differing identities of children and childhood onto separate discursive structures. This makes it possible to see the expectations that are being placed on children, and the ways in which children subvert those identities by assuming roles exterior to the discourse. When children perform roles outside of expected norms, they exclude themselves from the protections provided by conforming to legal prescribed expectations.

It can be seen that identities are expressed as part of relational or differential entities, and as such, the identity of the child cannot separated out from a given social discursive structure in an attempt to secure it (Mitzen, 2006; Pratt, 2016). In order to best understand their role in any given event, child actors must be placed within the context and understanding of surrounding relationships. In doing so, the boundaries drawn around children can be highlighted. These boundaries include not only those that place them in a discursive structure, but also those that define their role within the discursive structure. For example, the boundary line between the public and private spheres articulates a child's context as within the private sphere and unable to entre the public sphere.

This advocates the use of a methodology that seeks to map out the relationships within which the subject position resides. This gives us a better understanding of the expectations of a discourse, the subversions or 'radical other', and the ways in which contradictions between these two positions can cause children to be left vulnerable and outside of the protection of the law. Such a position looks to explain the relationships that interact with and define the position of the child in question. In addition, these relationships become what we regulate, not the position itself, and this is how we can secure their 'rights'. So this project makes two assertions, how is this achieved, and further, are we securing the right thing?

It is also important to reiterate that just because these positions are constructed, that does not make them fluid and easily mutable. Indeed, for those concerned it may be hard to escape the expectations of certain subject positions. Instead, by levelling a challenge at

origins, we can move away from claiming the 'fixed' nature of an identity within international law. By focusing on the 'fixed' point as being a reflection of context, we can follow a history of the concept of childhood and child subject positions in order to develop an understanding of how we have reached a contemporary definition. A history of ideas allows us to explain attributes that we have attached to a concept, in this case the position of the child actor. This in turn allows a comparison to be made between the expected behaviour, and the circumstances in a given environment. When we contextualise these actors within the environments they are in, we can ascertain whether the actualised performativity of their subject position aligns with the expectation of the subject position. If they are acting outside of that expectation, then the insistence on securing such a phantom identity will be ineffectual and counter productive. This isn't about reverting back to a position that attempts to secure and protect the child actor because they are children. It is about engaging with the positions they are assigned and challenging them. If the intention is to secure the actor involved, especially those perceived of as vulnerable, then their positions must be framed correctly or the attempts will be futile.

With this framework in place, the next chapter will outline the methodology used to collate data and to outline the empirical research process. It will discuss the methods that were utilised in the field. Data was sourced from discourse methods, as well as semi-structured interviews and ethnographic observations. The two fieldwork placements that were conducted in Colombia during 2013 and 2014 will be outlined and the fieldwork practise summarised. This methodology was selected to support the thesis and its contribution to research surrounding children's political agency. The following chapter will justify the validity of the methods used and the findings that resulted.

CHAPTER 3
Methodology

This chapter outlines the methods employed in this thesis to explore the political agency of children. The central research question focuses on advancing understandings of the position of children as political agents, and showing the vulnerabilities caused when children act outside of the constructed expectations of children and childhood delineated within international discourse. At the centre of this international discourse is the United Nations Convention on the Rights of the Child (1989) (Reynaert et al., 2009). Therefore, this thesis investigates the implications of the specific legal constructions of the category of children and childhood contained within this document, and as such within International Relations. It questions how far these legal constructions of childhood impact the status of children in the context of conflict and transitional justice. The research therefore seeks to draw conclusions about understandings of children and childhood and in particular the importance of the boundaries placed around the role of agency in children's identity. It shows how boundaries are drawn by examining the depiction of children and childhood within the United Nations Convention on the Rights of the Child (1989), and investigating how this depiction can contribute to the vulnerable positions children find themselves in. In order to achieve these aims, therefore, this thesis employs qualitative methods throughout in what may be presented as a mixed methods approach, including archive work, discourse analysis and ethnographic fieldwork. The chapter is therefore divided into the following three sections: the case study method, ethics, and finally the three data collecting methods employed in the thesis; discourse analysis, ethnography, and semi-structured interviews.

The Case Study Method

Selecting a case study method enables a deep understanding of subject matter (Yin, 2009). As Flyvbjerg (2006) states, case studies produce 'context dependant knowledge' that engages the researcher beyond a 'rule-based knowledge'. What he discusses as rule-based knowledge, or rather a theoretical knowledge, is a necessary part of the research process. However the contextualisation of a case study 'allows investigators to retain the holistic and meaningful characteristics of real-life events' (Yin, 2009: 4). In other words, applying

rule-based knowledge to context-based knowledge expands understandings by making findings meaningful through 'real-life events' (Yin, 2009: 4). Flyvbjerg (2001) argues that case studies are essential if one is to gain an expert level of understanding about a theoretical question. Case studies may be conducted in a number of ways. While they can be quantitative, they lend themselves to qualitative analysis because they allow the study of a specific case in-depth (Burnham et al., 2008). However the usual divide in case study design is single or multiple cases. The benefit of a multiple case study is ability to examine more than one example and to compare how the situational circumstances impacts the framework of the research question. A single case study allows the depth of a specific example to be explored, and where a theoretical framework is in place, it creates transferable observations (Burnham et al., 2008). This thesis employs a single case study method.

By exploring children's political agency within the context of a single case study, that of Colombia, we can see theoretical questions about the agency of children framed by contextual scenarios lived out through the everyday conflict experiences of children. Conflict offers the opportunity to see children assuming roles and responsibilities that they might not otherwise have access to. Colombia provides an environment where the boundaries of childhood are continually contested and the impact of international law on that struggle is evident. It is possible to see children enacting roles that contradict conceptualisations of childhood found within the UNCRC (1989). Additionally, situating theoretical questions within a context presents a greater challenge to assumptions held by the researcher and their pre-existing knowledge. It allows the research to identify where theoretical positions hold up to the scrutiny of contemporary events.

However, there must be an acknowledgement within any good research design, of the limitations of the research. For a case study, particularly those that focus on a single example, there will be limitations to the outcomes. Three significant challenges to the case study approach are firstly, the ability to generalise findings, secondly the methodological rigour when constructing a case study, and finally, the role of the researcher in the production of knowledge (Flyvbjerg, 2006; Yin, 2009). These three limitations will be discussed in turn to establish the validity of the case study method in the face of limitations.

1. Applying Findings beyond a Single Case Study

There are those who state that case studies are too specific for findings to be generalized, and as such these scholars have challenged the use of the case study method. Indeed it has been stated that 'a case study cannot provide reliable information about the broader class' (Abercrombie, Hill, & Turner, 1984: 34). However, a blanket dismissal of the ability to generalise results has been roundly disputed. Robert K. Yin (2009) points to case study work stretching back to 1943, where William F. Whyte, carried out research titled *Street Corner Society*. Whyte's research describes the 'advancement of lower income youths and their ability (or inability) to break neighbourhood ties' (2009: 7). Yin (2009) argues that later studies supported the conclusions made from this single case study, evidencing the strong potential of the repetition of findings from one case study in other case studies or research. Indeed, case studies can show how patterns of power and patterns of behaviour repeat themselves across separate studies.

Other convincing case studies, such as the iconic Graham Allison's (1971) account of the Cuban Missile Crisis have led to a reversal of position for vehement opponents such as Donald Campbell (1996). Campbell once stated that case studies:

> …have such a total absence of control as to be of almost no scientific value…
> it seems well-nigh unethical at the present time to allow, as theses or
> dissertations in education, case studies of this nature (i.e., involving a single
> group observed at one time only). (Campbell and Stanley, 1966: 6-7).

Campbell (1975) in later work reversed this position to become a strong supporter of the case study method. Indeed, Campbell's change led Flyvbjerg (2006) to investigate concerns surrounding the case study method in *Five Misunderstandings About Case Study Research*. In Flyvbjerg's research, he counteracts claims levelled against case study research including that of generalising findings beyond a single study. In his critique he points out how misunderstandings about case studies are 'typical among proponents of the natural science ideal within the social science' (Flyvbjerg, 2006: 224). He elaborates that natural science models still influence ideas surrounding research and can continue to position research as an experiment even within the social sciences. The consequence of this is the continuing need to provide research that complies with an expectation, often of a scientific framework. This ideal prevails among social sciences to the extent that even prominent sociologist Anthony Giddens (1984) commented that single case studies are only valid as a generalising tool if the studies 'are carried out in some numbers' (1984:

328). However, Flyvberj (2006) asserts that it 'depends on the case one is speaking of and how it is chosen' (2006: 225).

With the right conditions, Flyvbjerg (2006) argues it is possible to see how conclusions from a single case study can be applied to other cases. The case study expounded within this thesis sets out to show that international law can lead to children being exposed and vulnerable in conflict and post-conflict societies. This thesis contends that such findings will be traceable in other similar conflict and post-conflict environments. The challenges of international law intersecting with national discourses can hold true across examples, despite disparities in circumstances. Although there are shifting attitudes towards case studies as a method, there remain important considerations when conducting a case study. The ability to generalise findings is rooted in the methodological rigour in which a researcher establishes the research question within a carefully chosen case study.

2. Methodological Rigour

Gerring (2004) cautiously reviews the role of the case study as 'an in-depth study of a single unit (a relatively bounded phenomenon) where the scholar's aim is to elucidate features of a larger class of similar phenomena' (2004: 341). As such, he acknowledges the possibility, indeed the importance, that the findings of a single case study will be found in repeated studies beyond a singular unit. However, Gerring (2004) highlights a concern that 'practitioners continue to ply their trade but have difficulty articulating what it is that they are doing, methodologically speaking' (2004: 341). It is important to avoid what Gerring (2004) goes on to underline; work presented as a 'case study' can become ambiguous, drawing on one or more conceptions of what a case study actually is. He outlines the confusion created by different adaptations of the case study method. As there is debate over what a case study consists of, the end-goal of such a research approach becomes obscured. If the researcher is unsure or unspecific about the model of the case study, then Gerring (2004) argues it will be unclear as to the applicability of the results.

For the purposes of this thesis, a case study, specifically Colombia, is being used to show how boundaries are created by international legal definitions. These definitions shape the identities of children in conflict and post-conflict societies. More specifically this research shows how these boundaries created around children's identity both constrict and prescribe certain behaviours. When children act outside of these boundaries there are

consequences that can lead to children being vulnerable and exploited, as they no longer qualify for the protection given to those children who comply with the preconditions of being a child. Showing how this unfolds in the Colombian context 'elucidates features', or creates an illustrated moment of the research question. When the illustration of a specific moment is done correctly, there are transferrable revelations and perspectives that can be applied to parallel situations. As Flyvberj (2006) states, 'it is correct that the case study is a "detailed examination of a single example," but…it is not true that a case study "cannot provide reliable information about the broader class' (2006: 220). The function of a case study then, is to detail a moment in a wider question that tells us something about how we may understand or contextualise the issues, subjects, and real-events within the research question. Or as Watts (2006) defines it, 'case study research, I was beginning to realize, like literature, is concerned with illustrations rather than definitive answers' (2006: 211).

While this outlines the purpose and model of this case study, it does not necessarily comply with Gerrings (2004) appeal for specificity and methodological rigour. However Yin's (2009) work shows how defending a case study as the most appropriate method for a given research question provides the specificity Gerring (2004) requires. Yin compares experiments, surveys, archival analysis, histories, and case studies to explore the conditions under which each method proves the most appropriate. He states selecting a case study methodology is pertinent when the research question asks 'how' and 'why', when there is no requirement to control behavioural events, and when the research is focused on contemporary events. Under these parameters, this thesis meets the conditions for utilising a case study method.

The research questions within the thesis centre on how and why enquires: How have meanings of children and childhood been constructed within the UNCRC (1989)? How is this convention interpreted into local contexts? How can the meanings established by the convention lead to children being vulnerable? Why does this happen? How do people handle the contradiction between international and local discourses? How and why do the different discourses create different boundaries or expectations around the identity of the child, and why does this cause vulnerability for children? Additionally there is no desire within this study to control behavioural events, but instead an ethnographic approach is being employed to engage with events as they are. And finally the study focuses on the contemporary events unfolding in Colombia and the impact of the UNCRC (1989) on the

position of children within the current peace process. However, Yin specifies that there are 'large areas of overlap among methods' and as such it is not unusual for a particular approach to involve 'a choice among methods' (2009: 11). The important part of building a research plan is to make sure there are no 'gross misfits' (Yin, 2009: 8). The implementation of a case study and the methods used to support that case study are those I have seen as the most appropriate in answering the research questions. In the final section of this chapter, each research method is outlined and justified against alternative methods to show that each technique employed within the field of the case study has been the most appropriate.

3. The Role of the Researcher

The role of the researcher is a concern traditionally queried within the case study method. While questions surrounding the impact of the researcher on the research process are not exclusive to a case study, it is recognised that a case study relies significantly on the discretion of the researcher for the analysis and presentation of findings (Yin, 2009). Yin levels the critique that this has led to 'sloppy' researchers, who do not follow 'systematic procedures', or allow 'equivocal evidence or biased views to influence the direction of findings and conclusions' (2009: 14). The lack of literature outlining procedures and systems for the case study researcher to follow exacerbates these concerns. The need for the methodological rigour of the researcher becomes increasingly evident. However, it is still important to consider the impact the researcher has on the process regardless of how rigorous they are. In order to address these concerns, this section will investigate the inevitable impact of the researcher on the outcomes of a project.

Watts (2007), in his exploration of case study research, highlights certain academic expectations in his reactions to Robert E. Stake's (1995) *The Art of Case Study Research.* In his reaction to Stake's unorthodox research, specifically Stake's process of presentation, he looks at the impact of the researcher on the research process when employing a case study. Watts (2007) emphasizes, in his analysis of Stake's case study approach, the improbability of impartial research even when simply presenting a descriptive narrative. Stake (1995) offers a report of Chicago's Frances Harper Elementary School, however, Watts (2007) argues that it delivers 'too much of a story, not enough of a report' (2007: 206). In his initial assessment, he draws attention to why he perceives this approach to be problematic; that with 'its descriptive narrative rather than prescriptive conclusions, it was

a story that "fails to adequately address any of its own stated goals" (2007: 208). He reasons that the style obscures impartiality because even a description is impacted by the view of the researcher. However, as he reflects on Stake's research process compared to his own, he comes to admire the literary style as it challenges his own research practice. Watts recognises that as a researcher takes his background into the field, similarly we interact with another's research through our similarly preconceived experiences (2007: 206). Indeed, reiterating a challenge from Stake (1995), Watts calls for the reader to acknowledge the need for 'ethical responsibility to identify influences on [our] interpretation of the case' (Watts, 2007: 206).

It is widely acknowledged that it is impossible for the researcher not to be an acknowledged influence on any methodology, or indeed in interpreting results, analysing findings, or for that matter interacting with one another's work (Clifford, 1988; Holmes 1998; McIntosh, 2001; Stanley and Sieber, 1992; Watts 2007). Of course different approaches to knowledge production and connected methodologies will encounter this challenge in different ways. An empathetic and involved approach to the subject question, to the people who live the 'case-study' as a daily experience, places an ethical responsibility on the researcher to mitigate their own impact as much as possible, to make their impact as clear as possible, and to design a research process that facilitates an analysis that will challenge the role of the researcher, or account for it. However even with a rigorous research design, as Alison James (1993) stipulates, 'the ethnographer does not arrive empty minded in the field' (1993: 67).

It is important however to acknowledge the impact of the researcher not only on the gathering of data, but equally on the process of presenting findings. It challenges the researcher to construct a theoretical framework through which to sift information, but not to allow that framework to impede the evidence found in the field. Indeed, the theoretical perspective I constructed in the initial phases produced findings that I did not expect. Initially, the understanding constructed between signs, systems of signs and performativity, caused me to go into the field with a particular expectation. In using the theoretical understanding of discursive systems, I hypothesised that I would encounter complete discursive structures that would have a complete set of meanings. As such, I had an expectation that the guerrilla movement FARC would have a functioning system of signs that would include understandings about children and childhood that enabled

children to enter into roles they normally would not have access to. I reasoned that if the FARC were employing children in conflict, then it was because their framing of children and childhood included expectations of child-soldiers, and the capacity of children to fight. Equally, I had an expectation of the Colombian state, where a similar structure of meaning would have one understanding towards children that would either align itself closer to that of the FARC, or that of international law. The examples and experiences I came across in the field challenged this understanding. As I spent time moving between the different discursive structures, the system of signs was not as whole or complete as I had expected. There were transferable meanings between discursive structures and manipulations of those structures on both sides.

During the analysis of findings, this change in understanding impacted my writing of the theoretical model and the expectations I had of it. It also challenged the way I explained and analysed the evidence of the empirical chapters. Initially, I intended to construct three frameworks of the different discursive systems (FARC, State, and International) and their portrayal of the child. I would then contrast these frameworks to show how they presented the lives of children differently, and what impact this had on the security and opportunities available to children. However due to evidence found in the field, I constructed one framework based on the UNCRC (1989), and used empirical evidence obtained in the field to show how this one core interpretation of childhood did not address the needs of the multiple frames of 'child' that I encountered within the Colombian conflict and post-conflict environment. In this way, it is possible to see that a case study can challenge the rule-based knowledge of the researcher and bring about more accurate findings.

By examining the role of the case study as an appropriate methodology, this section has set out to justify the employment of a case study method. It is possible to see how illustrating one moment in a wider research question can bring understanding to a broader set of questions and parallel environments in other case studies. It shows that it is possible to acknowledge the role and impact of the researcher while providing a rigorous methodology and research plan. It outlines why a case study method is the appropriate to the research being undertaken. It has also stated that it is important to the validity of a case study to show how and why a particular study is being undertaken. It is important to show why the case study of specifically Colombia is the most appropriate study to

undertake. Therefore the following section will look at explaining the research design process and the selection of Colombia as the case study.

Selecting a Case Study (Colombia) and Designing a Research Process

Selecting the right case study is an intrinsic part of the validity of results (Yin, 2009). Stake (1995) states that a study should be a 'well-bounded, specific, complex and functioning "thing" (1995: 1-2; Yin, 2009: 22). In other words a case where the environment is rich in detail and illustrates all the research questions that are postured. Equally, designing the research process is instrumental in assuring the quality of research outcomes. Nachmias and Nachmias (in Yin, 2009: 22) describe it as 'a logical model of proof', and that the importance of this proof is the creditability it lends to the stated inferences within findings. Therefore, this section outlines the research design following Yin's (2009) five research components (a study's questions; its propositions, if any; its unit(s) of analysis; the logic linking the data to the propositions; and the criteria for interpreting findings) after discussing the important selection of Colombia as the case study.

Colombia was selected as the focus for case study research for a number of reasons. The initial outlay of the problem was framed as follows:

> This project will advance understandings of the position of children within transitional justice… Children are emerging as complex political actors in global conflicts. Their ambiguous roles on the battlefield pose important questions about their integration into post-conflict society (2011: extract PhD proposal).

At the beginning of the project, there were two options that felt appropriate through which to investigate the research question. These were Colombia and the Democratic Republic of Congo. These two options presented as the most appropriate because both cases were experiencing ongoing conflict, with an international presence involved, and developing transitional justice peace processes. Within the research carried out surrounding the research question, it was evident that children lacked a voice in their own representation. Decisions made on their behalf, especially in transition to a post-conflict environment, were often not advantageous or beneficial to them (Brocklehurst, 2010; Feliciati, 2006; Häkli & Kallio, 2011; Marks, 2007; NPWJ and UNICEF, 2002).

This thesis set out to work as a corrective study, investigating how children's agency is conceptualised and enacted within conflict and transitional justice environments. The theoretical framework fell quickly into place as discourse theory. This framework would enable a deep understanding of constructions of childhood from the different perspectives involved. It would also create a framework in which the borders around conceptualisations of childhood could be challenged. Most significantly discourse analysis challenges understandings of the borders between policy and practice. From the beginning, discourse analysis delineated and unmasked the policies surrounding children involved in these transitional environments and created a credible understanding as to why popular and well-meant policies were not being enacted in line with the rhetoric. The thesis developed around the discursive boundaries that popular and well-meaning policies constructed, and how these boundaries were being 'transgressed' by children who were not conforming to the expectations outlined. Thus it became possible to examine why this is the case, and what alternative narratives were operating. The most central international document that outlines children's rights in these situations is the UNCRC (1989). This document therefore, became the backbone of the research in investigating why such an important and widely ratified document is unable to assist children when it matters the most.

Colombia presented as a great opportunity to investigate these discursive frameworks. When the project began, the framing of the peace process and the institutionalisation of the discursive framework of the UNCRC (1989) within the Colombian constitution created an environment in which this case study could examine the impact of the discourse. The FARC were already moving through peace talks with President Santos' administration. The peace process in Colombia caused the implementation of transitional procedures to increase both within the government and within NGOs. In addition, it created a strong international presence. As such, there was a combination of international and national agendas, and an evident transgression of boundaries by children who were increasingly being articulated in particular ways. Additionally the choice of Colombia over the UNDRC was supported by the practical considerations. I already spoke Spanish (I do not speak French), I have family in Colombia and I am familiar with the country having visited for the first time in 2003, and return on numerous occasions. Furthermore, the situation in the country was less volatile than the DRC.

Once the case study had been selected, the research design focused on providing a series of enquiries that the thesis would seek to investigate. As quoted earlier, the case study was investigating the constructed understandings of children within a 'well-bounded, specific, complex and functioning "thing" (Stake, 1995:1-2; Yin, 2009: 22). As such, my first investigation focused on creating a framework for this 'complex and functioning "thing"'. I began to investigate the lines of inquiry that would start to untangle some of the complexities surrounding this case. In order to delineate boundaries around children, I set out to understand the literature around child security and look into studies that actively incorporated children.

I was quickly aware of the extensive testimonials gathered from children who have been involved with militia activity in Colombia, from multiple groups. Human Rights Watch has carried out one of the most extensive studies, in 2003: *You'll learn not to cry*. This 150-page document includes the stories of children's recruitment, their induction into a group, and their treatment from the group, society, the military, and family. I also relied upon another such report that was conducted by Watchlist in 2012: *No one to trust*. These reports, combined with other studies meant that the need to gather extensive testimonies from children, while being of personal interest to me, did not add sufficiently to the resources available to the thesis. Such reports had greater resources at their disposal and covered a wide range of participants. So while the fieldwork contained contact with children through the form of ethnographic methods and group semi-structured interviews, the experience was limited to about a month of the fieldwork. Spending this time with children was necessary to create an understanding of children from within the culture that shaped the roles they could occupy. However, it meant that for the majority of fieldwork, the focus of field interactions was on those who interpreted and framed the developing narrative around children and their rights. The fact that this was an adult demographic was telling in itself.

One of the critiques of single case study research is that it is often difficult to return to fieldwork if an extended period has already been carried out (Yin, 2009). It is possible during analysis, to be in the position where you lack information either due to unforeseen circumstances while in the field, or because the results do not take the findings in a direction that was anticipated. Therefore, I set up a two-stage research approach. I began fieldwork in Colombia in 2013, where I spent three months in the capital from June to

August and the following year I returned in the January for a 7 month placement where I spent time in the capital Bogotá and a town 2 hours outside of Bogota, *La Mesa.*

During the first phase, I began forming the research design process through Yin's (2009) five research components for case studies. Yin (2009:27) outlines five criteria for establishing rigorous case study research. These are:

1. A study's questions;
2. Its propositions, if any;
3. Its unit(s) of analysis;
4. The logic linking the data to the propositions; and
5. The criteria for interpreting findings

In the course of the first three-month placement, I established a set of study questions, outlined my propositions and defined my units of analysis. Through holding initial interviews with key voices across services interacting with conflict children, I began to work with the following list of study questions: How have meanings of children and childhood been constructed within the Convention on the rights of the child? How is this convention interpreted into local contexts? What is the impact of this on children – how can it lead to children being vulnerable? Why does this happen? Do people understand the different discourses involved? How and why do the different discourses create different boundaries or expectations around the identity of the child, and why does this cause the vulnerability and exploitation of children?

These questions led to propositions that shifted and changed throughout the research. However, the function of forming these propositions was to bring focus as to the data gathering process of this case study (Yin, 2009). For example, a proposition that I formed within the field was that where children are at the centre of policy, the language of the UNCRC (1989) is used in the day-to-day practise of Colombian government institutions. This would focus research on gathering legal and institutional documentation within the Colombian government to assess the replication of language. A further proposition focused on whether this language was reiterated when speaking to the officials who interact with such legislation, or whether they have different ways of articulating childhood and the situation of children.

As such the purpose of all interactions with interviewees was concentrated on understanding their discursive positioning, understanding, and narrative of what was unfolding with regards to children's rights within the peace process. However it was not the intent of the research to provide a synopsis of an undisputable, intrinsic position of the child. As such these propositions were not established as a set of hypotheses that I set out to 'prove'. Rather, this thesis has set out to explain how different discourses impact the definitions of children and childhood and the definition of children's agency. It explores the influence these narratives have on the rights of the child, and the consequences when people use more than one discursive framework of children within their daily decision-making and action taking. In particular, by exploring the impact of the international discourse of the UNCRC (1989) on people's perceptions of children in conflict, it enables similar deductions to be made on a theoretical basis of other children who enact experiences between international legislation, and conflict and social roles.

This case study primarily employed in-depth interviews and ethnographic methods to gather data that would illustrate the theoretical framework of understanding how the international discourse of the UNCRC (1989) impacts the agency of children, and how this can make children vulnerable. By taking this approach, I was able to access the discourses that were employed by the different actors involved in constructing and performing identities of children. I recognized early on in my research, during my first field placement 9 months into the thesis, that the goal was not for any contribution to provide 'definitive answers'. Instead, in combining discourse theory with a case study approach, the focus of research was to investigate 'social practices and institutions and… critically analyse the discourses that are linked to them and continue to give them legitimacy and meaning' (Burnham et al., 2008: 251; Howarth, 2012).

Within these interviews, I streamed data collection into 4 units of analysis to provide a multifaceted approach to the perception of children's agency within the Colombian situation. These units were: The State; NGOs; Children; and Academics. These units were established as uniquely positioned to comment on and add to the discourses surrounding the definitions of children and their place in society. How each of these units positioned the child in wider Colombian discursive systems created a broad perspective for the analysis of the position and role of children in Colombian conflict and post-conflict study. Due to previously mentioned experience of Colombia, I was able to make a number of

contacts in all four separate fields (see appendix 1 for a list of interviews). The insight of my research assistant, and the connections provided by both supervisors, caused the number of contacts to expand. I began with three academic contacts, two government interviews, and a few NGO connections. These initial contacts opened the door to further interviews with: key government positions close to the peace process (including military positions); prominent academics with a deep understanding of the conflict and the developing identity of children; and NGOs working with children across a number of different social environments. The school where I stayed enabled contact with children from all walks of life (local children as well as those from conflict regions – including children who had been involved in the conflict directly). As such – the conclusions reached in the thesis were grounded in a broad spectrum of opinion and resulted in a well-rounded research project - for which I was very fortunate. The Colombian culture assisted in this process, with a genuine, warm, and open attitude towards myself as a researcher. Consequently, concerns of access, and the bias created when being unable to speak to particular key voices, was not a considerable concern in this case.

And the last two criteria for the research design process are to establish a logic linking the data to the propositions, and the criteria for interpreting findings. Both of these criteria were met by the implementation of discourse analysis. By focusing on how conceptual boundaries are constituted within the field, it targeted data collection around speech and supporting social ideologies. The purpose was to show the discursive frameworks unfolding within the context of an empirical example that would show the marginalisation and vulnerability of children caught between the boundaries of international and national discourses. In turn, the utilisation of discourse analysis created an analytical framework that provided a way to analyse the information collected in the field.

The Three Research Methodologies

This research comprises thirty-eight semi-structured interviews (see appendix 1), including 6 roundtable discussions, as well as surveys from 40 children, and 2 focus groups with children. In addition, ethnographic methods were employed throughout the fieldwork. Critical discourse analysis has formed a platform for the research conducted in this thesis, overarching the separate methods employed within the field as well as a critical linguistic study of the UNCRC (1989). This section outlines these methods used to gather data by

separating out the four research approaches: discourse analysis, ethnography, semi-structured interviews, and surveys.

Discourse Analysis

According to Phillips and Hardy (2002), when considering the employment of discourse analysis as a research methodology, there are four models to examine. These models vary on an axis of social context and text, crossed with a constructionist or critical approach:

FIGURE 3 Types of Discourse analysis

	Focus on context	
Constructionist Approach	**Interpretive structuralism**	**Critical discourse analysis**
	Social linguistic analysis	**Critical linguistic analysis**
	Focus on texts	**Critical Approach**
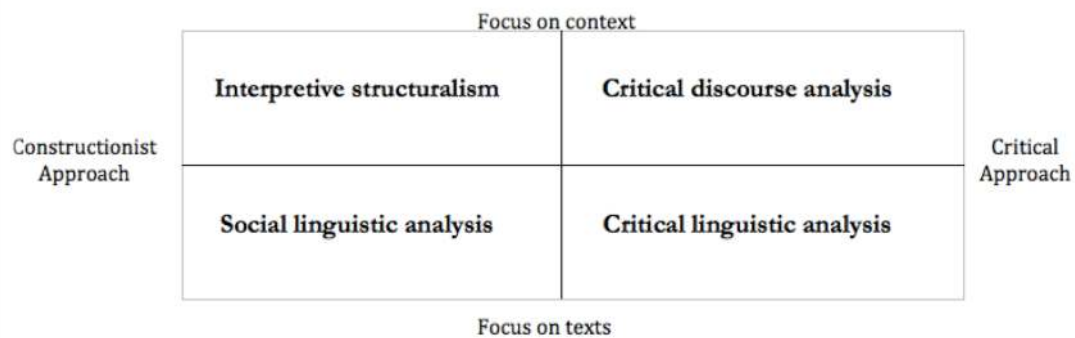
Source: Phillips and Hardy (2002: 20)

These four methods vary in their focus on the social context within which meaning is constructed, and the texts that embody those meanings. Central to all is the idea of a socially constructed reality and the power relations that cause particular subject positions to benefit or become marginalised because of a dominant discourse (Phillips and Hardy, 2002). For example, research may focus on 'the role of discourse in the construction of social reality', which would trace how meanings have built up within a discourse (Burnham et al., 2008: 252). Another analytical approach would be to investigate how such an understanding can be used to expose the 'ideology and power relations revealed by the analysis and showing which groups gain or lose as a result of the way particular discourses are structured' (Burnham et al., 2008: 253). Using this framework, two understandings of discourse analysis have been employed as a methodological approach. The first is the theoretical framework that forms a tool for critical discourse analysis. The second is an interpretive structuralism analysis of the developing understanding of children and childhood through a European history. Finally, in Chapter 6 I conduct a

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critical linguistic analysis, as an analysis of the UNCRC (1989) document, forming the basis of legislation on children's international human rights.

In the first instance, chapter 2 outlined the theoretical framework as a critical discourse analysis used to understand and interpret the thesis question. This critical discourse analysis looks at 'the role of discourse in supporting unequal power relations and reveals how some groups are exploited and marginalised by other groups which the discourses privilege' (Burnham et al., 2008: 253). Chapter 2 took concepts from three prominent theorists to create a framework through which to evaluate the power relations, marginalisation and exploitation between children and other actors in the Colombian context. It expanded on understandings of discourse theory and created a framework between: Saussure's (1959) understanding of the sign equating to the signifier and the signified, Laclau's (1990; 1996; 2007a; 2007b) development of a system of signs creating shared meanings between different levels of social groupings, and Butler's (1993; 2004; 2008) explanation of *performativity* as the performance of acts that in turn constitute meaning. These theories create a framework of understanding through which the unfolding situation of Colombian children is contextualised. The framework created between these three theories illuminate conceptualisations of the political agency of children in Colombia. Together, these theoretical positions interpret the meanings and values that people use to express the identity of children, and the repetition of that knowledge. They enable an analysis of the current situation that explains why certain patterns of behaviour are repeated, even when international law stipulates a different course of action. This approach is supported by interpretive structuralism, which focuses on the ways in which discourses support social contexts (Burnham et al., 2008). Interpretive structuralism is the cross section between the construction of a discourse, and the context of a discourse. Thus it encourages the examination of how a discourse operates within an example, or case study.

Finally, discourse analysis has also been employed as a method of critical linguistic analysis. Chapter 6 conducts a critical linguistic analysis of the UNCRC (1989). This approach focuses on the impact of language, text, conversations, indeed any expression of communication between peoples, on the making of meaning (Burnham et al., 2008). The use of these sources, which range from government reports and records, speeches, bills, acts and laws, through to media, television, radio programs, academic books and articles,

indeed any form of text that stands as a communication between peoples, may be used to analyze 'the origins and development of the discourses and how they legitimize some…initiatives and marginalize others' (Burnham et al., 2008: 250).

Within this framework, this thesis takes one document and looks at the impact of the language used to create a particular and prescriptive definition of the child actor as viewed within international law. Constructing a discourse analysis of the UNCRC (1989) was important to create an understanding of how the international stage frames the identity of children, and how this in turn impacts the representation of children when such a framework is employed. In the case of Colombia, the inclusion of the UNCRC (1989) into the Colombian Constitution as law 1098 has created a direct importation of the language and therefore the ideas represented in the Convention. The argument in this thesis contends that it is necessary, therefore, to understand the meanings and values placed on children and childhood popularized by this document.

The understanding and framework of critical discourse analysis, therefore, has been employed throughout the thesis and has influenced the framing of semi-structured interviews and the ethnographic observations. However, the employment of discourse analysis as a linguistic analytical tool has been utilized only for an analysis of the document of the UNCRC (1989). This was in part due to language restrictions. Designing a research strategy involving a methodology of discourse analysis on the position of children in Colombia would have proved difficult without a fluency in Spanish in order to contextualise words. Additionally, it would take a greater fluency in the language to work with the amount of sources necessary for a credible discourse analysis.

There was the possibility of conducting a frequency discourse analysis. However often these studies simply show the prevalence of specific contexts or ideas within a particular discourse. While this would have been valuable to show the extent of the problem, the purpose of the thesis was to understand how the language of the UNCRC (1989) was interpreted into the local context, and how this framing of children cause vulnerabilities and exploitation. My interaction with written legal documents (legal documents were utilised and summarised) showed that the language was imported from international legal frameworks. This importation was confirmed in interviews with lawyers working within government departments drafting the peace process. As such, the meanings and values of

the legal framework, as an importation, did not elucidate a Colombian narrative of the position of the child. Due to the constraints of the project, I decided a text comparison would have produced insignificant results due to the origins of the Constitution coming from the Convention itself. Focusing on the ethnographic and semi-structured elite interviews optimized the opportunities to engage with the opinions and belief structures of those implementing the policies.

Ethnography

Ethnographic methods, also known as participant observation, can be understood as 'a research strategy in which the observers' presence in a social situation is maintained for the purpose of…investigation' (Schwartz and Schwartz, 1955: 344). This presence of the researcher is an attempt to establish a process 'in which an investigator establishes a many-sided and relatively long-term relationship with a human association in its natural setting' (Lofland and Lofland, 1984: 12). This methodology has been historically sidestepped by political scholars, which Burnham et al. (2008) call 'surprising' as they see the method as 'a very appropriate research strategy in certain political situations' (2008: 249). Two of these 'political situations' within this thesis have been engaging with high-level politics where people do not want to be associated with what they really think in case of reprisals, and engaging with children in the field. An ethnographic method lends itself to the former as the observations that have gone alongside the elite-interviews conducted have added a deeper context to the comments made. Gathering observational information has enabled me to establish which discursive structure an interviewee is drawing on with the comments that they have made.

In the second case, ethnographic methods with children enabled me to become immersed in the world of the child (Gallagher, 2009). This method allowed the children to perceive me as "one of them" and in doing so, the following three aims were achieved. Firstly, understanding the world of children from the 'inside' was essential to explaining their interactions with their own circumstances. A researcher cannot accurately explain how children position themselves without consulting children themselves. Employing an ethnographic approach made it possible for me to adopt the role of 'pupil' and encouraged the children to teach me the world that they saw and how they expressed that world, which was crucial to providing an accurate account of what children really thought

(Holmes, 1998). Too often research contextualises children within the world of an adult without even considering how children may see themselves differently (Grave and Walsh, 1998; Donaldson, 1978). Secondly, this ethnographic approach narrowed the gap between myself, as the researcher, and the children, as subjects (Gallagher, 2009; Holmes, 1998). By adopting the role of pupil, it narrowed the gap between us by addressing the power imbalance that exists between the adult-child binary (Holmes, 1998). Finally, relationships with children take time to build and sustain. An ethnographic method provided the space to construct these bridges with children. It was often in the context of day-to-day interactions that the children felt comfortable enough to open up about their experiences and understandings.

In the field, I spent a month on the campus of *Fundación Formemos*, a boarding school in La Mesa. The school functions as a safe place for children who live in dangerous areas of Colombia. They are relocated to the school and taught farming skills alongside an academic curriculum. I lived on site from mid-March to April, 2014. During this time I adopted the role of a student. I kept the same sleeping hours and schedule as the children. I sat at their tables and ate with them as well as moving between their classes. They spent time drawing and writing in my observation book and we lived daily experiences together. I attempted three forms of information gathering: ethnographic, surveys, and focus groups. However, the ethnographic methods were by far the most constructive in understanding the perspective of children. As we talked during the day I would write down what the children were saying and the things we would discuss. In order for the notebook to not appear as a barrier, I allowed and encouraged the children to write in the book themselves.

While it has been outlined above that extensive work with children was ruled out as not enhancing the resources available to the thesis, it was still important to spend time with children and understand their expectations and assessment of their status. It was important to understand what the reports did not detail. These interactions gave me a framework of how these children positioned themselves within wider Colombian discursive structures. They explained what they felt was important and how they saw the world looking upwards and forwards to their future in Colombia. This placement at *Fundación Formemos* facilitated such understanding. As the school accepts children from all

over Colombia it also enabled a wide access to different backgrounds and regions without having to travel extensively.

Semi-structured interviews

The employment of semi-structured interviews suited a two-fold purpose. Firstly as a style of interview, it allowed participants the space to share the information that they felt was important, and as such, helped me frame the discourse that participants were drawing from. Secondly, combining ethnography with semi–structured interviewing suited this type of information that I was looking to collate. In total there were 38 interviews carried out. The interviews were around one to two hours in length, commonly closer to two hours. I began the interview with an introduction to the research and particularly outlined areas of the research where the participant had the greatest experience. I then would lead the interview through ten questions that would be tailored to the individual in advance of the meeting. In the majority of the interviews, simply opening with, 'what is your perspective on this issue?' would ensure a lengthy in-depth response that I would guide with questions as the conversation developed.

I divided the interviews that I wanted to gather into the four groups that had an important perspective on the subject of children in Colombia: The State, NGOs, Children, and Academics. I intended to use the first 3-month placement as a period of language acquisition and the construction of a research methodology that would be employed on the following placement. However, when I arrived in Bogotá, opportunities arose through contacts I had, and snowballing occurred where one interview led to another. I had one or two contacts in each of the categories aside from the category of children. The category of children, however, was opened to me once I arrived and through secondary contacts I selected *Fundación Formemos* as the most appropriate environment within which to investigate the children's perspective. This was due to the role of the school acting as a gatekeeper, the access the children had to psychological support, and the composition of the children coming from different areas of Colombia as well as having different experiences of the conflict. Initial contact was made preferably via a phone call, or if it was more appropriate an email first, followed by a phone call. When a connection was made, an email was sent with an explanation (in Spanish) of the project. A document of informed consent was also sent, which also outlined the rights and anonymity of

participants. After a date and place was arranged, the interview would go ahead with my interpreter and myself present.

The interviews were semi-structured and conversational in an attempt at an open dialogue about the issues surrounding children in Colombia. I was able to ask questions that troubled me about the issues that I saw, in order to understand how these issues were framed in the minds and discourses of those interacting with children within the Colombian context. This discussion-approach gave participants space to elaborate on their opinions and perspectives without presuming an understanding from one statement (such as through a survey or structured interview). By piecing together the narratives of the participants, a greater understanding of the positions of children within the Colombian context emerged. By presenting the discrepancies within the different narratives, particularly between the narratives created within legal documents (both national and international) and what people working with those documents said, an in-depth critical discourse analysis was established about the position of the child.

The interviews varied in the type of information they provided about the central research questions. Even interviews where the content of material did not reveal new information, each interview was equally important in telling the narratives that the interviewee constructed about the history of the conflict and the integration of international law. Other interviews provided highly sensitive and controversial findings that were central to critical discourse analysis carried out in chapters seven, eight and nine. Such sensitive findings raise important questions of ethics.

Ethics and Risk

An extensive ethical review of the project was carried out through Newcastle University's internal ethics review panel. This review process investigates the ethical implications of the research question, the research methods, the ethical involvement of participants – including issues of access and consent, as well as the impact of the study on the participants and the researcher – including safety. During the research, additional ethical issues arose surrounding the translation of interviews and the use of a research assistant, which I will discuss at the end of this section. In order to address the ethical concerns and how they were dealt with, this section will look at the use of Colombia as a case study, the

involvement of children, the use of anonymity and the need for data protection, before discussing the translation and employment of a research assistant.

Colombia

As part of an ethical review, a risk assessment was carried out. Colombia is a country that has experienced civil conflict for nearly sixty years. As such, ethical concerns surrounding Colombia for the most part were focused on security. Certain places within Colombia are deemed unsafe for travel due to guerrilla activity. Additionally, within the bigger cities, street crime persists as a problem with sexual harassment and robbery as the most common complaints. However, it was not considered a major problem overall. Having been to Colombia five times previously and additionally having extended family living in the capital, the environment was not completely new. For the majority of the fieldwork, I lived with family. Additionally, I undertook intensive Spanish lessons, travelled with my research assistant, organised meetings in public places or official buildings, and connected regularly in person with my supervisor Nick Morgan on both placements as he was working in the field at similar times. I was also in regular contact with my supervisor Martin Coward in the UK. As my research did not involve travelling to particularly dangerous parts of Colombia, the risk was significantly reduced.

Children

Children were accessed through a gatekeeper in order to ensure full cooperation with managing the risk to the child subjects. It was practically impossible to gain parental consent as many of the children are orphaned, displaced or removed from their home situation. Therefore, gatekeeper access was essential for permissions. The first stage after gaining access was to become a part of the settings that the children were used to – at the organisation's site: *Fundación Forememos*. This research functioned within the guidelines of the gatekeeper and following stipulations of ethical standards set out by the university and consulting standards of the American Anthropological Association.[2]

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[2] http://www.americananthro.org/

Children were given every opportunity to opt in or out of discussions at any point and additional support was supplied for any needs that arose from the conversation. The school foundation that acted as the gatekeeper, had an on site psychologist. She was present during group interviews and she was aware that I was having conversations with the children one-on-one. Any issues that arose could be reported to her immediately. There was never a situation, however, that devolved into needing the psychologist's assistance. For children, verbal consent was necessary for their consent in engaging with the research. It was a decision to protect their anonymity above all else. However, obtaining *informed* consent was a priority. Cultural emersion and initial trust relationships between the children and myself helped to build understandings of how to approach and gain consent without abusing pre-existing or constructed power relationships. The best approach was through conversations that discussed the topics in more than one way so as to explain as thoroughly as possible. A substantial number of the children I engaged with were incredibly aware of the issues surrounding the research questions. They were incredibly articulate in conveying their opinions. It was made very clear to children who gave information in a one-to-one context that the information was to be kept personal, however safeguarding concerns were met by making it clear that it may be necessary to talk to one of the other adults to make sure they get all the help they need, and that they can stop answering at any point or not answer anything they do not want to. Interviewing children came with the expectation that there may be personal emotional concerns, due to the distress that some of the children had experienced.

Anonymity and Data protection

I decided early on in the project that participants would feel more confident giving their opinions and explaining their position if there were blanket anonymity. Due to the peace process being in an active state during research, opinions and information that was shared had the potential to cause difficulty for those who had shared it. As such, all participants were anonymous unless they specifically expressed a desire to be named. In order for participants to be aware of their involvement in the project, an email would be sent ahead of time with the details of the project. When an appointment was made, the beginning of the interview would predominantly consist of a reiteration of the project, an assurance of anonymity, a request for consent, and an opening question. Initially, I intended for all participants to provide written confirmation of their consent. However, in previous

research, this proved highly unpopular and became an obstruction to authentic and open interviews. In a number of cases, participants refused to sign a form. As a consequence, when passing ethical approval, it was suggested that in recognition of providing anonymity, I moved to verbal consent from participants. This was much more effective and subsequent interviews were more successful. All data, written or recorded, was kept under password protection and names removed to prevent tracing participants who did not wish to be named. Debriefing information was given to participants to detail how information would be stored and used. It provided contact information for the university, my supervisors, and myself should any concerns arise.

Translation

During the research, some interviews were conducted in Spanish, some in English (with varying abilities) and some interviews were conducted in a combination of both; for example, when a participants English was sufficient to understand my questions, and my Spanish was sufficient to understand the replies, however we both felt more confident in our own language. At all times my research assistant was present, either as a primary source of translation, or to offer assistance if it was needed. Employing a research assistant created separate ethical concerns that will be addressed in the following section. The challenge with translation was in how to report the quotes. If for example a participant had spoken in English, but their English was at points difficult to understand or they had phrased a response that obscured their position, I had to decide whether to correct grammatical mistakes, or report the speech as it was. Both the English and the Spanish was kept as close to the original as possible. The reason for this is in the attempts to portray as accurately as possible how certain discourses frame the child actor and how individual speakers position their speech within these wider frameworks. There was a desire to communicate their position accurately and within the context it was given.

Research Assistant

The benefit of working with a research assistant was substantial. When it became apparent after an intensive Spanish course, that my Spanish was still insufficient, I hired a research assistant. However, there are institutionalised concerns when using a research assistant. With regards to this thesis, the concern of accurate translation, and the presence of a third person, were concerns to take into consideration. In the first instance, my assistant had a

significant history of translation and was fluent in both languages. Prior to interviews, we would look at specific terminology that would potentially arise, and he would spend time thinking about appropriate vocabulary for the questions I wanted to ask. The majority of interviews were recorded and therefore an accurate transcription was possible after the event. These recordings were invaluable when I returned to the UK, and when there were complex translations, Nick Morgan and myself went through the recordings together. In addition, my Spanish quickly became sufficient to be able to understand the words and the potential challenges for the translation. Finally, it was made clear at the beginning of interviews that any confusion should be clarified immediately, and this was successful on numerous occasions. Secondly, the presence of a third person often was a help rather than a hindrance. A local research assistant put people at ease and helped interviewees connect over the cultural barrier. While there are valid reasons for concern when employing a research assistant, in the case of this project, it was an incredibly successful experience.

Conclusion

This chapter has highlighted the methods employed to gather and analyse data within this thesis. Within the model of a case study, discourse analysis has been employed to select appropriate data and to analyse it. Additionally, other methods of semi-structured interviewing and ethnographic approaches have been employed to obtain data in the field. The limitations of this methodology have been addressed. However, it has been outlined why I felt this approach was the most appropriate and rigorous for this research. Questions of ethics have been discussed, including sensitive interviewing and data handling. Ethical issues raised by a thorough review conducted by Newcastle University's Ethical Review Panel have been discussed. Questions involving the location, interface with minors, data handling and the interaction between languages have been addressed.

The following chapter, Chapter 4, moves into the second part of the thesis. These first three chapters have outlined the problematic, the theoretical framework through which the problem will be explained, and the methods employed to obtain the data. In outlining the problematic, this thesis has argued that children who operate in the public sphere are not acknowledged within international discourses that aim to represent children. Instead, these children end up excluded from international expectations sourced within the

UNCRC (1989). Children who adopt roles in the public sphere, such as combatants, often do so as it appears to be the most suitable option. Yet, they are marginalised and misunderstood by the very discourses that claim to protect them. This leads to the vulnerability of children who enact a form of political agency within the public sphere. These children are vulnerable as they are excluded from the protections that only apply to children who can conform to the expectations outlined for children and childhood within international law. The second chapter explained the theoretical position of this thesis: discourse theory. By using a framework between Saussure, Laclau and Butler, this thesis will explore the discursive construction of the identity and agency of children within international relations. This chapter has added to this investigation by outlining the methods used to obtain data for analysis.

In the second part of the thesis, the international identity of the child will be outlined in three chapters. The following chapter, Chapter 4, will outline the literature context within which this thesis is situated. It will discuss the place of children's political agency within international relations and security studies literature. It will conclude the importance of acknowledging children's political agency in securing the identity and subject position of children, particularly in contexts where they are most vulnerable. The final two chapters of part two, Chapter 5 and Chapter 6, will discuss the UNCRC (1989). Chapter 5 will trace the historical trajectory in European thought of the concepts that underpin the international treaty of the UNCRC (1989). Chapter 6 will show the connection between concepts highlighted within that historical trajectory, and the concepts represented in the document itself, using a critical linguistic analysis.

CHAPTER 4

Understanding Children's Agency and Security within International Relations

Introduction

This chapter addresses the literature surrounding the role of children in the fields of international relations and security studies. These two fields engage in research that will illuminate how the conceptualisation of children and childhood within the UNCRC (1989) operates in contemporary international relations, and conflict and post-conflict environments. In doing so this chapter engages with the literature to show the importance of problematising the agential role that children are enacting within global events. It shows that 'children and childhoods have not garnered much attention from either mainstream or critical currents of scholarship in International Relations and Security Studies' (Beier, 2015: 1). This lack of attention has resulted in children being made vulnerable, particularly in situations of conflict and post-conflict transition. This thesis proposes that such vulnerabilities occur when children enact roles outside of accepted international norms for children and childhood. Scholarship surrounding children in international relations and security studies has not sufficiently made space for, nor engaged with, these subversive identities that children are assuming. When children assume these roles outside of the accepted discursive norms, such children are approached as delinquent, and in need of repatriating back into 'safe' discursive structures. However, it is contested in this thesis that by not engaging with these excluded categories, children are made vulnerable as they end up suspended in an environment where they cannot appropriately access the support they need. In spite of this, there has been a resistance within security studies and international relations to include children as a suitable subject of enquiry (Beier, 2015; Brocklehurst, 2010; Brocklehurst, 2015).

Children are present in security studies but they are commonly framed in ways that deny political agency, that present them as innocents, victims, as well as a social resource for the future (Brocklehurst, 2015). Those children who subvert identities and who perform a political agency that excludes them from social norms, are unrepresented within the discipline (Brocklehurst, 2015). In order to address the narrow depiction of child actors

within international relations and security studies, the chapter begins by outlining the position of children within the current literature. The chapter then looks at how the literature reinforces boundary lines between the public and private to maintain the illusion that children encountered in 'unexpected' environments, such as conflict, have simply 'lost their way socially'. It then discusses how security for the child subject may be achieved through developing children's political agency and access to the public sphere. Finally, the chapter explains how conflict and post-conflict transition gives a unique insight into the way in which the international position does not often benefit child actors, but can leave them open to exploitation by those who operate outside of discursive norms (such as guerrilla movements, or criminal organisations). As such this chapter contextualises the contribution of this thesis in expanding literature surrounding children within international relations and issues of children's security and political agency, recognising that 'a growing number of authors ask that we attend to these pluralities, tensions, and paradoxes' (Brocklehurst, 2015: 31).

Outlining the state of the field: international relations and security studies

There are a growing number of scholars opening up research around children's political subjectivity/agency within international relations. Cecilia Jacob (2015) highlights the increasing focus on children in scholarship within global politics (Brocklehurst 2006; Denov, 2012; McEvoy-Levy, 2006), international political economy (Watson, 2009; Wessells, 2006a), security studies (Beier, 2015) and international humanitarianism and human rights (Carpenter, 2010; Jacob, 2015: 14). However, despite the increasing acknowledgement of children and childhood issues, there is still resistance within international relations (Beier, 2015; Brocklehurst, 2010; Brocklhurst, 2015). In particular, the framing of children as innocents and victims can obscure the role of children as complex political actors. For example, within security studies, Steven Walt (1991: 213) identified 'child abuse' as an issue that would derail the focus of security studies, a discipline that should remain state-centric. Beier (2015) comments that Walt's position was not driven by a lack of acceptance of the importance or seriousness of 'child abuse' as an issue, but that Walt argued the 'enduring problem of interstate war was not likely to fade, and being of such gravity, was one that demanded primacy of place' (2015: 2).

The issue with Walt's positioning of children's issues within IR and security studies as 'child abuse' is that it lacks an acknowledgement of the development of global conflicts and the roles of children as complex political actors within those conflicts. As Kaldor outlines in *New and Old Wars*, intra-state wars are an increasingly prominent form of conflict (Kaldor, 1999). The significance of children in these 'new wars' is the prominent place they have assumed in this model of violence. The roles children adopt in intra-state wars exacerbate these conflicts, as children are often employed as cheap labour, deemed expendable, and presented as easy to control within ranks (Dallaire, 2011; Rosen, 2007). It is argued, therefore, that despite Walt's disparagement, children should be central to certain discussions within international relations and security studies.

However, Brocklehurst (2015) highlights that any recognition of children within IR and security discourses amounts to seeing children on the news, 'most often as infant victims of humanitarian emergencies – or as gun toting teenage boys' (Brocklehurst, 2015: 32). While it is undeniable that children are frequently utilised in intra-state conflicts (Brocklehurst, 2015; Dallaire, 2011; Kaldor, 1999), it is also clear that this is not a modern phenomenon (Brocklehurst, 2010), and as such, attention has been brought to the issue of child-soldiers through a particular discourse of human rights. It is also clear that these child actors, being framed through particular international discourses on human rights and thus the UNCRC, have been denied the agency of their actions. Instead, they are framed in ways that seek to repatriate them back into the discursive norms of the international community, in particular, discourses that view children and childhood as devoid of political agency.

As such, when children and their roles are addressed in the literature of international relations and security studies, the analysis around children falls into easily predictable patterns. Denov (2012) notes that 'over the past decade, child soldiers have inundated the popular media. Images of boys armed with AK47s…providing a cautionary tale of innocent childhood gone awry' (2012: 280). Equally predictable is the presentation of 'innocent children' who are 'no doubt an ideal 'civilian' to justify 'humanitarian' interventions' (Jacobs, 2015: 16; Carpenter, 2006, 2013). This positioning of children as those who have 'gone awry' or are 'innocent children', reinforces boundary lines that depict children as 'most valued [when they] are largely seen and not heard – positioned and increasingly politicised, but not engaged with' (Brocklehurst, 2015: 29). Children

involved in conflict become part of political narratives without any agency within such discourses. Moreover, these discourses remove the complexity surrounding these contested and excluded subject positions, by reducing the discussion to a subject position of 'victimhood'. However, there is a growing literature that recognises child actors and childhood as contested concepts and messy referents (Brocklehurst, 2015; Beazley et al., 2009; James, Jenks and Prout, 1998). There is growing, but minimal work, promoting the understanding that children protected "from politics" in this way are also potentially disabled of their and our security' (Brocklehurst, 2015: 29). There is also a growing recognition within international relations that 'childhood, like security, is an essentially contested concept' and this contention gives rise to complex subject positions, which are therefore framed differently within different discourses (Beier, 2015: 4).

However, in spite of this, there are still dominant narratives that have a tendency to present children and childhood under one projected universal definition that everyone supposedly agrees on. This has been embodied within the discourse of the universal human rights for the child, epitomised in the treaty, the United Nations Convention on the Rights of the Child (1989). The development of the Human Rights discourse originates in the international approach to modern conflict, concluded by Mary Kaldor as *new wars*, and its adaptation into Security literature in a post-cold war world (Hansen and Buzan, 2009). Framed by the Humanitarian agenda, this universalising narrative of Human Rights has developed into a separate discipline.

The significance of the dominant international understanding for children and childhood being sourced in human rights is twofold. Firstly, the growing prominence of human rights discourse impacts international relations by supporting the supposition that it is possible to have one central understanding of particular subject positions. Secondly, that the strength of this position has supported controversial narratives that have enabled intervention on humanitarian grounds. It is important to note the paradoxical use of 'humanitarianism' as a tactic or legitimisation of war (Rieff, 2005). 'Underpinned by a humanitarian or rights-based narrative, 'child soldiers' have had hegemonic capital for humanitarian organisations (Charli, 2000) and offer the most widely researched example of children's presence in security' (Brocklehurst, 2015: 34). Child soldiers have attracted the outrage of numerous not-for-profit foundations, such as Coalition to Stop the Use of Child Soldiers. Such organisations seek to support the 'universalised' understanding that

children should have a childhood and that being a child soldier is the antithesis of such a right. This narrative is easily adapted into agendas that are seeking for a 'just' cause for international 'intervention'. For example, with the ongoing violence in Syria, Jacob (2015) highlights how the plight of children was utilised to justify support for opposition forces:

> On 21 April 2013, US Secretary of State John Kerry cited the killings of '30 innocent children' by the Syrian government as evidence of the government's targeting of innocent civilians, justifying the doubling of financial aid to the National Coalition of Syrian Revolutionary and Opposition Forces…innocent children are no doubt an ideal 'civilian' to justify 'humanitarian' interventions. (Jacob, 2015: 16)

These revelations are hardly groundbreaking. It is well documented that evolving international relations and the pursuit of neo-liberal agendas, have promoted narratives that legitimised controversial political projects. However, it remains important, as it is central to understanding the growing prominence of an international narrative. The centralised discourse of Human Rights has been a source of justification for circumspect interventions and the dominating of national agendas, without responding to necessary challenges that these universalising positions are often presumptions. There is an emerging sense that militarised humanitarian intervention embodies a contradiction between progressive international politics and national security agendas (Coward, 2005). This is very evident when treaties are enforced, or adapted, in places where the universalising concepts lack local context. Such concerns are pertinent for children's rights, where of the 194 countries to ratify the international instrument of the UNCRC (1989), very few have implemented it as policy, and enforcement thus relies upon individual state intervention, ensuring a contradiction between international norms and national interests.

As the landscape of complex-conflict has evolved into the war on terror, the 'emotional scenery of this period [of humanitarianism] has continued seamlessly' (Brocklehurst, 2015: 32; Sylvester, 2013: 13). The developing discourse of the war on terror has accelerated a narrowing of the gap between the international and the local. As Victoria Basham (2016: 258) outlines through the work of Jabri (2006) and Hyndman (2007), discourses on terror have produced a 'mutually reinforcing relationship between global and local conditions' (Jabri, 2006: 50-52), which Basham argues has resulted in the need for analysis that must transverse the 'scales from the macrosecurity of states to the microsecurity of people and their homes' (Hyndman 2007, 36). This is particularly pertinent when considering the

rights of the child and the intersection between child-security and the role of children in national discourses; as Enloe states, 'the personal is international' (1996). However, it remains a challenge to know how to secure the child across the international-national barrier and begs questions about which children and what childhood the international human rights agenda is seeking to secure; especially for children who present as incredibly complex, and therefore incredibly exposed, in experiences of violence and conflict. The following section looks at how children are framed between the public and private spheres when these understandings transcend to international politics. The section begins to question how the international framings of child identity and child agency impacts international relations.

The Public and the Private Spheres in International Relations

This section looks at how the literature reinforces boundary lines between the public and private spheres to maintain the illusion that children encountered in 'unexpected' environments, such as conflict, have simply 'lost their way socially'. By framing children this way, the international discourse accepts certain premises about the identity and agency of children, and indeed the categories of identity and agency in a broader sense. This section will investigate how universalising concepts of childhood leads to narrow understandings of their roles within international relations. It challenges the impact this has on interpretations of international events and argues that in refusing to acknowledge the political agency that children enact, international events are incorrectly categorised. Instead, children are positioned within international narratives that rely upon, and are sustained by, the image and projected construction of children and childhood. These discourses rely upon the image of the child actor as one who lacks political agency. As a consequence, children are unable to self-secure, and as such they are vulnerable to activities and actors outside of legislated protections for their assumed excluded subject positions.

The international position on children and childhood echoes the historical European narrative that the best place for children is within the private sphere. This framing of children significantly adds to understandings that see children segregated out from adults. This segregation enables understandings of children and childhood to be filtered from the subjecthood of adults. Beier (2015) explains that 'it is important to bear in mind that

references to childhood are, in fact, references to adult-child relationships (Johanasson 2011: 102) encoding power relations that constitute adults as socio-political actors' (2015: 6). Or rather, it may be said that by establishing children as 'not' socio-political actors, we may understand that adults are. He goes on to comment that the 'social reproduction of the universal child of hegemonic imagining is itself an insecurity practice worth unpacking', a practise this thesis aims to be a part of delineating (Beier, 2015: 6).

The private and public are divided by an entrenchment of age as the defining boundary. The process by which one transitions from private to public is the same passage across the frontier line from a child to an adult. This binary is explored in Chapter 6, where the Straight-18 Principle (Rosen, 2005) is questioned as the defining line between childhood and adulthood. Critical scholarship focused in this area is attempting to acknowledge the more fluid nature of this transition, and challenge the categories by which this transition is defined. This scholarship equally looks to challenge why certain identities may reside on one side of the line and others may not. 'The child is increasingly, if not dominantly, theorised as relational and generational – challenging 'a world more used to dealing with dichotomies than continuums' (Brocklehurst, 2015: 31; Such, Walker and Walker, 2005: 322).

However, the dichotomous relationship represented between the adult/child distinction serves a number of purposes within international relations. Basham (2015) highlights how narratives of the adult/childish rationalise certain courses of action on the international stage. She argues that 'geopolitical tales of supposedly 'adult' and 'childish' characters' have to be given serious attention as 'these constructions have the potential to normalize violence as a commonsensical act of strong adult nations' (Basham, 2015: 77). These narratives are evident in relations between 'developing' nations and 'developed' nations, where developing nations are metaphorically infantilised e.g. concepts of 'young' or 'immature' democracies. The dichotomy of meaning between children and adults is also utilised to support certain international political agendas, as previously mentioned in this chapter. For example, the presentation of the Taliban as child abusers by US General Petraeus as a continuing justification of a 'war on terror', is a narrative that is only sustained 'because children are thought to be un-political and without agency' (Lee-Koo, 2011: 738). The private/public child/adult boundary lines sustain, and in turn are sustained by, the constructions of children and childhood identity that is encapsulated

within international relations through the UNCRC (1989) as the 'standard' of children and childhood. Yet at the crux of this division is a denial of the political agency of children, a denial Beier highlights as an essential barrier that prevents engagement with and correct understandings of child agency and the subject position of the child:

> The common thread in…dominant constructions of childhood is diminution of agency. Where agency is conceded in some way or measure, it is typically an impoverished rendering that does not admit of the possibility of bona fide political subjecthood. Thus, children and youth might be seen to act, but they cannot be read as the autonomous authors of their actions in the same manner as an adult political subject. This amounts to an insistence upon regulation of child and youth agency in ways that contain and reassign the political subjecthood behind it…. notwithstanding that some [children] might actually be pursuing an autonomously reasoned survival strategy. (Beier, 2015: 6)

When children lack a 'bona fide' political subjecthood, it frames the child as non-political prior to discourse and 'naturalises' the boundary between adults and children, rather than recognising the division as a construction of attached meanings and values. It presents insecurity as a lack of protection, rather the recognising that 'the problem of children's insecurities lies with structural inequalities' (Well, 2009: 184; Brocklehurst, 2015: 34)

Presenting adult-child relations as a binary rather than a continuum not only supports certain narratives and negates political subjecthood, it prevents understandings of children's security. The rejection of a binary model, and the move towards understanding development as a continuum, better contextualises understandings creating security for children. It is necessary to 'challenge prevailing commitments and common senses concerning the political, in which status quo interests may be deeply invested and by which status quo relations of power are sustained' (Beier, 2015: 7). The following will present this challenge by showing how understandings of agency enable children to be safe. The section concludes by highlighting ontological security approaches as an important framework for understanding how the identity and agency of the child actor may be better understood, and therefore secured.

Understanding agency enables their security

Acknowledging the child actor as an agent opens up advanced problematisation within international relations and in the context of this thesis, conflict and post-conflict transition. The presence of a problematised agency of childhood within the discipline of

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sociology (James and Prout 1990) has only made the contrast of a lack of problematised political agency of childhood more evident within political scholarship. Brocklehurst (2015) argues that 'there has been no call for a radical articulation of children as political subjects within political disciplines' (2015: 32). However, it is becoming increasingly evident in political disciplines that engaging with political roles that children are performing is a necessity. In engaging with these political subjecthoods, three key advantages open up to the disciplines of international relations and security studies. Firstly, problematising the political agency of children helps to create understandings of how children operate within insecure environments, and how they contribute to conflict and complex-emergencies worldwide. Secondly, understanding the child as an agent changes the premise of sustainable, substantive and effective peace-building and post-conflict construction. Thirdly, in opening up the discussion around the subject positions that children occupy beyond discursive boundaries, it is possible to show that there are actors that operate in the liminal spaces of identity, and what the consequences of this are. There is a need to engage with children as vulnerable actors, but beyond this, there is a challenge to the way we think about identity and agency across disciplines. The engagement of this thesis in such concepts, adds to literature seeking to understand identities, agency and the boundaries in-between.

While these contributions to the discipline of international relations and security studies problematise the concepts used to identify and position child actors, they also raise the question of how to better acknowledge the role played by children. Heather Montgomery (2013) commented that we should not 'overburden children' when considering the level of responsibility we place on them. However, there are clear indications, highlighted by Duffield (2007), that acknowledging the political agency of children and promoting narratives of 'self-securing' has the potential to aid peace-building structures. While acknowledging children's agency would more appropriately categorise the roles that children are performing, the idea of children being empowered as 'self-securing' presents challenges on two fronts. Firstly, providing models of sustainable long-lasting peace may involve empowering children with a greater agency in order for them to be able to 'self-secure', which will challenge UNCRC (1989) guidelines and western concepts of how much responsibility is too much. Secondly, as Berents (2015) points out, empowering child actors is 'contrasted against the notion of the state as the provider of security' (Berents, 2015: 5). This is a key concern in peace-building processes, as peace-building

becomes closely tied to questions surrounding the how secure subjects feel. Equally important, however, peace-building is intrinsically connected to restorative justice in order to provide a sustainable solution. As John Braithwaite and Heather Strang (2001) assert, there is a need to:

> …distinguish restorative justice from traditional state punitive justice. Restorative justice is about healing (restoration) rather than hurting. … The idea is that the value of healing is the key because the crucial dynamic to foster is healing that begets healing. … In our view it is best to see restorative justice as involving a commitment to both restorative processes and restorative values. (2001: 1-2)

A nation in conflict seeking to heal itself must consider the individual and collective grief as a part of state survival; the two are mutually constitutive. The way state-centric understandings would conventionally operate must be suspended in order for restorative measures to recreate a cohesive society.

However, Beier (2015) accentuates the pull of 'an abiding faith in the state as the arbiter of security and, thus, as appropriately its referent object', which often obscures the priorities of peacebuilding (2015: 2). Positioning the state as the referent object of peacebuilding processes challenges the more holistic approach of restorative justice. It also contradicts one of the foundational principles of restorative justice: that a state may only be as secure as the restorative processes' ability to draw a line under what has gone before, and thus restoring legitimacy to a state again. As children are increasingly recognised as actors in conflicts, it is necessary to theorise the line between establishing an acknowledged agency for children, without 'over burdening them'. Currently, children's actions in conflict are classified as illegitimate through their conceptualisation as non-agential, and as such, beyond the boundaries of discourse as excluded categories. There must be a shift to acknowledge the agency of children in order that they may be appropriately and equally integrated into any restorative process. As Brocklehurst concludes, 'children protected 'from politics'… are also potentially disabled of their – and our – security' (Brocklehurst, 2015: 29).

Theories of Ontological Security can significantly advance the conceptualisation of this nexus of conflict and post-conflict security. Pratt (2016) defines ontological security as relocating the referent:

> …from the self to the social arrangements where action takes place. It implies that actors seek not to secure the coherence and stability of self in particular, but rather of their broader social context. (2016: 1)

Or in Mitzen's words:

> Ontological security is achieved by routinizing relationships with significant others, and actors therefore become attached to those relationships. (2006: 341)

Ontological security creates the understanding that it is the relationships and social frameworks that require securing, which in turn secures 'values, identities, and routinized actions' of discursive structures (Pratt, 2016: 2). In essence, ontological security recognises discursive structures as the point at which societies are stabilised, and as such, they are the necessary point upon which to focus restorative justice efforts. In creating a view that acknowledges the role that discourses play in stabilising national structures, ontological security provides 'a more expansive view of what aspects of being matter in international relations' (Pratt, 2016: 2). In particular, this opens understandings about securing an identity perceived to comprise the 'ontological substance' of the actor/society in question.

This view is important, and plays an important role in future research around subjects that investigate the security and safety of children and childhood roles. Brocklehurst (2015: 31) highlights this when arguing that the 'emphasis on agency and competency has led to an undervaluing of the interdependencies and range of relationships (human and material) which are fundamental to all children's lives' (Brownlie and Sheach Leith 2011, 206). When the safety and security of children is approached through nexus of relationships, represented through overarching discursive systems, the ability to provide security for oneself takes on different parameters:

> The concept of ontological security mostly encompasses processes of self-perception and self-experience. These provide mechanisms for averting existential dread or anxiety… It also directs attention to the principles and prerogatives of any given actor, because these are what define identities and therefore what must be secured. (Pratt 2016: 1-2)

Conclusion

This chapter has contextualised the contribution of this thesis in the expanding literature surrounding children within international relations and issues of children's security and

political agency. It has outlined the central position within international relations literature and security studies literature, showing resistance to understanding the political agency of the child actor. However, this chapter has also explored the growing scholarship on children's political agency, and how these developing positions have questioned the hegemonic hold of the universalising narrative sourced within international narratives, such as the UNCRC (1989). This universalising narrative has been employed by numerous political agendas that have exploited the image of child actors in order to further international aims. The chapter has investigated how the hegemonic representations of children have conceptualised children within the private sphere, and denied the political agency of children within the public sphere. These representations, or conceptualisations, of 'adult' and 'childish' are even replicated in discourses that are played out on the international stage. As such, the categorisations of children and childhood go beyond the subject positions of the 'adult' and the 'child', and the image of the adult/child binary is present in a way that reinforces perceptions of the line between children and adults, and the distinct sphere's these roles are expected to operate in.

This chapter has then shown that in order for children to be provided with a subject position that can ensure their own safety within the insecure environments of conflict and post conflict, children's political agency must be acknowledged. During conflict, space is created for children to adopt roles outside of social expectations and as such, they enact subject positions exterior to discursive practices. These roles are agential, and in assuming these subject positions, children show they clearly *are* adopting political subject positions, whether scholarship recognises it or not. As a society seeks to reconcile to itself these roles that children have assumed, children become contested concepts as structures seek to repatriate children into centralised norms.

By contextualising this thesis within conflict and post-conflict reconciliation, a challenge can be levelled at the core principles at work within the UNCRC (1989). It exposes the gap between what identity of children and childhood is being secured and for whom. It opens up the discussion around the influences behind the UNCRC (1989) to show that those values are based within a discourse that is 'privileging protection and provision at the expense of participation' (James, 2010: 486). When we contrast the values that seek to protect 'childhood' and provide 'childhood' against the experiences of children who lack security in the face of a denial of agency, the importance of contextualising this issue

within conflict and post-conflict environments becomes evident. Scholars such as Qvortrup and Ennew would see this as a challenge to the universalisation of childhood, and therefore as a challenge to the children's rights project (James, 2010). They argue that such a position propagates a pluralist childhood, a commonality of needs cannot be established and the 'provision, protection and rights for all children and particularly those in the majority south' are obscured (James, 2010: 488). However, such positions move the debate away from asking whom the rights that have been established within international law protect and provide for. It has been increasingly recognised within post-conflict and peacebuilding literature that children who participate, not only provide a greater self-securitisaiton, but equally, benefit society (Duffield, 2007; Macmillan, 2015; Watson, 2015; Wessells, 2006a).

What must be acknowledged is the ways in which children are made invisible when conforming to the international expectations of children and childhood and how to make them visible, but also recognising that making children visible in the various roles that they are assuming does not secure them. There has to be a challenge to the stronghold certain understandings have on expectations of children and childhood:

> Even if we are properly attentive to the deleterious consequences of forcing children into the conceptual spaces marked out for them in advance by the theoretical mainstream, critical approaches also run the considerable risk of performing similar violences of erasure if they do not bring into relief and interrogate customary and hegemonic renderings of children and childhood. (Beier, 2015: 4)

The next chapter, Chapter 5, seeks to show how such hegemonic concepts of agency have been elided into a discourse of childhood. I 'interrogate customary and hegemonic renderings of children and childhood' to show how the discursive circumscription of the latter de-politicises and disempowers children. The chapter looks at the concepts of childhood that emerge within the UNCRC (1989): citizenship and agency, immaturity and innocence, and education and labour. It traces the roots of these meanings to show that these conceptualisations of children and childhood have come from a European understanding. By tracing these roots, it will be possible to show that childhood is a 'contested concept'; by showing that the shifting understandings of children and childhood negate the universalising of a particular subject position of the child. Instead, I will argue, these hegemonic concepts have emerged as meanings attached to childhood at specific moments in European history.

CHAPTER 5

A History of Ideas: European Children and Childhood

Introduction

This thesis outlines the position of children within international relations, specifically framed by conflict and post-conflict contexts. It constructs a framework to understand the vulnerabilities that are created when children assume roles outside the boundaries of prescriptive understandings of children and childhood. The previous chapters have shown that there is a lack of clarity around these roles, which go unrecognised within international treaties such as the United Nations Convention on the Rights of the Child (1989). This international treaty set out an expectation of children's rights, and in so doing, what children and childhood these rights secure. Children who assume roles beyond the boundaries of the discursive identity set out for the 'international child' become excluded categories. These excluded roles do not conform to the expectations that are outlined within the UNCRC (1989), and as such they do not meet the requirements for the protections that are also outlined.

This thesis argues that such children are vulnerable. Operating outside of discourse, these excluded categories rely upon activities and subject positions that are excluded from conventional discourses. These activities are often illegal and dangerous and involve adopting positions excluded from both national and international legal protection. When these excluded roles are framed through the UNCRC's (1989) understanding of the international identity of children and childhood, it is often the approach of IGOs, NGOs, and States to repatriate these excluded categories back into conventional discursive understandings of children and childhood (Ager, 2006; McEvoy-Levy, 2006; Rieff, 2005). However, this prevents the discussion about how and why children are assuming these roles, and how prescriptive understandings of children and childhood are preventing children from adopting subject positions with political agency within conventional discourses. It precludes challenging whether the identity outlined within the UNCRC (1989) is practicable for many children. Often children do not have any other option than to perform these excluded identities, and as such, they are left open to the exploitation and manipulation of those who do operate outside of discourse.

In order to address the role of the UNCRC (1989) in creating a prescriptive position for children within international relations, Chapter 5 and Chapter 6 will outline the narrow understandings of children and childhood that the document constructs. This chapter will investigate where these understandings came from, to show how developing conceptualisations of children and childhood within European historical movements are present within the UNCRC (1989). The following chapter, Chapter 6, will show how these concepts can be seen operating within the document of the UNCRC (1989). By conducting a discourse analysis, Chapter 6 will show how particular words are imbued with meaning from a brief history of the evolution of childhood within the history of Europe outlined in this current chapter, Chapter 5. Chapter 6 will show how these meanings frame the subject position of children in the UNCRC (1989) as non-political actors within international relations, which leads to the vulnerabilities described above.

Chapters 5 and 6 show the particular subject position for the 'international child' established in the United Nations Convention on the Rights of the Child (1989). The UNCRC (1989) relies on three pairs of key concepts that are utilised in order to project a particular perception of children and their rights. These are: citizenship and agency, innocence and immaturity, and education and labour. These three pairs of concepts act in ways that confine children into prescriptive socialised behaviours. This chapter will describe how the convention reinforces this, creating a binary between the public and private spheres. By rendering children and childhood through the meanings of these three pairs of concepts, the UNCRC (1989) presents the private sphere as the appropriate sphere for children, promoting confinement for child subject positions. As such, these three themes describe the framework that explains the discursive structure by which children are excluded when they assume roles outside of the discourse.

I have identified these three pairs of themes as present within the UNCRC (1989) through a discourse analysis that is the focus of the following chapter, Chapter 6. This current chapter details how this international legislation that most affects the position of the contemporary child (namely the UNCRC) has been influenced predominantly by a European discourse. In this chapter I outline how these key concepts are imbued with distinctive European meanings and understandings. However, when employed in the UNCRC (1989) these concepts, are presented as having a universalised meaning, rather

than more accurately being presented as terms that are imbued with specific expectations sourced from a particular discourse. Therefore, this chapter will show how these concepts have been drawn from a distinctively European history.

By outlining this brief history of the evolution of childhood within the history of Europe, I will show how concepts of citizenship and agency, innocence and immaturity, and education and labour, have been drawn into conceptualisations of childhood within International Relations. More specifically, I will show how these ideas, having been formed in key moments of the development of Europe's history, are then given particular meanings and understandings. This chapter will be divided into the 3 pairs of key concepts identified within the UNCRC (1989). The first part will look at confinement and the way in which it appears alongside the creation of the public and private spheres in Greek and Roman societies. It will examine what these spheres initially entailed, and what they went on to signify. It will delineate how the division between the public and the private spheres create a barrier of what was considered legitimate participation in the public sphere, and what was disqualified as illegitimate. This will be explored through the roles of citizenship and agency in the public and private spheres. The second part will look at the ideas of innocence and immaturity. Ideas of children being immature and needing correction were to give way to that of the innocent child in need of protection. Both concepts spread with the expansion of the Christian faith in the early centuries AD. These two concepts were to solidify the segregation of children from an adult world, as well as the justification for their inability to join the public sphere. The final section will look at the role of labour and education. The transition from using children in labour to placing them in education was a product of contradictions that presented themselves during industrialisation at the end of the Enlightenment period. The idea of human improvement, that had previously been only accessible to the elite, met with concepts of charity and an emerging human rights discourse. As such the segregation of the child was to become cemented in educational institutions.

This is not a detailed historical account, rather a short history of ideas that draws out key characterisations of childhood. This is significant because as this history has unfolded, childhood has undergone conceptual developments (Brocklehurst, 2010; James, 1993; James, Jenks & Prout, 19988; Jenks 2001; Valentine, 2004). Concepts that define childhood are not static (Jenks, 2001). On the contrary, 'childhood' has amalgamated

different practices and beliefs as time has progressed and discourses evolved; the very understanding of what is meant by the words 'child' and 'childhood' has thus changed over time. By exploring the evolved thinking about childhood in European history, it will be possible to gain a historical background for the framing of the UNCRC (1989). This in turn will frame a discursive analysis of the UNCRC (1989) in the following chapter, enabling a critical reading of the document in Chapter 6. The assertion in this thesis is that the particular European understandings of the child actor underpinning the UNCRC (1989) make it incommensurable with practical realities faced by children in differing national and social contexts.

By outlining these three historical moments that have reinforced the confinement of the child to the private sphere, this chapter will create a frame to understand how the position of the child has been constituted through the shifting evolution of the concept of childhood. It will explain how the constitution of this subject position impacts the agency of the child, specifically how the agency of the child is circumscribed or confined. Finally, it illuminates how discursive structures become patterns of expected behaviour or performative acts that are consolidated in legislation. Overall, in establishing that a particular understanding of the child has been cemented in international legislation, and in understanding that this is not an intrinsic state of childhood, but an evolving complex narrative, it creates the foundations to make two observations. The first is that while admirable, creating a stable standard for children in international legislation has relied on a particular and constructed discourse of confinement to inform its meanings and understandings. Secondly, this raises the question of what happens when a child does not conform to the expectations. This latter question will be discussed in Chapters 7, 8, and 9. However, first, this chapter will discuss the development of citizenship and agency, immaturity and innocence, and education and labour as forms of confinement through a European history of ideas. The next chapter will then look at the utilisation of these six concepts in the UNCRC (1989) through a discursive analysis.

Confinement: Citizenship and Agency and The Private and the Public Spheres

One of the defining characteristics of childhood is the idea of confinement. Confinement did not originate in the modern model of containing children away from the adult world. Confinement began with the idea of restriction (Ariès, 1973; Laes, 2011). The most significant conceptualisation of restriction can be found in the division of public and private spheres. These spheres stemmed from Greek and Roman social structures (Cunningham, 1995). A social barrier was established to separate those who could access public institutions and governing systems, and those who could not. This set a precedent that only certain subject positions were acknowledged as acting legitimately when in 'public' life.

In both Greek and Roman societies, those who were unable to access the public sphere were consigned to the private sphere (Elster, 2004; Laes, 2011). Within a Greek *oikos*, or homestead there was a head of the household, know as the *kyrios*. This male figure would represent the *oikos* in the public sphere as a citizen. Anyone else who did not have that status was consigned to the private sphere (Cunningham, 1995). Those women and children of the private sphere who were of elite status rarely left the perimeters of the house, except in extenuating circumstances. Such a structure is exemplified in the address given by Euphiletos (Harvard, 2016) to the Delphinion.[3] He highlighted these practices when defending his killing of his wife's lover, Eratosthenes, as justifiable homicide:

> When I, Athenians, decided to marry, and brought a wife into my house, for some time I was disposed neither to vex her nor to leave her too free to do just as she pleased; I kept a watch on her as far as possible... But as soon as I lost my mother, her death became the cause of all my troubles. For it was in attending her funeral that my wife was seen by this man, who in time corrupted her. (Harvard, 2016)

Interestingly, he also drew attention to the expectation that the slave class and the poor, whilst remaining a part of the private sphere, would exit the perimeters of a house:

> He looked out for the servant-girl who went to market, and so paid addresses to her mistress by which he wrought her ruin. (Harvard, 2016)

This ability to leave the house did not infer any sort of privilege. It was the corresponding slave of another spurned lover of Eratosthenes who underlined the lower regard held for

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[3] The Greek court that ruled on justifiable homicide (https://www.loebclassics.com/view/lysias-1_murder_eratosthenes/1930/pb_LCL244.9.xml)

those of the subordinate classes, 'If you catch your slave… and if you torture her, you will find out everything' (Harvard, 2016). Confinement, then, was not a defining feature of the private sphere; not all those belonging to the private sphere had to remain in the house. Instead, being in the private sphere was an inability to access the public sphere of governance. This prevented subject positions within the private sphere from enacting their citizenship, and as such, experiencing a legitimate agency.

In a similar structure, the Roman *domus* (household) was composed of the direct family unit, the head of which was a *pater familias*, a Roman citizen (Laes, 2011). One *pater familias* could commonly represent more than one *domus* family unit, who would collect into a grouped *Familia*.[4] Those with *pater familias* status could access the public sphere, while everybody else who did not qualify for such citizenship was relegated to the private sphere.[5] However, Roman communities did not segregate those actors belonging to the private sphere to the same extent as Greek society (Cunningham, 1995; Laes, 2011). The public and private spheres were not always about physical spaces that could be used, and nor was the 'private' sphere very private. Within rural areas of Roman life, where 80 percent of the population lived, 'a considerable amount of village life both socially and economically, unfolded outside, in the open spaces shared between all houses' (Scheidel, 1995: 215; Laes, 2011: 33). Women and children would often move around freely in the inner courtyard spaces, shared by multiple households, all occupying a single building structure, which would be a congregating centre point (Laes, 2011: 32). Equally, those who lived in more urbanised areas did so in similar circumstances with several family units living in one structure, and this would be increasingly crowded in urban centres (Wallace-Hadrill, 1994: 132).

As such, 'there was no such thing as the 'privacy of the nuclear family'' (Laes, 2011: 33). The private sphere at this time was not a location behind closed doors. Therefore being restricted to the private sphere was not a confinement in which children had to be in a particular place; at the origins of the private and public spheres, children were not denied the right to be in physical public spaces. Rather, it was initially concepts of citizenship and

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[4] These collected *domus* were commonly related but on occasion they were unrelated.

[5] Allan Chester Johnson, Paul Robinson Coleman-Norton, Frank Card Bourne; general editor, Clyde Pharr. (1961) The Twelve Tables of Roman Law; this collaborative reconstruction of the twelve laws indicate that those who were male citizens were entitled to such rights and representation, whilst other social actors remained within the responsibility of the family units represented by the citizen.

the right to legitimate actions within government or governing bodies that decided who was an acknowledged 'public' actor, and separated these persons out from those 'private' actors. Therefore, confinement was about the lack of legitimacy in acting, or self-representation, in public systems. Those confined within the private sphere were denied citizenship and were without the rights that came with such status.

Citizenship and Agency: Access to the Public Sphere

Legitimate admission to the public sphere, then, was marked by 'active' citizenship. It is important to understand the difference between active citizenship and citizenship that was conferred as a formality. Citizenship was granted to certain women, for example; however, their ability to actively participate in the public sphere was curbed. Table V: I of the XII Tables of Roman law stated that, 'women, even though they are of full age, because of their levity of mind shall be under guardianship' (Johnson et al., 1961). Once a woman was married, her husband gained prescriptive rights to any land she might hold, under his 'marital control' (Table VI: 5 in Johnson et al., 1961). These curtailed rights also excluded women from the right to vote. By limiting the ability of women to enact their citizenship, and by rationalising this segregation or containment of women due to their 'levity of mind', a precedent was set in which certain subject positions were enabled to enact agency and others were not.

Children, who held a similar position in the private sphere, were equally unable to enact agency. Table IV dealt with the parental powers (parental powers meaning exclusively a father's powers, as denoted in the use of the masculine subject) and outlined the essential relationship between child and parent, the first article stipulating that a visibly deformed child was to be 'killed immediately' (Table IV: 1). This disregard for the life of the child was repeated in other practices outlined in part 2a and 2b of Table IV:

> 2a. To a father… shall be given over a son the power of life and death.
> 2b. If a father thrice surrenders a son for sale the son shall be free from the father.

Such powers, however, were not necessarily implemented, with examples of children reaching adulthood with crippling birth disabilities (Laes, 2011). Additionally, exercising such extreme measures as the execution of offspring was not a straightforward process and these rights were restrained over time.

Instead, what we learn from this legal framework is that a lack of active citizenship resulted in an objectification of such a subject position. In this example, children became the object possession of their parents, specifically their father, who was licensed to sell them or even end their life. Despite the fact that it is arguable such permission was rarely exercised, it is the position of the child actor as an object which is an assumption that has continued. Children were thought of as the property of parents, and such objectification authorized the parents' rights over the child, and over the rights of the child themselves. Therefore, not only were children excluded from active citizenship and public sphere activities, but also, as a possession of their father, their rights were placed beyond their reach, as formal citizenship did not result in active citizenship and therefore an enactment of agency. Like women, children were reduced to the status of an object.

Active citizenship belonged only to Greek *kyrios* and Roman *pater familias*, who were the fathers of the family, or heads of the household (Cunningham, 1995). These persons of privilege were allowed access to governing bodies, were able to represent themselves in front of the law, and were given the full rights endowed to a citizen under the law (Johnson, 1961). Through participation in the state, active citizens were part of the process that constituted their own identity. Jenny Edkins (1999) illuminates this process by drawing out two procedures associated with the public sphere, which she terms 'politics' and 'the political'. 'Politics' may be understood as activity that surrounds political processes: elections, treaties, parties, dictatorship, diplomacy, policies and war (1999: 2). The wider social order that determines what goes into such activity is referred to as 'the political'. 'The political' is the 'establishment of that very social order which sets out a particular, historically specific account of what counts as politics and defines other areas of social life as *not* politics' (1999: 2). In other words, 'the political' is a nexus where identity and meaning is constituted. However, it is when moments in 'the political' pass over to 'politics', that their meanings become institutionalised. As such, we might understand 'politics' as the public sphere and 'the political' as the various discourses from which the boundaries of public and private are established. Yet it is participation in 'politics' that brings empowerment, as this is the space in which meaning becomes institutionalised and as such, repeated. Subject positions lack agency when they cannot participate in institutions that define social roles through legal practices.

Active citizenship gave access to politics, and access to legal rights. These rights could only be carried out in the public sphere, and those who remained in the private sphere relied upon the benevolence of the *pater familias/kyrios* and the obligations required of him towards those in the private sphere. The actors are thus confined: men excluded from citizenship, women, slaves and children, were not permitted to enter into the public sphere and participate. Instead, these benefactors would represent them on their behalf and had a great level of control over the family (Johnson et al., 1961). It set the precedent for modern democratic societies that exercising rights and access to public sphere decision-making systems were symbiotic.

As the size and function of family social units has shifted through European history, those within the private sphere have continued to rely upon the benevolence of those in the public. This section has outlined how the formation of the public sphere originated with an elitist group of men who had active citizenship, and being part of such a group conferred legitimate agency. Being confined to the private sphere resulted in a lack of self-determination and self-definition. Being unable to engage in political activity, in shaping politics, and in institutions that constitute citizens' subjectivity and define their rights, the aspects of life are then controlled and dictated with little room to challenge or change. Throughout the early centuries of European history, children were consistently placed within the private sphere. It denied them legitimate participation within the public sphere and an ability to define their own legal positioning. This compromised the citizenship of children. The confinement of the private sphere has defined many subject positions without the active participation, or agency, of those subject positions. Over the course of time various actors, such as slaves and women, have challenged restrictions and crossed the boundary from the private to the public, and as such have removed themselves from the containment of the private sphere. However within International Relations and the universal representation of children and childhood embodied by the UNCRC (1989), children remain conceptually within this private sphere. (Brocklehurst 2010; Hyndman, 2010; Macmillian; 2009)

Confinement: Immaturity and Innocence as a discourse of justification

The question emerges, therefore, as to why the subject position of the child has remained within the private sphere. The second pair of themes to emerge from the discourse

analysis of the United Nations Convention on the Rights of the Child (1989) explains this. The section will show how the themes of immaturity and innocence were used to justify and consolidate the boundary between public and private, and children and adults. What has been termed within this thesis as immaturity and innocence has been widely recognised by scholars across disciplines. The dichotomy between two images of childhood has framed on the one hand '[a] plethora of beloved child figures – innocent, pure, timeless', and on the other a historical narrative that presents 'a gallery of eroticized, seductive, even savage children' (Cunningham, 1995: 5). In part, this dichotomy arose from two positions surrounding the human condition. There was a prevalence to view the life cycle of humanity as a whole in terms of the life cycle of a single human. Where some saw 'an ascent from savagery/childhood to civilization/adulthood', others saw 'a descent from primeval innocence/childhood to corruption/adulthood' (Cunningham, 1995: 2). Marina Warner (in Cunningham, 1995: 5) explains that a search for origins was 'compounded of good and evil together, battling'. As such, children were imagined 'either as little angels or as little monsters, but rarely just as children' (Cunningham, 1995: 5).

It will be shown in this section how both concepts were, and are, presented as the justification for children being separated out into a category apart from adults. This separation, for children, is a form of quarantine within the private sphere and exclusion from the public sphere (Cunningham, 1995; deMause, 1980; Heywood, 2006). The United Nations Convention on the Rights of the Child (1989) sustains this separation (see Chapter 6). This division of children from adults stands unquestioned, even though there is considerable scholarship evidencing the shifting, and often arbitrary nature, of where this divide is drawn (Cunningham, 1995; Heywood, 2006; James, Jenks and Prout, 1998; James, 2010; Jenks, 1996). This section will show, therefore, how concepts of innocence and immaturity reinforce the boundary line between the public and the private. Immaturity and innocence act as a justification for sustaining the private sphere, which conceptually encompasses the subject position of the child. Equally, immaturity and innocence justify exclusion from the public sphere for the subject position of the child. This section will show how both concepts of innocence and immaturity developed within European history to form a strong narrative that justifies and reinforces the boundary between public and private, and adults and children. These framings remain central to the conceptualisation of children within contemporary international law, which will be explored in the following chapter, Chapter 6.

The Church: Immaturity and Innocence

The roots of the contemporary value of immaturity and innocence (reflected within the UNCRC) can be found in the emergence of Christendom in the 5th century and the unifying effect it had on separate discursive structures. Christianity played a significant role in framing people's understandings and developing conceptualisations of children. In this period, the Church presented particular, and at times conflicting, views of children and childhood. As the Church became established, their initial position demarcated the early period of life as one of immaturity. At the outset, this was popularised by Saint Augustine of Hippo through the concept of original sin (Cunningham, 1995; Heywood, 2006). Understandings of original sin are commonly misconstrued, but this doctrine outlines that God holds humans equally accountable for Adam and Eve's actions in the Garden of Eden (Cunningham, 1995). It was not simply that humanity was potentially sinful, but that humanity already had sin because of the sin Adam had committed; humans, in effect, had committed the same sin as Adam and Eve. Supposedly, this original sin could only be removed through baptism, and children's salvation involved becoming baptised as soon as possible (Cunningham, 1995; Heywood, 2006). In this initial context, immaturity was a lack of awareness; it was about not knowing how to control this sinful nature. In exchange for salvation from this state of being, children were initiated into the collective community. This initiation was the beginning of a prescriptive confinement into roles that society had deemed appropriate. Through rights and rituals, children took up a place in a moralised discourse in which they entered their given space in society, the private sphere. The organized church, as the central point of communities and therefore the dominant influence on discourse, would state what form these roles took. In the case of the child, this understanding interpreted children as carrying original sin, and were therefore immature in that they were unaware of how to control such sinful nature. Confinement as a period of correction was the perceived solution.

This position was not one outlined solely by the church, but taken up by contemporary theorists. Hobbes (2008), for example, held an understanding of the nature of humankind that was pessimistic. His explanation was rooted not in the innate presence of sin, but the presence of self. He argued that each individual seeks his own benefit and good, and to that end, ends up sabotaging others at moments where interests clash (Hobbes, 2008). His

position was, however, that such a state is only redeemable through strong sovereignty, as opposed to baptism. When combining these perceptions, such presentations of the condition of man caused childhood to be seen as the epitome of uncontrollable, undesirable and insecure behaviours. Children were, thus, untrained, uncivilised, brutish, and malevolent. Children must be disciplined out of such behaviour. This caused a shift from previous understandings, establishing the idea that children were to be confined until they were *morally mature* enough to adopt positions that were integrated with social behaviours and expectations. Thus the idea was established that immaturity prevented the child from taking their place in the public realm and mandated their confinement in the private sphere.

However, the idea of immaturity as an inability to control a sinful nature was also contradicted by parallel understandings of children. A second idea was also prevalent – that of the innocence of children. This divergent theology aligned with the position of Pelagius, St Augustine of Hippo's rival, who believed that only the body fell at the Great Fall, and therefore goodness and perfection were not only a potential in mankind, but also achievable. This was revolutionary because Pelagius points out that we were not born into sin:

> …nor is there any reason why it is made difficult for us to do good other than that long habit of doing wrong which has infected us from childhood and corrupted us little by little over many years and ever after holds us in bondage and slavery to itself, so that it seems somehow to have acquired the force of nature. (Pelagius, 413: 8.3).[6]

This interpretation of innocence presented children as beings of hope and purity, having had limited time on this earth in which to sin. Indeed, Pope Leo the Great preached in the 5th century that 'Christ loved childhood, mistress of humility, rule of innocence, model of sweetness' (Heywood, 2006: 15). Heywood (2006) concludes that such perceptions of children and childhood meant that children were deemed to 'have celestial visions, denounce criminals and serve as intermediaries between Heaven and Earth' and that in some cases the Bible was interpreted as supporting this through passages, such as the proverb 'out of the mouth of babes come words of wisdom' (2006: 15).

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[6] Accessed Online at Epistolae, translated Latin letters ed. Professor Joan Ferrante of Columbia University. (https://epistolae.ccnmtl.columbia.edu/letter/1296.html)

This position was accentuated in traditional rites where children would act out that innocence as pardoners of sin. One early account recorded in Christian works outlined such roles as foreshadowed in Judaism where:

> Men whose sins had come to a head were to bring a heifer for an offering, and slay it and burn it. Then, after gathering up the ashes and putting them into basins of water, young children were to tie scarlet wool on branches of wood… and with these the people were to be sprinkled, man by man, by the youngsters, to cleanse them of their sins. (Stainforth, 1972: 204)

There thus developed a strong imagery and even roles around the innocence of children, and thus a desire to maintain children's innocence until society determined that they must (or were ready to) enter the adult world.

What can also been seen at this point in the history of Europe is the acceptance of universalising a concept. This is important because it shows how it became possible for one discourse to spread significantly enough that it held a dominant position across cultural lines. The universalising discourse, in the form of the Christian Church, unified different understandings and ideas by spreading a central discursive structure (Laclau, 1996; Campbell, 1992). The spread of immaturity and innocence shows how this structure came with moral standards, which prioritised moralising narratives that permitted, as well as condemned, certain behaviours and practices. Ariés (1978) saw 'moralising' discourses as the foundational justification for holding children in a separate sphere. Once this framework was adopted, it added a moral element to the containment of the child, not only a political or cultural preface. This was a big shift from the Greek and Roman narratives. Hugh Cunningham (1995) notes how moralising discourses shifted understandings towards children, and that children gained status 'on a par with an adult, not incomplete [humans], and that …[the child's] moral dilemmas needed to be taken as seriously' (1995: 29). This elevation of children, where they became morally relevant, is a concept that remains present within the United Nations Convention on the Rights of the Child (1989) shown in the following chapter.

Such a framing creates a challenge around conceptualising children outside of the private sphere. The implication of moral arguments justifying the need to divide children and adults, makes it difficult to perceive that children removed from the 'safety' of the private sphere would be in a better position. It is difficult to accept that children may need to be in a situation where participation would offer a better form of protection than the

moralising discourse that suggests children are incapable of actions within the public sphere on any appropriate level. The developing narrative behind conceptualisations of innocence and immaturity have remained potent and reinforce the infantilising discourses that subtly undermines concepts of freedom of expression, freedom of speech, and freedom of self-determination that are outlined within the UNCRC (1989). The following chapter will show how this undermining takes the form of infantilising children by positioning them as not morally developed or capable of decision-making due to a lack of maturity (UNCRC, 1989: Preamble, Article 12).

This section has showed how a divide presented itself between disciplining a child into a moral code until a mature adult was formed, and sustaining an innocent purity around children to prolong the inevitable decay into immorality; both concepts being preserved by constructed confinement. As such, confinement continued to remain at the centre of developments around children and childhood throughout European history. However, this confinement of the private sphere underwent a shift in focus. Cunningham (1995) argues that it was during the 18th century that 'the wall of the private life' was raised 'between family and society' (Cunningham, 1995: 6). The reason Cunningham assessed this period as the defining moment that saw a sharp distinction between public and private was similar to reasons outlined by Ariés (1973). Ariés made a connection between the developing discourses focused on the 'moralization of society', which fuelled understandings of the role of education in the reformation of society, in particular children. This moralisation was to incorporate both understandings of innocence and immaturity. Whether children were perceived one way or the other, education was to become the solution for both, being required to develop maturity and ensure innocence was not perverted. The shift in discourse that precipitated this change will be discussed in the next section.

Ideas of Innocence and Immaturity as Justification for a Separate Sphere for Education

The 'moralization of society' was to have a significant impact on the purpose or role of childhood. As a prominent contemporary theorist of the era, John Locke's expositions on the purpose of childhood transformed the use of the private space. Locke believed that education was the key to transforming society. He, along with other 'educationalists',

inverted the perception of the child subject and the status of humankind. Locke introduced a theory that children were blank slates, there was no 'nature' to sin, but it was based on nurture (Locke, 1692). Locke elaborated this approach in *Some Thoughts Concerning Education, 1692*. He stated that 'the minds of children [are] easily turn'd this or that way, as water itself… our main care should be about the inside', thus he argued that children's minds were not so much predisposed to being good or bad, but it is the role of education to direct children and their mind (Locke, 1692: Part I Section 2). His position was based in his understanding that the Nature of self could be trained and education was the key:

> The great thing to be minded in education is, what habits you settle; and therefore in this, as all other things, do not begin to make any thing customary, the practice whereof you would not have continue and increase. (Locke, 1692: Part II, Section 18)

Concepts of immaturity and innocence thus became the idea that children were mouldable, and easily manipulated, whether for good or evil, they could be constructed. Therefore, Locke advocated the possibility of instilling maturity through morals into each individual. This position has contributed to contemporary understandings of children and childhood. Prior to this, moralistic values were either disciplined in, or assumed to be innate and sheltered for as long as possible. Now, this shift presented the framework that these morals could be constructed in and educated into the child. This is a discourse that is very prevalent in the Convention on the Rights of the Child. The preamble asserts that all children should be 'brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity' (UNCRC, 1989). It reflects the idealistic language of the Enlightenment, the aspiration and the intention to instruct children and mould them into a greater potential.

Rousseau, similarly, saw education as cultivating maturity within individuals in the right environment. In one of his most prominent works, *Emile*,[7] Rousseau stated that habits are the result of external stimulation, but it is the training of the nature within that is important, for this is the true self (2011). This led Rousseau to confidently assert that:

> 'In the natural order men are all equal and their common calling is that of manhood, so that a well-educated man cannot fail to do well in that calling and those related to it. It matters little to me whether my pupil is

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[7] Accessed online as part of the Gutenberg project at
(http://www.gutenberg.org/cache/epub/5427/pg5427-images.html)

intended for the army, the church, or the law. Before his parents chose
a calling for him nature called him to be a man'. (Rousseau, 2011: Book
I)

As such, he perceives the elected profession as simply a habit, but it is the internal nature within that needs to be cultivated. Either way, the focus of confinement was no longer a case of conditioning the child subject to behave morally *per se*, but civilising the child into a moral, mature subject position. In other words, the purpose of confinement for the child changed. Rather than correcting a child into restraining their 'natural' behaviours, it was proposed that with the correct guidance, children could be formed into civilised adults. Instead of maturity counteracting the sinful nature of man, maturity transformed into the possibility of what that nature of man could be, *should* be. These progressions, however, simply framed the discourse from a different angle, but the concepts of immaturity and innocence still sustained the confinement of children within the private sphere. Thus this pair of meanings maintained their role as justification for the 'quarantine' of children and childhood (Cunningham, 1995; Heywood, 2006).

These framings of the child subject were in tandem with works of the likes of Thomas More in *Utopia*, and Sir Francis Bacon in *New Atlantis*. The work of philosophers such as More and Bacon, whose positions supported the literature of Rousseau and Locke and the 'blank slate' theory, are important because they showed how such theoretical positions framed an idealistic formation of individuals, with the idealistic space within which this would take place. The idea that children could be *'brought up in the spirit of… ideals'* meant that the ideal individual could be constructed. Equally a special ideal space would be needed for this construction. More and Bacon both described and embellished conceptual spaces that were considered set apart, deemed parallel to the private sphere, like an equivalent to Eden. This separating out of an ideal space to raise ideal individuals is a theme that is continued in the UNCRC (1989). The space to raise children in ideals of *'peace, dignity, tolerance, freedom, equality and solidarity'* is a position at the heart of the Convention (1989: preamble).

This section has shown how understandings of immaturity and innocence developed a discourse around the 'moralization of society' (Ariés, 1978). What began as a pursuit to categorise the human condition developed into a position that the human condition was mouldable. It created the idea that human nature was a blueprint of what we could be,

what we should attain to be, rather than the previous understandings of immaturity and innocence, which was about what should be restrained, retained or preserved. This established education as an idealistic space to construct ideal children, who would grow into ideal citizens. It will be shown in Chapter 6 how a period of time set aside to instil ideals is prevalent in the Convention on the Rights of the Child. Understandings of immaturity and innocence still serve as the justification of the barrier between the child and the adult, the private and the public. The following and final section of this chapter will show how this pursuit of moulding the human condition reinforced children's conceptual confinement within the private sphere. 'Children in education' was to triumph over 'children in the workplace' and result in minors not only being conceptually confined, but also physically confined.

Confinement: Education and Labour

This section will address how over a period of time in Europe's history, 'children in education' was to triumph over 'children in the workplace'. This shift in the discourse around childhood was to result in minors not only being conceptually confined, but also physically confined. The movement of children from labour to education, and from political exclusion to physical confinement was to shape the concepts of children and childhood into the contemporary understandings that currently define the 'children and childhood' in international relations. The idea that human nature could be nurtured opened up a new way of understanding the private and public spheres. However, this was not a straightforward, or linear process. Through the history of Europe, the transition from labour to education happened in different parts of society over different periods influenced by class, economics, race, and the slow inevitable shift from rural farming to city industrialisation (Cunningham, 1995; Heywood, 2006). Additionally, there were shifting understandings around who was to be incarcerated within the private sphere, and what the private sphere represented (Crompton, 1997; Digby, 1982; Foucault 2001; Valentine, 2004).

This section explains two examples within the European history of ideas that have contributed significantly to the framing of children and childhood and the role of the private sphere in containing them. The first is workhouses. During the 1800s, the expansion of workhouses came to define the private sphere as a physically confined space,

with a stripping of political agency, and a denial of self-definition. The second moment within European history that has contributed to understandings of children and childhood is the shift from predominantly rural living in farming communities, to city dwelling and industrial economies (Cunningham, 1995; Heywood, 2006). This shift occurred over a sustained period, however the move was to open a significant transformation in conceptualisations of childhood. It was to mark a change in expectation where children who would have been a part of the economic model of a family, were to move into education. This shift to education would bring skilled workers into the national industrialised economy and provide a space for children to be while parents were working skilled jobs. The following section will explain how these moments in the history of Europe have significantly framed understandings of children and childhood in contemporary international relations.

Workhouses: Physical Confinement and a Loss of Political Subjecthood

The use of the private sphere as a space for education and cultivating human nature was adapted to reform large sections of the population; this focus fell on the poor (Crompton, 1997; Digby, 1982; Valentine, 2004). The confinement of citizens into the workhouses was a significant development in understandings of the private sphere and ultimately children and childhood. Ideas of education and reform were to combine with concepts of physical confinement and a removal of political subjectivity. These are key contributions to meanings and values that were to come under the overarching structure of the private sphere.

In the United Kingdom at the point of the 1834 Poor Law Amendment Act, poverty, for the most part, was understood to be the fault of the poor and their idleness. (Digby, 1982) Nevertheless, it was reasoned that if it was possible to cultivate human nature, then it was possible to change a person's social condition. Prior to this, the divide between the private and public spheres was a social barrier more than a physical one. However, this new understanding caused reformers to attempt to change the social condition of the poorest parts of society, and in so doing, they began to create physical spaces in which this reformation was to take place. (Crompton, 1997; Digby, 1982)

Workhouses were the outcome, and formed the backbone of an attempt to deal with

poverty. The new Poor Law marked a move from poverty as destitution to the 'cure' of poverty being deterrence from idleness (Crompton, 1997; Digby, 1982). Such a shift in focus was a consequence of adopting the rhetoric that human nature could be nurtured. In other words, workhouses incorporated the understanding that people were somehow 'correctable', and what needed correcting were idle attitudes. As such, correction required confinement and disqualification from the public realm. Active citizenship rests on labouring and showing oneself mature through contribution to society.

Additionally, at this time workhouses were united under the Principle of National Uniformity (Crompton, 1997). Where previously workhouses functioned separately and under less prescriptive measures, the Principle of Uniformity ensured a unification of policy and procedure on a national level. This had two impacts. Firstly, this instigated the construction of buildings, specifically to be utilised as locations of this confinement (Crompton, 1997; Digby, 1982). Secondly, it nationalised this policy that was to cause the private sphere to become attached to concepts of *enclosed* confinement.

Upon entering into this confinement, certain conditions were imposed. For example, the legal status of workhouse inhabitants was changed. Right up until 1918, any receipt of such poor relief resulted in a loss of the right to vote (Digby, 1982). Being unable to vote removed the ability to participate in public life and the autonomy of those who entered the workhouse. Therefore, confinement to the workhouse signalled a loss of active citizenship (for those parts of society that had previously held such status). This move to strip inhabitants of the workhouse from public participation reinforced the concept that the private sphere and those in confinement were not able or capable of being a part of the public sphere.

Moreover, further restrictions were imposed that mirror similar restrictions placed on current understandings of the private sphere. These restrictions were illustrated through the account of Charles Shaw. In his account Shaw (1903) described his initiation into the workhouse with his family at the age of ten in 1842. Those who were consigned to the workhouse had decision-making autonomy taken from them. On admission to the workhouse, all property was confiscated and regulation clothing was given out. Shaw describes how:

> …doors were unlocked by keys belonging to bunches, and the sound of keys
> and locks and bars, and doors banging,… We finally landed in a cellar, clean

and bare, and as grim… as prison cells. We were told this was the place where we should have to be washed and put on our workhouse attire…

They were to carry out activities at the time they were told, to wear what they were told, *'we youngsters were roughly disrobed, roughly and coldly washed, and roughly attired in rough clothes, our under garments being all covered up by a rough linen pinafore'*, and to get up and sleep when they were told. They were unable to enter or leave the workhouse without permission. Shaw describes how one child, after 'being unusually provoked and punished…scaled the workhouse wall, and bolted. Soon a hue and cry was raised, searchers were sent out, and after a few hours the lad was captured and brought back.' Shaw describes his humiliating punishment of being held down on the table stripped to the waist and his breeches pushed down. A birch rod soaked in salt was used to cane him. 'Thin red stripes were seen across the poor lad's back after the first stroke. They then increased in number and thickness as blow after blow fell on his back' (Shaw, 1903). The idea of containment was to remove the ability of those within to exercise, particularly highlighted in this case, self-determination and agency. Removing the political subjectivity of those within the workhouse demonstrated that confinement was to characterise a denial of engagement with the public sphere, and as such the ability to define oneself within public institutions. This was to impact legal standings and, as demonstrated here, the choice to remove oneself from the workhouse once it had been entered. These methods employed within the workhouse were to add to the definition of the restrictions placed on people in confinement.

The precedent that was created was an objectification of inmates. Those within such a confinement were not considered to be capable of making their own choices, more specifically the best choice for themselves. Instead, decisions were to be made on the behalf of those who were deemed incapable. This object like status combined with the inability to make autonomous choices, were concepts incorporated into the modern understanding of the private sphere. Within the Convention on the Rights of the Child, such an assumption of an adult supervising and making decisions on behalf of the child is prevalent. Articles 3 and 5, for example, state that:

> …taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her. (UNCRC, 1989: Article 3)

And:

> States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention. (UNCRC, 1989: Article 5)

By placing the responsibility of parents, guardians and other representatives in a position of authority *over* the child, it removes autonomy and agency from the child. It also consigns the outcome of a child to the outcome of their parent/representative. Children were unable to enter or leave the workhouse without their parents. Indeed, if a parent were to enter the workhouse, the child was obligated to do likewise. For example, Shaw, after receiving education at a Dame school in Tunstall, had gained employment as a mould runner for an apprentice muffin maker, and following that at a handle-making factory. Yet upon his parent's incarceration, he was constrained to enter the workhouse alongside them (Shaw, 1903).

Industrialisation and the Expansion of Education

The second event that significantly influenced conceptualisations of children, childhood and the private sphere was the advancement of industrialisation. Emerging industrialized centres provided employment in the cities. Such developments in the industrial period caused work to open up in factory environments, and poorer classes moved into industrial work. Over time, the movement of populations from rural communities to cities caused a change in social structures (Crompton, 1997; Digby, 1982). These new conditions presented a sharp contrast between how children were experiencing their life circumstances. A growing middle class meant that an increasing number of families had access to affluence and the possibility of providing an experience of childhood where children were not required to work, where they entered into education, and where they were kept separate from the adult world, either through the school environment or the home environment (Valentine, 2004).

This presented a dichotomy between this elitist position and that of the harsh realities that many children were facing (Schnell 1979). The growth of industrial capitalism was characterized by the brutal treatment of children in factory environments (Crompton, 1997; Valentine, 2004). It is often supposed that the prominence of Victorian morality

instigated a change in treatment towards the child (Crompton, 1997; May 1973; Takanishi, 1978). However, this was only part of the picture. There were several competing ideas present that caused the shift in perception towards the child actor, and indeed caused the category of the child actor to begin to emerge as we understand it today. In particular, this parallel existence of children from middle class and working class children created concern from the elitist middle class. '[R]agged unsupervised children roved the streets in small bands, sometimes stealing and breaking store windows' (Takanishi, 1978;13). As such, working class children were seen as a moral and physical pestilence, acting like packs of 'ownerless dogs' that would potentially contaminate more 'refined' children (May 1973: 7). Ultimately, these children without a childhood were feared to threaten the childhood of those who had one (Schnell 1979:23).

At this time, 'schools were to act as "moral hospitals" and provide corrective training' (May 1973: 12). As children progressed through this training, they transitioned into adulthood (Archard 1993; Postman 1982; Valentine, 2004). Not only was education to become a marker of adulthood, but it also became a way of training the next generation of workers in 'acceptable' conditions whilst ensuring that parents would be free to work. In this way, children were framed as a natural resource. Children were seen as a commodity of the nation, an investment, reiterating the understanding of children as objects (Valentine, 2004). However, this move also separated children out as a collective. group (Ariès, 1973). It was because of this separation that children became an established cohort confined within 'childhood'.

As this happened, the private sphere developed from a loose concept to an established concept. Up to this point, the idea of including and excluding persons, and groupings of people, between the public and private spheres was entirely to do with a boundary into the public sphere. For example those who did not have citizenship were excluded, those who were not male, those who were not of a certain age, were all excluded from the public sphere. However, as the social boundary between the public and private sphere began to demarcate agency, it made the definitions of what was included and excluded *from the private sphere* apparent, rather than focusing on those who were excluded from the public sphere.

Conclusion

As the 20th century progressed, the public and private spheres grew in conceptualisation and content. Those who had access to the public sphere increased (for example, the vote became more widely available, women and ethnic minorities gained access to active citizenship and participatory recognition in the public sphere), and what was left behind in the private sphere, children and childhood, began to take an increasingly concrete form. The concepts discussed in this chapter: citizenship and subjectivity, immaturity and innocence, and education and labour, have all developed to inform the confinement of the child within the private sphere. The UNCRC (1989) reflects the culmination of discourses around these six concepts and the conception of confinement they have consolidated. As such, the outlining of historical moments presented in this chapter impacts the construction of the UNCRC (1989) and its use and implementation on an international scale. In order to understand the discursive construction of the UNCRC, the following chapter will examine the way in which the concepts of citizenship and subjectivity, immaturity and innocence, and education and labour discussed in this chapter, have influenced the construction of children and childhood on an international level.

The chapter will examine how these understandings have influenced the phrasing and positioning of children within the UNCRC (1989), so that while children are endowed with certain rights, they are unable to enact those rights, which are consistently framed with relation to adults. Chapter 6 creates the context for the three empirical chapters, Chapters 7, 8, and 9. These final chapters will examine the implementation of the international discourse on children and childhood in the context of Colombia's conflict and post-conflict transition. These chapters will ground the analysis of the UNCRC (1989) in an empirical example. Chapters 7, 8 and 9 will show that when the meanings and understandings from the UNCRC (1989) are imported into a discursive system that does not share the same historical value, children are misunderstood, misrepresented and marginalised.

CHAPTER 6

The Development of the UNCRC: A Discursive Analysis
The Convention on the Rights of the Child

Introduction

The preceding chapter examined developing ideas of children and childhood. It argued that the international legislation that most affects the position of the contemporary child, the Convention on the Rights of the Child (UNCRC, 1989), has been influenced predominantly by *European* understandings of childhood. This thesis argues that this 'universalized' discursive narrative that informs the rights of the international child, makes children vulnerable. These vulnerabilities come about when children act outside of the expected norms outlined in the UNCRC (1989). Although well intentioned, this treaty dominates understandings of children and childhood within international relations and places boundaries around the behaviour of children that enforces a particular subject position for the child. Often this standard is incommensurable with the subject position of children when they find themselves in circumstances that demand a different form of subjecthood, for example conflict. In an insecure environment, roles become available to children that are outside of the expectations placed on them. Children are restricted in legitimate forms of action, particularly in the public sphere, for example the ability to work. In conflict, opportunities such as these can increase, with an increase in activity occurring outside of discursive structures. Children unable to turn to legitimate forms of action, adopt positions outside of accepted narratives. These children who move outside of the expectations outlined within international, and often national, discourses, find themselves excluded. This removes them from the protections outlined within national and international law, and places them in a position that is easily manipulated, maltreated, and therefore vulnerable.

This chapter will show how the Convention on the Rights of the Child has constructed a particular subject position for the child. Chapter 5 traced developing ideas of children and childhood specifically through a European history, in order to highlight where these influences took shape. It showed how this conceptual history of the evolution of childhood within European constructed certain expectations of what a child should be.

These expectations were captured in three pairs of concepts that emerged at key moments: citizenship and agency, innocence and immaturity, and education and labour. These themes are significant because they contribute to core meanings that have built up around the articulation of the child within the UNCRC (1989). The chapter concluded that these concepts were all forms of confinement, a confinement enforced through the binary of the public sphere and the private sphere. It is through this framework that a particular subject position of the child has been projected as the contemporary international articulation of the child.

In order to demonstrate the impact this European History of Ideas has had on the UNCRC (1989), the focus of this chapter will be to examine how such a history of ideas became normalised as the international standard. How did *European* meanings come to dominate *International* understandings of childhood? As previously delineated in chapter 5, the formation of meaning around the role of childhood in society is not a connection that happened in one moment. Instead meanings build up through time as certain possibilities are accepted, while others are not. In one sense, the connection between childhood and these meanings associated with it are arbitrary because there were many possible meanings surrounding children that could have become an accepted definition. However, the connection is also nonarbitrary because particular historical conditions existed that created opportunities for certain possibilities to be accepted over others (Campbell, 1992). Once meanings are adopted into a discursive system, in this case meanings surrounding children, the association with 'childhood' becomes hard to break. In this way, it can be seen how historical themes of confinement set the possible meanings that could be attached to childhood, and by the time the UNCRC (1989) was formulated, the meaning of childhood was fixed as confinement.

In order to address this, Chapter 6 will be in two sections. Firstly, the history of the UNCRC (1989) will be followed. It will outline where and how the European history of ideas impacted the origins of legislation for the international rights of the child. The establishment of the international document began with five articles produced by Eglantyne Jebb, founder of Save the Children, and expanded into 54 Articles, two Optional Protocols and the most ratified international treaty in the world (Save the Children, 2017). Therefore, in the first section I will investigate how a set of European intellectual ideas became normalised as the international standard. Secondly, I will

examine the 1989 Convention on the Rights of the Child itself. The focus of this examination will be a discursive analysis. I will look at the language and phrasing of the document to illustrate how the child is conceptualised within international legislation. I will show how themes, emerging from a European history detailed in chapter 5 (i.e., citizenship and agency, immaturity and innocence, education and labour), have come to shape the way the child actor is represented and understood in the UNCRC (1989). I will explore the relationship between the public and the private and the distinctions that are drawn to create expectations of confinement. This analysis will show how the 'international child' that emerges within the UNCRC (1989) is constructed through a European narrative, and how this creates a particular subject position for the international child. This subject position will then be contrasted against the empirical evidence collated in the field in Chapters 7, 8 and 9, to show the vulnerabilities caused by the expectations placed on children and childhood that are incommensurable with the circumstances children in insecure environments find themselves.

In approaching the document of the UNCRC (1989) through discourse analysis, this chapter 'concerns itself…with considering the manifest political consequences of adopting one mode of representation over another' (Campbell, 1992: 4). The purpose of this chapter, therefore, is to show the dependence of the international legislation of the UNCRC (1989) on a particular discursive structure. It will show how a narrative formed within a European history became normalised as the international standard, and will show how this is articulated and interpreted within the UNCRC (1989) to present an 'international child'. It also leads to the consequences of relying on one discursive structure, which results in the prioritisation of a particular norm of childhood. The outcome being that the children who do not conform to institutionalised expectations, are left vulnerable, and without political agency.

Developing the Discourse: The Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child (UNCRC, 1989) has its origins in this legislation enacted by the League of Nations on the 26th of September 1924. This date marked the ratification of the Geneva Declaration of the Rights of the Child. These five articles were taken directly from the 'Declaration of the Rights of the Child', written by Eglantyne Jebb, the founder of Save the Children. At this time, the rights of the

child were the first human rights articulated and adopted by an international body.[8] The articles were drafted as a response to children in post WWI Germany and the subsequent efforts to care for children in vulnerable situations across the European continent. As a consequence of Jebb's activism, she sought to establish recognised rights for the child and universal recognition for the vulnerability of their position, and the resulting assistance that they needed (Save the Children, 2017). This universalising of the subject position of the child was not, at the outset, intended to present itself as drawing on an underlying assumption that the category of childhood *existed* universally, or that there was a pre-existing universal understanding of childhood on a moral level. But rather that this was an ethical conviction that 'we *should* claim certain rights for children and *labour for their universal recognition.*' (UNDRC, 1924: Preamble, [emphasis added]). The UNCRC (1989) thus sought to establish a precedent for an ethical obligation to attend to the needs of children on an international level, stating 'mankind owes it to the child…[to] accept it as their duty'. (UNDRC, 1924: Preamble) Though, at the outset, this earlier document of the UNCRC (1989) did not attempt to posit a particular universal child, it had the effect of shaping what was thought about children and childhood.

At this moment when the discourse of human rights was moving to find its voice in international legislative language, the endowment of rights for the child differed from the wider human rights discourse, not only in *what* it secured but *how* it secured. In appealing to the ethical conscience of 'mankind', the legislation depended upon the role of the adult in securing these special protections. This was in contrast to the emerging human rights movement representing adult rights, which recognised the state and institutional responsibilities of securing the rights of those who achieved the majority. In particular, for example, when it came to the regulation of warfare, governments were charged with the responsibility to adhere to a basic level of humanity. In placing children's rights in the hands of adults, they were enclosed within the private sphere, as the property of those they 'belonged to'. Whereas adults who were directly under the protection of state, had their rights acknowledged in public sphere action and access to public institutions.

The language employed within the preamble to the 1924 declarations shows this, stating; 'men and women of all nations, recognizing that mankind owes to the Child the best that

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[8] Previously rights were an issue of domestic policy and those that were expanding into the international, such as the Geneva Conventions, were between states but not led by an inter-state cooperation.

it has to give…' (UNDRC, 1924: Preamble) Thus placing the responsibility on *men and women of all nations*, which essentially means all adults everywhere. The 1924 declaration, therefore, positions the well-being of a child as the duty of the individual men and women that make up societies, which follows the pattern of family units in which parents are responsible for their children. It places the accountability on 'mankind', a word that appeals to the humanity of our species, rather than the legal structures of state. So, the first move to claim rights for the child under universal suffrage was done through social structures rather than state structures. This approach was sustained throughout numerous drafts of legislation for the international human rights of the child, and the language was echoed in the final legislation of the 1989 UNCRC, Article 5:

> States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child…

Whilst this article progressed the discourse in so far that it acknowledges the state's responsibility to support the role of the adults in society, it retains the fundamental proposition that it is the role of the '*parents…extended family or community etc*' to represent and secure the rights of the child.

In addition to this, we can see the beginning of a divide forming between the public and private spheres, and corresponding zones of responsibility. The child is committed to being taken care of and it is the duty of adults to provide this care. In positioning this text as a social rather than legal document, it centres the identity of the child within the private sphere; adults are to provide care and protection from the public sphere. There is an evident contrast between adult human rights that are a protection of the political subject in the public sphere, and children's rights that are a protection of an ideal within the private sphere. As outlined in the previous chapter, the development of the private sphere stemmed from its segregation from the public sphere, as a place for those denied access to public political processes. Themes around the private sphere developed, but the premise that the private sphere is a social space, and the public sphere, is a political space, continues. Here emerges one of the most pervasive identity markers surrounding children and childhood: the identity of the child as a social rather than political being. As children are encased within the private sphere as a social subject, they are simultaneously denied access to the public sphere and public sphere institutions, and thus they are denied a

political agency. They become understood as non-political beings. Furthermore, this is sustained through the justification that children are marked as vulnerable, and their place in social structures is vulnerable.

By placing children in a social context and excluding them from a political context, these declarations are the foundation of what went on to be incorporated in the human rights discourse as children's need for special protections. The two conclusions, that children are non-political and that they need special protection, are mutually reinforcing. By being unable to represent themselves, children need special protection. And the idea that children need special protection reinforces the position that they are unable to represent themselves. By the time the document had evolved into the 54 articles of the 1989 UNCRC, the preamble stated that 'the United Nations has proclaimed that childhood is entitled to special care and assistance.'

This entitlement to special care and assistance entrenched a boundary around childhood, of which the political was on the outside. What remained on the inside was the social identity of childhood carried over from a European history of ideas. Firstly, by promoting the 'means requisite for its [the child's] normal development' (UNDRC, 1924: Article 1), the declarations present the child as *in* a period of development. The previous chapter explored the growing awareness of this space for development as being attached to assumptions about confinement. The role of development within the confined private sphere was based on the perceived need for moral and intellectual maturity (explored in the previous chapter through the themes of innocence and immaturity and education and labour). The clause also insinuates that there is a 'normal' categorisation of what this development looks like; divided between the categories of what is needed both 'materially' and 'spiritually' (UNDRC, 1924; Article 1). This again, reinforces those categories defined by a European history of ideas: innocence and immaturity and education and labour. By using the word 'normal', however, it doesn't claim a universalised experience. In other words, it is not a statement that assumes pre-established globalised recognition for development. Rather, by combining it with 'requisite', it reads as *adequate* development (UNDRC, 1924: Article 1). Therefore, this first point demands (UNDRC, 1924) for the child what is needed for adequate development, both materially and spiritually.

Here we can see that from the very beginning, this legislation that was adopted, reinforced

particular understandings of the identity of the child. It comes at the end of understandings and meanings previously described as unfolding through a European historical narrative: citizenship and agency, innocence and immaturity, education and labour. However, these values that were written into the legislation were not assumed to be self-evident universal truths that the legislation simply articulated. Rather they were the end of the line for a series of historical events that concluded in this particular interpretation of childhood; more specifically what was right for the child. Whilst members of the League of Nations did not back the proclamations as enforceable,[9] the declarations created a profile of the ideal child, and instigated a category of childhood that established boundaries of protection, vulnerability and a helplessness around the identity of the child. It reinforced the lack of political identity a child has, and set aside a period of time for development.

Establishing these norms in this way and legislating them on an international level, gave it legitimacy. By the time that this legislation developed into the 1959 Declaration of the Rights of the Child, the language had evolved. The 1959 Declarations gave way to the 1989 Convention on the Rights of the Child. This new legislation established a universalised standard for the child that claimed not only to progress the plight of children globally, but also to underline the rights they should already have as children of the world. The UNCRC (1989) expanded the mandate of the document by claiming an underlying authority in the inherent rights that children should be afforded.

However, the new legislation retained and developed content founded on a set of understandings developed within a European evolution of childhood, those of citizenship and agency, innocence and immaturity and education and labour. By drawing from concepts that are clearly pulled from one discursive structure, the legislation promotes a version of childhood that 'adopts one mode of representation over another.' (Campbell, 2005: 4) The following section will look to analyse the discourse of the Convention on the Rights of the Child. It will look to display how the document reinforces one mode of representation. By conducting such an analysis, it will be possible to contrast the child articulated within the UNCRC (1989), to children who do not conform to such

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[9] There were many issues with the League of Nations, ultimately causing its demise with WWII. The covenant status of the commitments states made turned out to be unenforceable due to the lack of appropriate measures and willingness on part of the members to insist on adherence.

expectations; what about those children who do not associate with identity that has been defined for them? This will be looked at through the empirical material gathered in the following chapters.

Discourse Analysis: The Convention on the Rights of the Child, 1989

Defining the Boundary of Childhood

The crucial lynchpin of the UNCRC (1989) is the Straight-18 Principle (Beier, 2015; James, 2010; Rosen, 2005; Rosen, 2007) At the centre of the identity of the child is the deciding factor of when childhood stops. The line between the adult and the child is the boundary that sets the child apart from its antithesis: the adult. Chapter 2 outlined the importance of opposites in defining concepts within social structures. In order to understand something; we must understand what it is not. Jenks (1996) highlighted this, observing:

> The child…cannot be imagined except in relation to a conception of the adults, but essentially it becomes impossible to generate a well-defined sense of the adult, and indeed adult society, without first positing the child. (Jenks, 1996: 3)

The relationship between the adult and child is positioned as a binary relationship, and age stands as the boundary line between the two categories. This is important to understand when considering whom the Convention on the Rights of the Child applies to. It is essential to define at what ages a human is considered a child. By invoking this boundary line, the UNCRC shows the institutionalisation of the division between what is adult and what is child. Even more so, it adopts a line that mirrors the conclusion of an evolutionary childhood within European history.

Rosen (2005) characterises the Straight-18 principle as childhood that begins at birth and continues until eighteen years of age. The Straight-18 principle is the line demarcated within the opening article of the UNCRC, Article 1 states:

> For the purposes of this present Convention, a child means every human being below the age of 18 years. (1989: Aricle 1)

The idea of 18 years of age being the defining barrier between childhood and adulthood has been taken from a European history of ideas and the resulting social structures. Ariès

highlights that 'the age groups in our societies are organized around institutions' (Ariès, 1973: 316) and in the European case, towards the end of an unfolding history, the upper age of adolescence and childhood became defined by the end of schooling and the start of conscription into military service. However, there are limitations to taking this position. It is widely acknowledged that universalising a line between adults and children at the age of 18 is problematic. Indeed, Brocklehurst (2015) asserts that 'there is no agreed definition of a child that is in use worldwide for any purpose' and James notes that 'the category of childhood is fractured not just by different social constructions of childhood in different political, cultural and economic contexts, but also by the significance of different ages within childhood' (James, 2010: 490). Understanding that majority is achieved at 18 is not as straightforward as it appears. It is taken from a specific mode of representation and it is not always applicable. The Convention makes a concession for this when it states in the latter part of Article 1:

> Unless under the law applicable to the child, majority is attained earlier.
> (UNCRC, 1989: Article. 1)

This majority can be attained earlier in cultures where, for example, conditions such as marriage instantly moves a child into the adult bracket, or due to a society's religious or cultural practices, a child can instantly progress from a minor to an adult role (Brocklehurst, 2010; Feliciati, 2006).

Where majority is obtained earlier, it has not been enforced in international settings (NPWJ & UNICEF, 2002), making the concession in Article 1 meaningless. International Organisations reinforce this framework, abiding by the age of eighteen as the minimum age of adulthood, and asserting that prosecution of international crimes cannot be enforced under the age of eighteen, as these persons are not developmentally aware enough to be responsible, and are therefore victims. The boundary of 18 can equally cause the contrary position, in which a society promotes obtaining majority at a later stage. This caused problems in the post-Rwandan genocide ICTR (International Criminal Tribunal for Rwanda), where culturally majority is reached at 25 (Feliciati, 2006). Ideas of culpability were thus called into question during post-conflict reconstruction. It is also the case that societies simply do not categorise the periods or stages of life around age, and therefore concepts of attaining majority are crucially different (Rosen, 2005).

Equally controversial is the shifting narrative in defining this earlier period of life, which has been under constant contestation throughout conceptualisations of children and childhood within European history, where not only the duties and ages have shifted but the labels themselves. 'Youth', 'child', 'adolescent', 'student', 'infant', have all shifted in meanings and duration, with greater significance being given to one stage or another at different periods of the past (Ariès, 1973; Cunningham, 1995). Therefore, the use of the convention to establish and universalise a fixed age is not the result of an underlying similarity across cultures, 'which vary from culture to culture', or even a historical constant within a given society (James, 2010: 491). It has been absorbed from a European history of ideas, which has been codified into the current convention. In formalising this line between the adult and the child through legislation, the UNCRC (1989) has opened a way to communicate specific understandings of the child and childhood that have developed from developing understandings through a European perspective.

Citizenship and Agency

The line between the child and the adult is further entrenched by the line between the public sphere and the private sphere. This line directly impacts concepts of citizenship and agency. The relationship between children, and citizenship and agency, is understood by outlining how these concepts are defined by access to the public sphere through parental responsibility.

The Convention on the Rights of the Child reiterates the barrier between the public/private, adult/child in a number of ways. By stating that the family is the 'fundamental group of society', the Convention affirms a conviction that 'the natural environment for the growth and wellbeing' of the child is the family. (UNCRC, 1989: Preamble) It states in the preamble that this natural environment is the space that children should grow and be nourished in until they come of age and enter into adult life as an individual. These emerging adults will be individuals with a spirit of 'dignity, tolerance, freedom, equality and solidarity'. (UNCRC, 1989: Preamble) In many ways the document goes on to reinforce the idea: children's right and proper place is within the family unit where they are nurtured in constructive values until they are fully grown into an individual status where they emerge into the world as an adult. (For example, in Article 14: 'States Parties shall respect the rights and duties of the parents and, when applicable, legal

guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.' The duty of parents towards these evolving capacities reaches a conclusion when the child crosses the boundary to adulthood at the age of 18). This articulates the confinement of the child within the private sphere of the family, and it is only when children pass into adulthood that they are considered part of wider public, and political society and the insertion of representation is removed.

Not only are children therefore contextualised within the confinement of the private sphere, but also the rights of the child set out in the Convention are in the context of, and in relation to, the rights of the parent or guardian/representative. This can be found in numerous articles. In Article 5, the convention sets out the 'responsibilities, rights and duties of parents' or the extended community surrounding the child, to provide and implement the rights allocated to the child found within the Convention. Therefore, before it is the state's responsibility to enact the rights of children as citizens, it is first the role of adults in direct contact with children in their private sphere confinement. The assumption in the preamble, that family is the natural environment for this confinement, is continued through the document.

In a study conducted by Dider Reynaert, Maria Bouverne-De Bie, and Stijn Vandevede (2009), in which they critically explored academic literature surrounding the UNCRC from 1989 to 2007, they identified 'children's rights vs parental rights' as one of the three main strands of literature preoccupying academics. They concluded that 'the tension between children's rights and parental rights is embedded in the UNCRC ' (Reynaert et al., 2009: 524). They go on to state that:

> From a children's rights perspective, the child–parent dichotomy is formulated in terms of 'parental responsibility'. Because of this responsibility, parents have 'prerogatives' that enable them to realize the rights of their children. (Reynaert et al., 2009: 524)

This dichotomy is reflected in the convention. If a child's rights are mentioned, then the parent's rights are mentioned alongside (for example Article 2: 'irrespective of <u>the child's or his or her parent's</u> or legal guardian's race, colour, sex…' or Article 3: 'taking into account the rights and duties of his or her parents…'). Furthermore, parents are positioned as the bringer and provider of children's rights, and the State as a support (Howe and Covell, 2003). (Article 18: States Parties shall use their best efforts to ensure

recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child…2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities).

Rather than coming up with real solutions for children to not have to continually rely on representation, the document simply seeks to return children to the family setting as frequently as possible. This is incredibly clear for example in Article 18, which states '[p]arents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child.' The rest of the document supports the primary position of parents and their responsibility for the child. Article 7 argues the primacy of a child's 'right to know and be cared for by his or her parents'; Article 9 prioritises the family ensuring 'States Parties shall ensure that a child shall not be separated from his or her parents against their will.' Article 10 invokes 'positive and humane' approaches with regards to border control regulations for the sake of parents and children being together: 'applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner.' Article 22 goes further calling on states to assist those children separated from family by country borders to 'protect and assist such a child and to trace the parents' and to 'obtain information necessary for reunification with his or her family.' While the previous article asks for a positive and humane approach, this article presumes the necessity of such a reunification without considering borders an issue. What is even more telling, is that these articles contain an assumption that children have this family environment to be a part of.

When this environment absolutely is not available, the state is to provide such an environment through forms of social welfare or adoption. (Article 20: 'A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State… Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children'; 21: sets out the rights of children under systems of

adoption; 22: 'In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention'). There is no discussion of children who end up outside such a system or do not want to partake in it, because this representational schema is unable to envisage this – not wanting to be part of this system is seen as false consciousness as a result of brutalisation/neglect (Article 19: details that those children who have to be removed from the environment of the home, due to a need to 'protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent', such children will be placed in social care). There is no space made in the rest of the document to suggest what should happen when children assume positions outside of the family environment, it is assumed they will either be in a family, or be in social care. In Chapters 7, 8, and 9 the examples of children in Colombia will be used to illustrate the numerous roles that children assume when opportunities to do so arise in the context of conflict. (The use of 'opportunities' is not to suggest a positive role necessarily, but rather a subject position deviant to the norms accepted in a discursive framework).

This is the key point to be made in the position outlined here. If children are confined within the private sphere, they are denied full citizenship because they are denied political access and, as a result, agency. At which point, any further rights that the Convention outlines are superfluous, irrelevant even. The reality of enacting one's 'rights' and one's 'voice' (Article 12: 'the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child…the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child' 13: 'The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds'; 14: States Parties shall respect the right of the child to freedom of thought, conscience and religion'), or accessing public areas of space (Article 15 recognises the rights of the child to 'freedom of association and to freedom of peaceful assembly', and thus the right of children to be in a physically in public areas), if one cannot access public institutions (this is an undercurrent throughout the document, for example – Article 12 with regards to children accessing judicial process, there is a benchmark to establish whether 'the child … is capable of forming his or her own views'… and thus any involvement of the child in

this public institution should only be 'given due weight in accordance with the age and maturity of the child' and as such, there is an assumption that children will need representation or the assistance of 'an appropriate body') – the child is at a point where any agency given is counterfeit. Even citizenship is counterfeit without the right to participate publicly, as pointed out in the previous chapter. Beier (2015) highlights this by arguing that:

> The common thread in these and other dominant constructions of childhood is diminution of agency. Where agency is conceded in some way or measure, it is typically an impoverished rendering that does not admit of the possibility of bona fide political subjecthood. Thus, children and youth might be seen to act, but they cannot be read as the autonomous authors of their actions in the same manner as an adult political subject. This amounts to an insistence upon regulation of child and youth agency in ways that contain and reassign the political subjecthood behind it. (2015: 6)

In Chapter 5, it was discussed how the public and private spheres were initially separated out by the access one had to political processes. If a person was granted citizenship, they were entitled to participate in the public sphere. Without citizenship, a person was relegated to the private sphere. The consequences of this are rooted in the empowerment gained through political processes. Subject positions, therefore, are empowered or disempowered depending upon their placement within the public or private spheres. In reiterating a barrier between adulthood and childhood, the Convention reinforces the disempowerment of the child actor by confining their activity solely to the private sphere, and denying direct political agency.

As such, children's rights are enshrined within public sphere institutions, but their access to these rights, or their agency to enact those rights, are limited to representation through an adult, primarily the parental position. As such, children's rights are set against, or through, those of their parents, creating a dichotomy between 'the rights of parents to raise their children, on the one hand, and the rights of children to autonomy and self-determination, on the other hand' (Reynaert et al., 2009: 524). Roles of the adult are placed within the public and private spheres, whilst roles of the child exist solely in the private. While this was not a physical location at the outset as explained in Chapter 5, increasingly the private sphere became a fixed place for children to be protected and developed.

This section will examine the way innocence and immaturity are employed with two purposes in the UNCRC (1989). Firstly, innocence and immaturity are used to *justify* the boundary line drawn between the public and the private, which in turn impacts the framing of citizenship and agency, education and labour. The confinement of the child within the private sphere, the restriction of access to public institutions through representation, and the division of children from adults through age assignments, are all practices that depend upon the constructions of immaturity and innocence for this 'quarantine' (Ariès, 1973). Secondly, innocence and immaturity are the concepts responsible for universalising the rights of the child. This universalising of the rights of the child stems from lingering conceptualisations of children and childhood developed within a European narrative. As the concept of childhood evolved, children increased in visibility and imagery emerged, positioning children as 'not yet being' (Verhellen, 2000: 16), or 'adults in waiting' (Matthews and Limb, 1998: 67). Simultaneously, movements around children's protection grew and relied upon this imagery to universalise a period of childhood, in which children were afforded special protections on account of their development and 'socialization' (Reynaert et al., 2009: 521).

The second employment of the concepts of innocence and immaturity within the Convention is the justification of a separate space for children and childhood. Chapter 5 outlined the historical influences on the construction of immaturity and innocence, showing their developing role in justifying confinement of the child subject position. The UNCRC (1989) reinforces this justification within the convention, quoting the United Nations Declaration of the Rights of the Child (1959) that 'the child, by reason of his physical and mental immaturity, needs special safeguards and care' (UNCRC, 1989; preamble). Additionally, in Article 12 it states 'the views of the child being given due weight in *accordance with the age and maturity* of the child'. The document underlines the idea that children are going through a process of development, with Articles 6, 14, 27 and 19 all directly referring to the promotion of the 'development of the child' or the 'evolving capacities' of the child. Articles 13, 17, 18, 27, 28, and 31 all talk about the different avenues that should be open to children in order for them to develop. Article 13 states that children should have the right and freedom to 'seek, receive and impart information and ideas of all kinds' through any 'media of the child's choice.' Article 17 supports this,

by paralleling an 'access to information and material from a diversity of national and international sources' stating that this should promote 'social, spiritual and moral well-being and physical and mental health.' Article 18 ensures that 'institutions, facilities and services' should be available, and Article 27, calls for adequate standards of living to support this development framework. Article 28, outlines the importance of education and Article 29 states that education should be focused towards different forms of development for the child including The development of the child's personality, talents and mental and physical abilities to their fullest potential. Finally, Article 31 finishes this development framework by stating that children should have access to cultural, artistic and recreational activities.

Chapter 5 explored how this process of development is a reflection of the concepts of children's immaturity and innocence, and as such children need to be confined within the private sphere – the location of 'special safeguards and care' (UNCRC, 1989; preamble). This confinement gained popularity and extended towards all children, so that by the beginning of the 20th Century '[i]n order to protect their vulnerability, a separate world for children was created…in various western countries through the first children's laws (Benporath, 2003; Takanishi, 1978): a 'youthland' (Smith, 2007; Verhellen, 2000) or 'moratorium' (Zinnecker, 2000) on adulthood' (Reynaert et al., 2009: 521).

The Convention does not acknowledge the long history of roles that children have adopted outside of the private sphere previous to this development, or give legitimate acknowledgement of the roles children currently adopt outside of the sphere. Instead, the Convention reaches past this to the conclusion of concepts developed towards the end of European history, that a period of moral and educational development of children is the assumed normative of the condition of childhood, and children are too 'mentally immature' to hold the positions that adults do. The Convention draws on language of capability, and the understanding of education in creating individuals capable of 'forming his or her own views' (UNCRC, 1989: Article 12). Indeed, the capability of forming opinions is the benchmark for the 'right to express those views freely' in matters that concern the subjects own position (UNCRC, 1989: Article 12). Being able to form an opinion however is still not quite enough for the autonomy of choice. Children are censored further with their views being weighed 'in accordance with the age and maturity of the child' (UNCRC, 1989: Article 12). This clause being almost impossible to ascertain

except on a case by case basis, leaves children exposed to being simply overridden without room for appeal. Therefore children 'by reason of his physical and mental immaturity, needs special safeguards and care' (UNCRC, 1989: Preamble).

The second employment of the concepts of innocence and immaturity within the Convention is the justification for universalising the rights of the child. This Convention, grounded in the human rights movement, asserts its authority on the position that it is promoting a basic level of humanity. The Convention opens by citing the 'inherent dignity' of mankind and 'the equal and unalienable rights of all members of the human family' (UNCRC, 1989: Preamble). By appealing for a basic level – it is assuming that such a universalising level exists collectively for all human people across borders and cultures. Where once this drive to promote the rights of the child was a standard of what we 'should labour to achieve', (UNDRC, 1924) it is now presented as a standard that has been there all along within humanity and is uncovered. This is utilised within international relations agendas, where the 'innocence' of children is utilised to sponsor 'obvious' causes. For example, the former US Secretary of State, John Kerry, citing the murder of '30 innocent children' as justification for supporting National Coalition of Syrian Revolutionary and Opposition Forces (Jacob, 2015: 16). Equally, Glanville (2005) highlights how US President George Bush felt he needed to act when he saw 'pictures of those starving kids' during Somali civil war (2005: 4). Emotive representations of 'innocent kids' are presented as an appeal to a base level of humanity and expected to garner support and understanding for a given cause.

The framings of innocence and immaturity are of particular importance in conflict and post-conflict settings, because they obscure lines of legal culpability when children perform acts that are expected of an adult. Article 40 in particular outlines the judicial proceedings for dealing with children standing 'alleged as, accused of, or recognized as having infringed the penal law' (UNCRC, 1989: Article 40). The Article highlights more than once the importance of taking 'into account the child's age', that states should establish 'a minimum age below which children shall be presumed not to have the capacity to infringe the penal law', and that parents and legal guardians should be a part of the process (UNCRC, 1989: Article 40).

The purpose of the legal process is 'promoting the child's reintegration and the child's assuming a constructive role in society' (UNCRC, 1989: Article 40). This is to be achieved through 'care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care' (UNCRC, 1989: Article 40). This position, that children should be repatriated into roles that conform to expected childhood after committing acts outside of accepted narrative for children, is an approach adopted by many international organisations. The following chapters, Chapters 7, 8 and 9, will show how this framing of repatriation can strip children of agency, and in so doing sidelines the discussion that is necessary about the complex roles that children are adopting, and the circumstance they are in or motives they have for assuming these complex roles. However, the system of logic has failed to protect children in conflict situations in Colombia if they are being prosecuted for extreme crimes. Evidently, the system that would seek to create an idyllic childhood is not functioning when children are tried as murders. As James (2010) scathingly comments on the differences between European concerns and those circumstances in the majority south that raise very different concerns (for example conflict in Colombia's case):

> In highlighting the failure of the child rights movement and the UNCRC to protect such children, it was hard to deny the implication that the concerns of European scholars about childhood were somehow more trivial when compared to the enormity of the problems faced by children and young people in the majority south. (James, 2010: 486)

The need to afford the child subject position special protections is a statement that they are not always able to protect themselves. These special protections are in place in order to prevent exploitation. However, as I will show in chapters 7, 8, and 9, it is the very framing of children as immature and innocent that feeds into the vulnerability. By framing the child as the innocent, it removes them from the ability to interact with public political processes and it strips them of agency whilst providing the capacity for adult actors to exploit them.

Labour and Education

Labour and education are the concepts that have had the most dramatic shift. In the original legislation of 1924, the document stated in its 4th Article:

> The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation.

However, by the end of the 19th century, understandings of childhood and the shift in economic industries, caused childhood to be concluded at the end of the educational period. As I discussed in the previous chapter, this coincided with entrance into the workforce at a newly deemed appropriate age. Adulthood became a marker for entering into a national economic system. By the time the UNCRC was unveiled in 1989, this position was consolidated, and the education of a child superseded the 'position to earn a livelihood'. Article 32 states:

> State parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

The UNCRC relies on conceptualisations of education and labour to reinforce separate spheres of action in ways that prescribe and restrict the child actor. This boundary line between childhood and adulthood is justified through the perceived 'physical and mental immaturity' of the child, contrasted against the developed adult (UNCRC, 1989: preamble). As such the UNCRC (1989) promotes the need for adults to assist children in developing into individuals with a 'spirit of peace, dignity, tolerance, freedom, equality, and solidarity' as members of 'the human family' (UNCRC, 1989: preamble). Until children reach such a state, adults are expected to act within the best interests of children (UNCRC, 1989: Article 3). These best interests are centred on the 'protection and harmonious development of the child' (UNCRC, 1989: preamble). As part of this development, it is stipulated that a child has the 'freedom to seek, receive and impart information and ideas of all kinds' (UNCRC, 1989: Article 13). Additionally, a child should have 'access to information and material from a diversity of national and international sources' (UNCRC, 1989: Article 17). Perhaps most significantly is 'the right of the child to education'; the positioning of education as the most important activity creates the provision for protection from anything that would 'interfere with the child's education' (UNCRC, 1989: Articles 28, 29, 32). All of this development is to take place within the context of 'the principle that both parents have common responsibilities for the upbringing and development of the child' and that they have 'the *primary* responsibility for the upbringing and development of the child' (UNCRC, 1989: Article 18). As such it is prioritised that children should be 'developed' and the source of this development is positioned between the family unit and the role of education.

All of this accumulates to promote a model of confinement for the purposes of education,

where the confined period becomes about the maturation and growth of persons until they are fully-grown and able to enter society and the labour force. The assumption is that the suppression of activities outside of education is in the best interest of the child. During this period, all activities that are considered adult are suspended in favour of education and development.

Conclusion

The meanings and understandings of citizenship and agency, innocence and immaturity and education and labour, construct the identity of the international child. They are a continuation of ideas established in a European history of ideas and implemented within the Convention on the Rights of the Child, to reinforce a particular identity of the child. As the document progressed from a preliminary form of the UNDRC in 1924, to the UNCRC in 1989, it shifted from being a declaration of ideals of what 'we should labour for', to being a standard that was deemed to be universal in origins. Therefore, the child articulated within the UNCRC (1989) is understood to be universal in application; any child anywhere should and does have these rights.

The Convention articulates the child as a subject without access to political and public systems. The child is confined to the private sphere where the line between the adult and the child is entrenched through a lack of agency and through a system of representation. This approach is justified through the use of innocence and immaturity to conceptualise the child as incapable of anything but confined development. Finally, the child is depicted as in need of progression and improvement through an education that was originally designed to create workers for a national economy, but has come to mean a form of containment from the well-being and improvement of the child.

However, what the Convention fails to conceive is what happens to the child that does not follow the established norms within the document. It does not consider deviations from within other social structures. It fails to recognise deviations from children who subvert boundaries and enact an excluded subject position outside of expectations; when children enact identities that are unconfined to the private sphere that adopt political agency, and perform acts that lack innocence. The following chapters will look to answer this by explaining the role of children in the evolving situation of conflict and post-

conflict in Colombia. It will look to discuss the impact of the UNCRC (1989) and the consequences of its representation of children as the dominant narrative. When the UNCRC (1989) is employed within the context of Colombia's conflict, it quickly becomes evident that there are discrepancies between the international document and the example of the unfolding Colombian conflict and post-conflict narrative. These chapters will show how children who end up assuming roles outside of the excepted international and national discourse of childhood, find themselves misunderstood and marginalised as the discursive structures attempt to repatriate these children back into the accepted norm. The following Chapters, 7, 8 and 9, will look at the empirical evidence and delineate the excluded positions taken up by children who enact excluded roles. It will also show how international and national discourses attempt to repatriate children from these excluded categories back into social expectations of children and childhood.

CHAPTER 7

Citizenship and Agency for Children in Colombia

For the Colombian case, minors – which nowadays seems to be the clearest synonym of boy and girl – in the period of the conquest and colony, were indigenous. They were considered minors (menores de edad).. The nature [of indigenous people] itself was considered as 'minor', our political forms, all these things caused them to be considered as minors, right? Women, a specific group of women and after these, groups of people in slavery, brought in from Africa, were also considered as minors…minority was a concept extended to a large number of subjects and practices.

Only until the late 18th century and a good part of the 19th century, when independence happened, giving birth to the Republic, the idea of boy and girl starts appearing as a subject. Before that, many things were included in the category of minors. The minor, in addition, it is not at all a progressive or liberal category. On the contrary, it wants to deprive this subject of any reasoning, capabilities, agency, and this subject must be ready for exploitation by the person who does have all the things that they took from them (the minor). So, to call someone else a minor is very useful for not having any debate about whether what you do is work or not, whether what you do is lucrative for me, if what you do is a sexual activity or service, prostitution, because every minor is voiceless, without reason, and myself as your master, an adult, colonizer, I make decisions for you.

Clara, 2014, Interview, Bogotá, Colombia

Introduction

Children in Colombia are at the centre of multiple and often fundamentally conflicting discourses. Within this context, the international discourse that represents children claims special protections and rights for the child. Epitomised through the UNCRC (1989), this discourse claims to be one that is progressive towards children and puts their interests first. The following 3 chapters investigate how far international standards protect children, or if – due to the way they are discursively constructed - they leave children exposed and vulnerable when they are in the most insecure situations.

During conflict and the transition to post-conflict, insecure environments leave children open to exploitation. The empirical analysis in the following three chapters shows how the international framing of the child through the UNCRC (1989) leaves children vulnerable to such exploitation. As Berents (2015) states in her assessment of the status of many children in Colombia; 'insecurity becomes a condition of everyday life, reinforced by structural marginalization and experienced on and through the bodies of those who are

socially excluded from protection and participation' (2015: 1-2). In situations of conflict and transition to post-conflict transition, where insecurity is a 'condition of everyday life', children are affiliated with roles that are outside those the international discourse considers normal. These roles occur when children assume positions - such as soldiers or fighters - that do not conform to standards outlined within the UNCRC (1989). Insofar as they fall outside what is considered normal, these roles are structurally marginalised by the established international discourse. As such, these children who do not comply with the standards required to be considered a 'child' are not extended the protection provided in the international discourse. Furthermore, their exclusion from recognition or legitimate participation in public sphere activities makes them unable to contest any such definition placed on them. This leaves these children exposed and vulnerable, rendered outside of social norms they become excluded. Excluded children are left to operate beyond the boundaries of discourse and are exposed and vulnerable to other illegitimate activities outside of discourse, which in conflict environments are often illegal and dangerous.

In order to explore the exclusion from 'protection and participation' that conflict children experience, the following three chapters will investigate the way the three sets of themes within the UNCRC (1989), identified in chapters 5 and 6, manifest themselves at the centre of conflicting discourses within a conflict and post-conflict context, resulting in the vulnerability and exposure of the child. Chapter 4 contextualised children within the literature of international relations and security studies. It examined how the literature reinforces the UNCRC (1989) conceptualisation of children, how this is utilised in contemporary international relations, and the importance of problematising the agential role that children are enacting within global events. It concluded that the environment of conflict and post-conflict provides an empirical background against which to frame the complex categories that children are assuming. Chapter 5 examined the European roots of meanings that surround the concept of 'child' and 'childhood' within the United Nations Convention on the Rights of the Child (1989), concluding the chapter with three pairs of meanings: citizenship and subjectivity; immaturity and innocence; and, education and labour. Chapter six comprised a discursive analysis of the UNCRC (1989) to show where language is employed that invokes these three sets of meanings and how it creates a prescriptive role for the child by deploying these three pairs of themes.

The following chapters thus address the impact of this established international discourse of the child, embodied within the UNCRC (1989), on the narratives at work in Colombia. Chapter 7 will look at the influence of the UNCRC (1989) on the citizenship and agency of the child in Colombia. Chapter 8 will look at the impact of the UNCRC (1989) on immaturity and innocence in Colombia, and finally Chapter 9 will look at the impact of the UNCRC (1989) on education and labour in Colombia, within the context of conflict and transitional justice. I aim to show that renderings of children and childhood within the UNCRC (1989) create a prescriptive understanding of children and childhood that when intersecting with localised discourses, does not always represent the subject positions that children have assumed. When these localised contexts are insecure environments, the childhood outlined within the UNCRC (1989) is incommensurable with the daily experiences of children, and, as such, misrepresents, marginalises, and can lead to the maltreatment of these children. This vulnerability happens as children operate outside of the norms outlined, and as such they are excluded categories. Most importantly they are excluded from legal protection that would claim to secure and provide for them. To this end, this thesis advocates for a greater recognition of children's political agency for their own security.

This chapter will therefore firstly investigate the ways in which children are excluded from roles identified for children attached to citizenship and agency in the Colombian conflict and post-conflict transition. By outlining this exclusion, it will be possible to build up an understanding of how differing discourses have designated certain roles as legitimate and illegitimate for children. As a result, some child actors are considered as operating outside of social norms. The first section will explore the way in which an internationally standardised definition of a 'child' excludes children from enacting agency, specifically outside of the private sphere as political actors. The second section will examine the lack of access to citizenship that both children within expected norms and children who are excluded categories experience. The final section will consider how expectations of children and childhood and the inclusion in and/or exclusion from these categories are used to further the ends of competing agendas. It will answer whether these agendas present either opportunities for children, or agendas that act as opportunist exploitation, and question the level of agency that children can really experience.

Understanding Children's Agency: Defining Children Inside of Discursive Boundaries and Explaining the Children Excluded

As children are caught up in conflict activity, they assume roles that cause them to be positioned outside of social norms. Roles appear for children that would not be possible in the same way or the same frequency outside of a war context, for example: soldier, 'wife', sex-worker, assassin, or smuggler.[10] However, as Brocklehurst (2010) establishes, 'children can take on a variety of roles and responsibilities, but this does not, of course, mean that a child is acting in war knowingly or effectively or with compliance' (2010: 453).

What it does mean, and what this chapter seeks to highlight, is that such children exist outside the expectations of social 'norms', and as such they form excluded categories, outside of the boundaries of discourse. This was summarised succinctly during a second fieldwork placement in Colombia. I spent time talking to a prominent academic who had previously been a soldier in the Colombian army and had been posted over multiple locations in Colombia. Julio observed that:

> *'For most people who are living the conflict on a daily basis, there are no categories, no conventional categories. There's not even childhood, you are born inside the conflict and there is nothing you can do. Or you're kidnapped when you are five and everything you learn and experience… belongs to the rightwing and you are educated into that kind of ideology. It's a question of ideologies, you know.'*

What was particularly interesting about his commentary was his identification of more than one framing of the subject position of the child. He talks about a lack of conventional categories and in their place, he discusses ideologies where 'everything you learn and experience… belongs' to a particular group and their ideology. For example, the FARC (*Fuerzas Armadas Revolucionarias de Colombia: Revolutionary Armed Forces of Colombia*), ELN (*Ejército de Liberación Nacional: National Liberation Army*), and what was AUC (*Autodefensas Unidas de Colombia: the United Self-defenders of Colombia)*. Each group has, or had, a different ideology; a separate code of meaning, where they create an internal discourse to establish and justify the structuring of their position. These groups have varied methods of recruitment, including forced kidnappings, coercion and manipulation through the use of ideology or money, and conditioning children through routines of daily life.

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[10] For greater discussion of these roles see: Brocklehurst, 2010; Rosen, 2005; and Wessells, 2006a. For those roles specifically assumed by children in Colombia: Watchlist, 2012

While there are disparities internally between different FARC groups, on the whole the FARC function in camp-like structures. Children and adults are treated the same, with the same expectations placed on them. There is a focus on ideology, and training includes an education as follows:

> 'They teach us history: the history of Che Guevara or Jacobo Arenas or Marxism/Leninism every day from 3:00 to 4:00 p.m. We read. There isn't any math or science taught, only politics, weaponry, and the FARC's rules. Before we go out to fight, there is a talk: "We are going out to defend Colombia, so that equality can come—to help the poor—so that the rich don't take from the poor.' (HRW, 2003: 62)

In contrast, the militias would indoctrinate recruits through violent methods:

> Five former paramilitary children based in camps in different parts of the country told us they had been ordered to kill captives in front of the other recruits during their training. Óscar, an Afro-Colombian, recalled: They bring the people they catch, guerrillas and robbers, to the training course. My squad had to kill three people. After the first one was killed, the commander told me that the next day I'd have to do the killing. I was stunned and appalled. I had to do it publicly, in front of the whole company, fifty people. I had to shoot him in the head. I was trembling. Afterwards, I couldn't eat. (HRW, 2003: 64)

What can be seen here is the conflict scenario in Colombia being framed by diverse discourses. The example of different indoctrination approaches shows how the groups go about establishing and constructing the identities of their members. As a result, these different discourses present differing constructions of the agency of the child subject, which are at odds with the agency children have within Colombian legislation.

The Colombian State has adopted the rights outlined within the UNCRC (1989) directly into the constitutional law of Colombia, in Law 1098 (– namely el Código de la infancia y la adolescencia – ICBF and UNICEF, 2006). Officially, therefore, the State recognises children and childhood in the same framework as the international convention on children's rights, which includes a denial of political agency (UNCRC, 1989). However, these militia and guerrilla organisations have framed the subject position of the child in very different ways. By expecting children to participate in activities that are associated with adult subject positions, and by incorporating them into political activist subject positions, they are creating roles for children outside of the normal legal space reserved

for children. Children who enact these identities diverge from wider social expectations and are therefore excluded categories from the State discourse.

It is the differences between these discourses that create challenges. Firstly, because children who perform these excluded positions exist outside of the accepted legal definition of 'child', these 'deviant' children are not provided with the same protections. This is because they do not meet the required standard that qualifies them to be considered eligible for the rights that come with that identity under the law. Secondly, there is a lack of consensus between the discourses operating within the borders of the Colombian state. This makes it difficult to identify a transferrable understanding of what a 'child' is, when there is more than one dominant discourse framing children in dramatically different ways. The challenge comes when attempting to address the increasingly complex roles of children, and ultimately their security, when many organisations and states do not engage with or acknowledge the multiplicities of meaning, and the discursive structures behind them, that are placing different expectations on children and childhood.

The expectations placed on children do not only affect their legal standing. Indeed, a similar barrier is in place within certain social frameworks, as exemplified by the relationships between INGOS, NGOs and aid agencies, and donors or recipients. In the case of aid, there is a certain 'required standard', or expectation of what characteristics children in need should display to warrant assistance as determined by a given social standard. Holland brings this to light:

> 'The child who appeals to the viewer, humbly requesting help, has remained the mainstream of aid imagery. But children's actual response to conditions of deprivation may well refuse qualities of childhood which give them their pathos. It is less easy to deal with children who have become fighters, workers or brutalized dwellers on the streets.' (Holland, 1992: 161)

In the case of Colombia, the latter characterisation of children caught up in conflict roles is much more common (HRW, 2003: Watchlist, 2012). However, the definitions supplied by the United Nations Convention on the Rights of the Child (1989) sets a particular image of the child that contradicts the agency that comes with the role of 'soldier' or 'worker'. The preamble of the Optional Protocol to the UNCRC on the involvement of children in armed conflict (2000) states that 'the rights of children require special protection, and [thus calls] for continuous improvement of the situation of children

without distinction'. Colombian legal institutions subsumed the Convention into Law 1098 in 2006, making it a part of the constitutional definition of the child (*Código de la infancia y la adolescencia*, 2006). Therefore, what has unfolded in the Colombian case is the introduction into State discourse of an overriding dominant narrative in the form of the UNCRC (1989), which presents children and childhood in prescribed ways (outlined in Chapters 5 and 6). This discourse contradicts the daily experiences of the 'less easy to deal with children who have become fighters, workers or brutalized dwellers on the streets' who occupy public spheres, and instead expects children who are 'humbly requesting help' as symbols of the private sphere.

What is evident at this point is the contradiction between children in Colombia who experience daily insecurities as well as openings into excluded subject positions, and the presentation of children and childhood within the UNCRC (1989). It is the insertion of international law into the Colombian constitution that has created a normative category of children and childhood. Thus a contradiction emerges between the children who fulfil the expectations of the social norms outlined in the UNCRC (1989), and children who enact roles outside of the discourse as an excluded category. At one point Julio commented, 'It took a lot of time for Colombia to realise that the armed conflict was including children and that they were part of the conflict'. In part, that realisation came about in the presence of the UNCRC (1989), which was brought into the Colombian narrative as Colombia adopted international norms. Julio explained that the prominence of Human Rights grew around 10-15 years previously, where it began to 'have a strong weight in the conflict and to be an indicator…which people who were part of the conflict had to be cautious about.' Presented as a code of enlightened rights, the UNCRC (1989) was a contrast to the experiences of children surrounded by over half a century of conflict activity. Wherever there is a contradiction between localised behaviours and international norms like this, children become caught between more than one explanation of their subject position and what emerges as an excluded category, an excluded childhood, suddenly becomes visible.

Child soldiers in particular have more recently been presented as those children who are operating outside of normative categories of childhood. There have been many studies carried out by NGOs pointing to the rise of pre-teen child soldiers. Brocklehurst (2010), however, counters this by stating that 'child soldiers are not new in the sense of young people's participation in war; moreover, child soldiers are not a consequence of particular

and recent types of conflict' (2010: 448). Rather she cites Rosen (2007) who, through extensive anthropological research, highlights children's historical presence in war. He clarifies that 'this child-soldier "crisis" is also a modern political crisis, which has little to do with whether there are more or fewer children in wars today' (2007: 304). So this contradiction between the normative roles of childhood and the excluded subject positions has not come about because of the sudden materialisation of children enacting excluded categories. Children adopting roles in conflict is not a contemporary phenomenon. Rather, the rise of child soldiers is perceived to be an international political crisis that has come about with the introduction of an expectation delivered in the form of an international standard. As this international standard has grown in prominence, so has the significance of the child that does not conform to the standard. In other words, children participating in conflict transgress those boundaries that are now in place that would define their status as children.

In Colombia, transgressing these boundaries is no longer exclusively confined directly to conflict related activities. Excluded categories have broken into wider social narratives through the bleeding of discourses from the guerrilla movements. This was a point that was raised in a conversation with Julio:

Researcher: *Do you see the FARC culture as something very separate from the Colombian culture?*

Julio: *I would dare to say yes I do, but on the other hand they have achieved to root those ideas as also being a part of Colombian culture, we've been in war for more then six/seven decades. There are a lot of generations whose culture have been the culture of the war. So they ended up rooting it into Colombian culture, even if Colombian culture wasn't that way. It's now part of our everyday life. You see the news all the time. You even see the images. And there are children in the conflict and they are being dragged into the conflict and that has happened from a lot of decades ago. So maybe that constant reality has turned to be part of our idiosyncrasy.*

This blurring of the boundaries between the discourses of children and childhood, even blurring the line between being 'in' the conflict and on the sidelines, has created the space for children to be misunderstood. More specifically, one of the biggest misunderstandings such blurred identities create is neglecting to see these identities at all; without the clarity of a unanimous category, these children become invisible actors, absorbing the identities of the roles they adopt. So they are not recognised as children, however, they are also not acknowledged for having the full agency of an adult.

Such invisibility appears when children adopt roles where there is a vacuum of language to use as a descriptive marker. The most common example of this is where children adopt the role of an adult within a given context. This is often seen where children have been considered as part of a community that subsumed their identities as children. For example, when meeting with an academic - Mary - to discuss this, she pointed to recent agricultural strikes that took place in 2014, where 'many young peasant people, boy and girls, were protesting at this, but nobody saw them, they are not called [recognised], we are not educated to see them'. This grouping of children within larger communities is not restricted to peasant communities alone, but she went on to state:

> *In Colombia – although I believe in many places in the world too – the subjects are not defined in a universal way but according to the characteristics given by the territories and the contexts they are in. So, we Colombians only recently, we have seen children within the indigenous communities. Because they all used to be just indigenous. Or in the zones where the afro communities (African-Colombians) are located, we would just see 'black people'. Only recently, we started noticing black boys and girls.*

This encapsulation of children into a community is familiar in Colombia, particularly when those groupings have also previously been categorised as child-like, even being labelled as 'minors'. Considering the extract at the beginning of the chapter, categories such as the indigenous, women, slaves, in other words, all those who have historically been excluded from public sphere activity, it is easy to lose the identity of children in such groupings. For example, with the category of women, children are often classed alongside women within institutional frameworks.

One in-depth interview in particular bought this distinction to the forefront. Gilma Jiménez was a Senator within the Colombian congress.[11] Her entire campaign for office and subsequent efforts within office were focused on children's rights. One of the first things she brought up was the mindset she came across when working on children's rights:

> *It's a First lady's, women's, volunteer's topic. No! It is a State issue. In fact, the most important challenge that we have as a society in Colombia…*

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[11] Gilma Jiménez sadly passed away from cancer in 2014. She asked not to be anonymous.

She stated that seeing women and children as the same issue was an attitude was not exclusive to Colombia, but having travelled widely representing the rights of children at an international level, she commented:

> *'To every international scenario I go to, … I start talking about children, and their rights and everything, and people said "there you go, yes, women and children, yes" and I was like "no! Children, only children (children matter alone)". Women at one side. Children at this other side. And when organisations or anybody talks about women and children at the same time, the child subject disappears.'*

Children find their identities tied into the identities of others in a way that makes them invisible. In the case of the agricultural protests, they were farmers and a part of the faming workforce. When placed next to women, they are the woman's child, and as such an extension of a mother's identity.

However, by standardising the rights of the child, the UNCRC (1989) endows children with rights internationally, and in doing so, separates out the identity of the child to create a category. It makes the child actor visible as one category through a legal classification. For Colombia, the idea of this visibility of children is a key concern of NGOs, national and international. *La Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia* (the coalition against the connection of boys, girls and young persons in the armed conflict, COALICO), produced a report in collaboration with *Comisión Colombiana de Juristas* (Colombian Comission of lawyers) and *Coperación Alemana* (Deutsche Zusammenarbeit) entitled *El Delito Invisible (The Invisible Crime)*. It outlined the tactics for child recruitment into armed groups and the subsequent system failures to prevent recruitment, and the failure to help children receive restorative justice. Clara highlighted what she saw as an advance that has been made as children have become visible categories: 'the last decade has been very insistent in educating the view of those that are in urban locations, like education or Non-governmental Organisations.'

Despite making children who conform to UNCRC (1989) standards visible through a legal definition, and therefore children who act outside of this definition visible, this visibility has not been enough to acknowledge, establish and secure children in Colombia. As Beier points out,

> feminists and others have alerted us to the analogous perils of 'bringing in' for example, women (Tickner, 1992) or Indigenous peoples (Shaw, 2002) in a manner that subjects them both to mainstream frameworks' pronouncements

upon ways of knowing and being to which they must then be made to conform if they are to be intelligible (Beier, 2015: 2).

A legal definition does exactly this; it requires those outside of convention to conform. Requiring children to conform has a double effect. Placing an expected norm on the child without their consultation, not only denies them the agency of defining themselves, but also strips them of agency completely.

During fieldwork research, it became evident that the reason for this centred on children having legal rights that protected and provided for their position as children represented in the UNCRC (1989). However, the children had no ability to access those rights and no agency to exercise them. Instead, children need to rely upon the protection and provision of the State, and the benevolence of those parents and guardians that the UNCRC commissions with providing children access to public institutions. Children's Rights have created an identity for the child as an established category. However, it has not granted them rights as participating citizens.

Instead children, though they may now be visible, depend upon the structures that are in place to facilitate representation for them within public spheres. Additionally, they are not granted the agency of deciding what this legal visible model of their identity will look like. This model requires them to conform to the pattern of representation, rather than participation, in order to access their rights. When carrying out fieldwork research, it became clear that children, while having certain paper rights, had no ability to access those rights and no agency to exercise them. Children's Rights have created an identity for the child as an established category. However, it has not granted them rights as participating citizens in the public sphere. The following section will address how a lack of access to a participatory citizenship excludes children from accessing their rights. Illustrating this begins to illuminate how a lack of access to a participatory citizenship and denying children a form of agency in turn impacts their security.

Citizenship and a Lack of Access

The rights of children as Colombian citizens are ineffectual. Maria at the ICBF named them 'paper rights', and Senator Jiménez commented that such a suggestion would be met with denial. 'We think it is all normal. We Colombians could say that this is an offence,

but in…reality, it is not, because we are a society full of rhetoric, speech, etc. From the speech to the action, there is an abyss.' There is an obvious disparity between the rights granted to children in Colombia at a governmental level and the rights that children enact on a daily basis. Maria explored this 'abyss' by addressing it as an issue of access:

> 'They have rights on paper but they don't have access. They have a right for health but there are not enough hospitals. They have rights to access education but what is happening with education in Colombia is [in a] critical [condition]. It's hard for a woman to make her children's father to acknowledge them legally. It's not easy at all and is very expensive too. But there is a right for a name… but there are many paper rights. However, we feel we've made great progress but…[pause]'

This was not an uncommon line of explanation in many interviews. When speaking to key staff at UNICEF Colombia, the concerns lay with providing the rights, and the perceived realities that stood in the way. This reference to reality was repeated in the majority of interviews: academic, NGOs, IGOs, Government workers and representatives. A statement would open with, 'this is what we hope to achieve, or what we would like to be the case' and conclude with, 'but the reality is this.' This understanding of a reality gap becomes a justification for maintaining a standard that has not delivered security to children in the Colombian context.

The 'reality gap' is seen as a struggle and a tragedy. However, equally, framing it as a 'reality gap' becomes the foundation of why some children never realise the rights given to them on paper. This happens for two reasons. Firstly, the 'standard' and the 'reality' and the gap between them are understood in terms of a single space. It is expected that in this space, people may have a discussion and they may not agree with each other, with the aim being to communicate and implement the standard in order to deliver it in reality. If, however, this gap were understood as one between discursive structures, it would be possible to understand that bridging discursive differences cannot be achieved by conceptualising the differences as occurring in a single space. The 'standard' and the 'reality' are separate meanings and separate values, in a way that may never correlate. Indeed, there are multiple discourses present in what is perceived of as both the standard and the reality. This is exemplified in the exchange between Maria at the ICBF, and the FARC leader, Ivan Marino, when they discussed the place of children in the peace negotiations. Maria described the conversation:

> 'I remember he said to me "doctor, what childhood? Here, we all are just combatants, we all are poor, what childhood?" I just said "well, we do have a lot to talk about! How are you going to forge a new society if you don't recover the patrimony of humanity that is called 'childhood'?'

Maria's framework of childhood cannot be imposed upon the discourse of the FARC if the FARC will not acknowledge the different categorisation in the first place. There is no acknowledged role or actor within the FARC discursive structure upon which to place 'Maria's' standard. In the negotiation then, there are two discourses present. As the discussion developed, it became evident the Maria could not place her 'standard' over Marino's 'reality', it is not a single space in which they are using the same referents.

The second consequence of presenting a 'reality gap' is that it reinforces the idea that there is not a problem in the constructed identity of the child in the legislation. The idea of a free, happy, protected childhood is presumed as the ideal; it is the challenge of implementation that is perceived as the problem. During an interview with five senior staff at UNICEF, Colombia, we discussed the issue of agency for the child actor in Colombia. They communicated that they felt the issues were less to do with paper rights. Rather, it was the physical issues of geography and mines in the roads leading to schools, as well as the underdeveloped areas without schools or health facilities, that were perceived to be the problem. There was no acknowledgement of how these paper rights construct very particular understandings of children and childhood, nor indeed of how these rights could inhibit children's security, political agency, and access to their rights through representational citizenship.

However, the historic precedent of forming rights and freedoms through political struggle is paramount (Edkins, 1999). Yet this process is a contradiction to the status of the ideal of the discursive construction of childhood represented through legislation. As Feldman (2002) notes, 'rights and duties [are] not solely a biological given, but also a normative construct that has to be created through political struggle. In this process, children must leave the insulation of domestic spaces to become social actors in the public sphere, an act to which the public arena will never be wholly reconciled.' (2002: 287). This political struggle in the public arena is a participation denied to children. In accounts of the conflict, children may be present in the 'reality' of a situation as either a child who conforms to the established state discourse, or a child who exists beyond it. However, they are not granted access to the public sphere. This can be seen at work in the case of Colombia. The subsequent section outlines the discourse that is presented as the standard. It is followed by contradictory experiences that indicate the different frameworks that are

operating outside of this perceived standard. These contradictions display that the standard has not rooted itself into the behaviours of those enacting the conflict. As such, those who choose a different set of actions are performing an alternative value system that causes them to react according to alternative conventions or norms. Thus it can be seen that different discourses are operating. As such, children may be granted rights under one discursive structure, but in separate discursive structures their subject positioning is perceived completely differently, as they are enacting a different form of agency that does not conform to the expectations established through their legal rights.

The Official Discourse and Deviations From It

The standard, or official position on the child employed by the Colombian Government is exemplified in *el Código de Infancia y la Adolescencia* (*the Code for Infants and Adolescents*), ICBF and UNICEF, 2006. As mentioned previously in the chapter, this position is in line with that of the international legislation represented in the UNCRC (1989). This standard was repeated during interviews with the military, where it was made very clear that any person under the age of 18 would not be engaged in combat and that, 'so many times we are there with binoculars trying to see if the combatants are children… It is a terrible thing to see these children dead. I [Colombian General] have seen soldiers weep over the bodies of dead children'. Additionally, it was made explicitly clear in an interview with a senior lawyer working within the office *Alto Comisionado Para la Paz* [High Commissioner for the Peace] that Colombia's attitude towards those under the age of eighteen engaging in any conflict activity, including surrounding activities, is not tolerated by Colombian law. A line, he stated, as being even stricter than the 2008 Optional Protocol of the UNCRC, which states:

> Article 1
> States Parties shall take all feasible measures to ensure that members of their
> armed forces who have not attained the age of 18 years do not take a direct
> part in hostilities.

and,

> Article 2
> States Parties shall ensure that persons who have not attained the age of 18
> years are not compulsorily recruited into their armed forces.

In Colombian law, Law 548 (1999), prohibits the employment of any person under the age of eighteen. It is a dischargeable offence from the military to engage anyone under the age

of eighteen in the conflict (HRW, 2003; COALICO, 2009).[12] This standard is corroborated in the Senate, and embodied in the approach and attitude of Senator Jimenez who told me that children's 'rights [should] prevail over anybody else's rights.' She explained that the Colombian population had elected her by the widest margin of any representative in the Senate, and fiercely supported her campaign for the rights of children. She described walking down the street smoking a cigarette when a man driving a large truck wound down his window and shouted, 'Hey Lady! Put that out! We need you to live so you can fight for our children!' These attitudes are part of a strong narrative present within Colombian institutions and even a wider population that upholds a high standard of child welfare.

However, parallel and contradictory experiences suggest different frameworks are operating in this context. The military experience a different framework within the conflict, and despite clear policy, there is confusion over engaging child soldiers and accounts where policy has been obfuscated. Sara, a translator contracted by the military, told me of a time she acted as an intermediary for US Special Forces. The Colombian and US Special Forces were collaborating on tactics against guerrilla movements. She recounted how during a session in which 20-30 individuals took part, they were discussing correct procedure if minors were encountered in the field. The example was a boy making a call from a mobile in a rural area. It is common for guerrilla groups to use children as informants, who warn of incoming army activity. When the US forces questioned how these soldiers would proceed, the soldiers couldn't agree. Sara explained that 'some were clear that 'no, you shouldn't shoot, it's a kid', others said 'yes you have to, its necessary or it will compromise everyone in the unit'. Others attempted a compromise suggesting an attempt to shoot the phone from the boy's hand. Furthermore, it is clear that this turmoil is reflected not only in engaging minors, but also utilising them. In a report conducted by Human Rights Watch: *You'll Learn Not To Cry*, a child told of his employment by a Colombian military officer. Fernando, a fifteen year old from Cazucá was offered five million pesos [U.S. $1,670] to work as an informant by an army officer. 'He asked me if I wanted to help him and earn some money. He said he would give me money for clothes, a

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[12] This is important when considering the historical inclusion of children in Colombian conflicts: see Pachón, 2009. In addition there is evidence that this official discourse is contradicted, and children on the edges of society or in vulnerable positions (closer to excluded roles, or engaging in excluded roles), are then often drawn further into conflict roles by bribes from military men to inform and act in the interests of the state military: see HRW, 2003; COALICO, 2009.

room, and to continue my studies.' (HRW, 2003: 103). This type of offer directly endangers children and contravenes the law. It places children in the impossible position where the offer of work is outside of the constructed image of the child; however, in assuming this role - children are in the vulnerable position of being placed beyond legal protection.

Contradictions with the standard policy are not restricted to individual examples in the military. A disturbing contradiction occurred during a period of demobilising paramilitaries in 2006. Testimonies surfaced surrounding the 5th High Peace Commissioner Luis Carlos Restrepo. Under the then incumbent President, Álvaro Uribe, he infamously implemented a 'back door' policy for children during the supposed disarmament (Pachón, 2009). In order to sidestep the framework of international law, he simply advised those in the paramilitaries to give 'gifts' to under-age soldiers and to discharge them. (Pachón, 2009). Such an approach avoided having to answer to a standard that views child recruitment as a War Crime (UNCRC, Optional Protocol: 2000, Preamble). Simply sidestepping the legal standard was not only possible, it also had few repercussions. Maria explained that:

> *'He himself [Restrepo] caused someone who worked with us in these investigations, to be removed from her position, he thought they were going to ruin the process with the reports. They just turned a blind eye to the facts about children - you won't find the topic of children in there. And that's top secret, and then it was known that he had been informed on the topic of children, and that he had made it disappear. The two directors of the ICBF during this process, were placed there by Uribe. To me, it was not a demobilisation process, no! It was a business transaction.'*

For those children who were and are still fortunate enough to make it into a rehabilitation program, the lack of resources means that they are not necessarily met with the curriculum that the official discourse would aim to provide, supporting the 'continuous improvement of the situation of children without distinction' (UNCRC Optional Protocol, 2000: Preamble). Children are supposed to be divided between child-soldiers, and perpetrators of domestic violence. Officially, programs for children who have suffered through conflict involvement are open only to those who have been deemed 'recruited.'

This creates two contradictions. To begin with, this category only applies to children who present as 'combatant', not those children who have been drawn into activities surrounding the conflict. A clear example of this is found in those children who were part of the paramilitary movements. During the demobilisation, factions broke off to become

gangs that filled the power void in the absence of the overarching structure of the AUC. These groups have been labelled *Bandas Criminales* (BACRIM) (Watchlist, 2012). These groups operate in similar ways to guerrilla groups, through extortion, drug trade and retaining or recruiting minors, however as they lack the overarching structure of the AUC, they are increasingly violent and function in the fashion of cartels. (Watchlist, 2012). Children within these groups are not considered as part of the conflict even though it is common for such children to have previously been victims of war, and despite these new groups emerging as a direct consequence of conflict activity. As such, children who are involved in these groups do not technically qualify for the same programs. This shows a contradiction within the discourse of the international child; despite the fact that all children are to be treated 'without distinction', a clear distinction is being made here. Those children who conform to the image of the child soldier being repatriated into a national discourse are afforded special care and protection. Those children who are performing a category role that has been deemed 'gang related', are simply delinquents, and as such they are confined through incarceration, rather than rehabilitation.

The second inconsistency that appears between the official discourse and the position of children is that when child-soldiers *are* identified and manage to be integrated into the demobilisation process, the programme that aims to support them is not there. Instead children involved in conflict are often mixed in with those from a domestic criminal process anyway. Not only does the discourse appear incongruent, therefore, in which particular children qualify enough to be 'conflict children' and have access to these programmes, but also appears inconsistent in that the narrative prioritises children as a category needing special attention and assistance, has ultimately this prioritisation of children has not materialised. Combining combatants with children charged with domestic crime included not only those that were demobilised, but those children who were reclaimed from operating groups such as the FARC. During the interview with key figures at UNICEF Colombia, Álvaro described a tour he recently completed of detention centres in the Colombian system. He spoke of children being mixed: domestic crimes and those taken from conflict activities. This was justified to him as a lack of space. He explained that children often ran away because the detention centres are houses that are poorly guarded and the programs that are supposed to be in place, do not function. Maria at ICBF confirmed this. She also spoke of a situation that unfolded, showing that children

who were supposed to be processed through a restorative justice program were not, and went on to re-join various non-governmental military groups:

> *Maria: that is an anecdote that has not been written yet anywhere. When the paramilitaries started giving up children, many of these were already part of the ICBF children offenders system. Where they would recruit them from the institutions!*
>
> *Researcher: they would recruit children from the institutions?*
>
> *Maria: yes, somebody would cause a massive escape and 12 children escaped and got to be involved in these groups. That was not talked about so much for political reasons. I personally received the first 11 paramilitary children to be demobilized, they brought them from Barranca, and when I brought them here, I started registering them in the system and I found they had already been to educational/correctional institutions of the system.*

The pattern of behaviour towards the child is inconsistent with the standard that is established in Colombian legislation. All of these situations do not to conform to the narrative that is presented in the codification of the child actor within Colombian law. Such examples fall short of the standard that is aimed for with regards to child wellbeing and statements that the rights of the child supersede all others. It can be seen here that there are differing discursive constructions operating with regards to the agency of the child actor and the roles that are associated with that agency.

These two sections, *Understanding Children's Agency: Defining Children Inside of Discursive Boundaries and Explaining the Children Excluded* and *Citizenship and a Lack of Access*, have explored the themes of Agency and Citizenship. The first section showed that children are not acknowledged when they enact political agency, and that the response of the international and Colombian national discourse is to attempt a repatriation of children into what is considered normal for children and childhood. However, children are enacting agency, and as such are excluded categories, outside of the boundaries of discourse. The second section showed how an inability to enact a legitimate form of agency within the public sphere was a result of children's 'paper' citizenship rights. However, this issue is not understood as people focus on the problem being secured in the implementation of children's rights, rather than questioning whether these rights are part of the problem. If children cannot access their rights in the public sphere through representations, deviations from the discourse will be their best option for agency, as outlined in *The Official Discourse and deviations from it*. The following section explains how a lack of agency and a lack of access leads to children being objectified, which exacerbates children's security issues.

Conclusion Lack of Access: Participation and Objectification

The introduction of an international standard has caused children to become increasingly visible. Establishing a standard has highlighted children, even the excluded roles that they perform outside of the institutionalised norms. However, this visibility has not granted children the rights that are outlined within the UNCRC (1989) and adopted by the Colombian government. Conversely it has denied any subjectivity that a child experiences or the privilege to be considered as a citizen with access to their rights. The citizenship of a child is in name only, that is, 'paper rights'. Laura, who worked for the International Centre for Transitional Justice at the time we spoke, explained the difference between having rights and the ability to realise those rights:

> *'What I mean with that is that they are an object of protection, not like, a subject with rights… They are idealised by the public policy instruments [institutions].'*

Laura argued the impact of this idealisation of children in public policy and public institutions is to turn them into objects. Children and childhood becomes a physical object that embodies a symbolic ideal. Feldman (2002) says that children become this 'phantasmic site, an imagined 'degree zero' that provides various experts in childhood with a baseline measure for evaluating (1) the horrors of society, and (2) the failure to historically realise the norm of social nurturance.' (2002: 287). Lorraine Macmillan (2015: 66) corroborates this link with conflict. Nowhere is this more evident than in a society attempting to transition out of conflict and children through her investigations into the Somali civil war: 'the state of the war-torn country was closely linked to the plight of its children' (2015: 66). Laura reiterated this as being particularly important when a society has experienced violence over decades. Post-conflict reconstruction, drawing on international discursive structures, fantasises about a better world, and children become the symbol of hope for a future, and atrocities to the child, the benchmark of horrific times not to be repeated. The implementation of the UNCRC (1989) has made the roles children adopt visible. But despite this visibility, it does not negate the vulnerability of the child actor. Instead, the UNCRC (1989) reinforces this 'phantasmic site', the object status of the child as an ideal. It is this very objectivity that creates their vulnerability.

Children and childhood become objects of wider society as a representation of an ideal, and as such objects in need of special protection and containment. Therefore they cannot quit the domestic sphere to enter the public sphere power struggle for their identity. As

Berents (2015) points out, 'dichotomies and stereotypes speak before young people themselves can offer alternatives.' (2015: 3). They are unable to participate in the debate which: 'deprive[s] this subject of any reasoning, capabilities, agency, and this subject must be ready for exploitation by the person who does have all the things that they took from them [the minor]' (Mary, 2014).

This objectification of children moves them further away from being able to engage with their identities. This is the situation facing children who want to enact their citizenship; they cannot participate. They are excluded from having a voice even when they expressly ask for it. Juan, who works within restorative justice programs through ACR and ICBF, commented; 'let them take the decision about what their reintegration program for recruited children should contain.' When he spent time asking them for their opinions on the restorative programs, he commented that 'some of the ideas were – we [the children] should run ourselves! Yes, I heard this!' After working with adult and child victims of the conflict, he stated that the children's transitional restorative program was not functioning because 'there is no participation [from children]… in 15 years it hasn't really resolved the problem of children because it hasn't contributed to their reintegration through their participation, I don't think that the program did that' (2014, In interview).

Instead children are assigned intermediaries such as parents, guardians, government workers and ICBF. However well meaning this is, the dynamic it establishes is a removal of power and the ability to participate. The UNCRC (1989) does call for the participation of children in Article 12, namely that 'the child who is capable of forming his or her own views [has] the right to express those views freely' and for the importance of the child to express their opinions and have a voice. Furthermore, Article 13 calls for, 'the child [to] have the right to freedom of expression.' However, this is undermined by the insertion of the intermediary. Article 12.2, states that children may be part of judicial proceedings 'either directly, or through a representative.' This undertone of an intermediary is present in other articles, such as Article 5, where parents or those who hold legal guardianship must be respected in line with the convention, or Article 8 and 9, where the State is given intermediary responsibilities to 'act in the best interest of the child.' (UNCRC Article 9, 1989). The Convention makes the assumption that this intermediary will want what is in the best interests of the child, and know what that should be. Even more troubling is the assumption that this benefactor will be benevolent. Fundamentally, however, this is what

strips the child of agency and makes them vulnerable to the exploitation of those who do hold the power: *'Because every minor is voiceless, without reason, and myself as your master, an adult, coloniser, I make decisions for you.'* (Mary, 2014)

How far children have the capacity to make decisions for themselves, and what framework should be integrated around them to support this, will be examined in the next chapter. However, when children act in ways that subvert the boundaries placed on them, when they remove themselves from containments:

> *'from war, they escape… They escape from the factory too. From jail. Even from the hospital. Then, there is a subject telling you… maybe jail, school, the hospital wants to protect you, even the war itself too, but the subject also wants to say something.'* (Mary, 2014)

When children destabilise the identity they are given by acting outside of expectations, it is clear that these subjects 'want to say something.' Creating representation for children where someone speaks on their behalf, and removing the ability of the child actor to participate, however, suits the agendas of those who exploit both intentionally and unintentionally. As long as the child actor cannot speak for themselves or uphold their own rights or challenge and change the way in which they are perceived, an exploiter has an unrestricted access to forming or disregarding the boundaries of the identity of the child subject. Maintaining an official narrative that disempowers children by removing public representation or participation, while simultaneously creating spaces for deviant roles, serves the discourses that exploit the child actor. So there is little incentive to give a voice to those child subjects. *'To call someone else a minor is very useful for not having any debate about whether what you do is work or not, whether what you do is lucrative for me, if what you do is a sexual activity or service, prostitution.'* (Mary, 2014)

What Happens When the Categories Suit the Agenda?

A voiceless child serves numerous discourses. In Colombia, the utility of a silent actor is valuable to both armed groups and the State. This section will summarise the positioning of children and childhood by these discourses.

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The Guerrilla

Immediately obvious is the positioning of the child actor in conflict by guerrilla movements. Lieutenant-General the Hon. Roméo A. Dallaire, the former Force Commander in Rwanda and founder of Child Soldiers Initiative (CSI), conducted a dual study in collaboration with the Centre for Foreign Policy Studies, Dalhousie University. In this study, which focused on the prevention of the use of child soldiers, Dallaire (2011) commented:

> *'There is no more complete end-to-end weapon system in the inventory of war machines than the child soldier. It's negligible technology, simple sustainment requirements, unlimited versatility in all possible facets of low intensity conflict, and capacity for barbarism has made the child soldier the weapon of choice in over thirty conflicts around the word… Man has created the ultimate cheap, expendable, yet sophisticated human weapon.' (2011: 16-17)*

Children are perceived as cheap, easy to train, easy to manipulate and easy to replace. Additionally, they are easy to recruit, especially when stagnant economic environments create a climate where 'employment' with guerrilla groups is an attractive prospect. Furthermore, once they are recruited, they adopt the adult role of soldier. This excluded category is complicit with guerrilla movements ignoring the place of child soldiers in their midst. Guerrilla movements deny the existence of child soldiers in their ranks by simply denying the category of childhood. As Ivan Marino stated, *'here, we all are just combatants, we all are poor, what childhood?'* Children become a part of the identity of the militia, denying them the separate category of childhood.

The State

In an interview with Senator Jimenéz, she discussed a time when she worked on locating missing children:

> *'I was trying to find a number for all the children that went missing during the last 10 years, and the authorities told me about a number around 10,000. In this number, we are not including children who were taken by force for the war. In the international scenario, Colombia accepted to call this "child recruitment". No, no. This is kidnapping! We don't really manage the language as it is supposed to be! So we call it "child recruitment for war". No, no, no! This is a different thing when there are some insane men that take children by force, they take them to the Guerrilla, Paramilitary Armies, or anything, I don't care, and they put those children as human shields, they have to go to war, turn them into slaves, they rape them, they caused them irreparable damage for their lives. According to international figures, there are 15,000 minors taken to war, kidnapped to war. I want to tell you a very curious detail. Authorities sent me a report, telling me that 10,000 were found dead or alive. DEAD or ALIVE? They're children! It is one thing that they appear alive and another different thing that they are found dead! But they believe it's the same thing. Still,*

around 4,000 are still missing. These kinds of children are stolen to be sexually exploited, for child labour, for human trafficking, etc.'

Despite the official position on the category of the child actor and the rights such a child receives, it can be more convenient to rely on an alternative framing of the child. There is a word in Spanish, *'gamines'* which translates as 'street kid.' This word is used to describe those children who end up on the streets, and extends to those in non-domestic environments. Dr. Ximena Pachón, the academic who co-authored *'Gamines: Testimonios'*, explained that such children are not seen, but swept to the side in the gutter (Pachón, 1998; 2013, In interview). Pachón argues that the term 'gamines' has taken on meanings that associate children with the street living. This framing of a child as expendable is usefully employed in other contexts when it is inconvenient to acknowledge the standard that should be in place. Often it is easier to see the roles that children adopt, rather than classifying such children as 'children', or simply de-classifying such children, or to present them in a way that still makes them invisible. In a further interview with a research organisation in Bogotà, El Observatorio, David explained:

> *'I really hope we can talk again after what I am going to say. The first thing is a photograph. In it is like 30 or 40 children dead. They were being transported… and the army boarded them and killed them. This picture for me is very impacting. We have to think of it like an icon in the conflict. Because the dead people are children, but the press, never, never, said they were children because they were people dead in the conflict. They were terrorists killed in the midst of the conflict.'*

The Guerrilla and The State

It can be seen through the examples above that drawing on different discursive framings of child actors can serve agendas by making children invisible or expendable, for example, thinking of the child as disposable, as in the case of the *gamín* child. In the case of these child-soldiers, for instance, the child is framed as one who has made a choice to be seen as an adult.

Even further, the disparity between discursive structures is played out to the advantage of the military and the guerrilla. The soldier-academic Julio asserted, 'it is a great military strategy, for both of them, for the army saying the guerrillas are using children, or that the guerrilla use children in order to attack the army. It is something that is convenient for both of them.' The military vilify the guerrilla for using child soldiers and the guerrilla use children, particularly seen when children are placed as human shields, to set the military

on the back foot. Not only does it aid those regular encounters, but also it allows the child actor to become obscured in peace negotiations with regards to how children are used in the conflict. Maria at ICBF criticised this the tendency to make children invisible:

> *'Paramilitaries like 'El Alemán' (The German), that are being accused of child recruitment. Besides all the other crimes they committed, they are being accused of child recruitment, which is a crime within the International Criminal Court's jurisdiction… they have not talked about this within the negotiation with the FARC, and they will not! We all know that they recruit children, but they don't want to damage the process.'*

Dual understandings of the child show how quickly discourses employ a manipulated view. Where the child is voiceless, it makes it possible to present whichever perspective of the child suits the overarching agenda. However, it is argued that children do display a level of agency in enacting excluded roles, and in subverting the boundaries on the restricted identity they are given. The following chapter will examine the conundrum between children who enact roles with agency, and international and official Colombian discourses that refuse to acknowledge the agency of children. These discourses become particularly problematic within justice systems where images of 'innocent victims' are set against 'villainous perpetrators'. In a post-conflict environment, whether that is a 'rescuing' of children from frontline situations, or whether it is the context of transitional justice mechanisms, children are left representing one of two identities; that of 'hapless victim' or the alternative 'dangerous and disorderly' (Denov, 2012: 281). The following chapter examines these two positions in turn, to show how these representations fall into the separate categories of innocence and immaturity respectively. As such, the chapter concludes that neither characterisation empowers the child actor, who becomes marginalised in a system of categories over which they have no control.

CHAPTER 8

Understanding Representations of the Innocence and Immaturity of Children in Colombia

Introduction

This thesis addresses the vulnerabilities that children are exposed to when they do not, or cannot, conform to the representation of children and childhood as outlined within the UNCRC (1989). In order to illustrate these vulnerabilities, Chapters 7, 8 and 9 explore the empirical example of children who experience this contradiction in Colombia. This chapter will focus on the second pair of themes identified in Chapter 6, innocence and immaturity. In focusing on the United Nations Convention on the Rights of the Child (1989), this thesis is investigating how three pairs of themes identified within the document: citizenship and agency, innocence and immaturity, and education and labour, frame children and childhood within international relations. I argue that the UNCRC (1989), by universalising a particular discursive construction of children and childhood, places expectations on children that are incommensurable with situations experienced by children, particularly in environments of insecurity. This chapter will address the difficulties of implementing an international discourse by explaining the challenges that arise between the UNCRC's (1989) framing of children and childhood as innocent or immature, and the realities of such a subject position in Colombia's conflict and post-conflict transition.

This thesis argues that these universalising discursive constructions can expose children in insecure environments to vulnerabilities because they end up assuming roles that are outside of expectations that are established. These roles are often illegal, and being beyond the boundaries of discursive norms, children who perform these roles are not protected by legal normative structures. The preceding chapter began to contextualise the United Nations Convention on the Rights of the Child (1989) within the environment of conflict and post-conflict Colombia. The chapter focused on the citizenship and agency of child actors who live in the reality of conflict. It categorised children as either conforming to the discursive expectations placed on them, in which they are not given a subject position with recognised agency; or they assume roles that are beyond the discourse, and as such

perform an illegitimate, unrecognised form of political agency. The chapter argued that in either case, children are excluded from active citizenship roles; instead, they are consigned to experiencing citizenship as a 'paper' right. I concluded that both categories of citizenship and agency are framed in such ways that they are disempowering for children, and lead to their objectification and the denial of their participation on a meaningful level.

This chapter investigates the second pair of themes identified as contributing conceptualisations of children and childhood within the UNCRC (1989): innocence and immaturity. Chapters 5 and 6 demonstrated that the UNCRC (1989), and the European history from which it derives, positions children as innocent and immature, incapable of decision-making, without having reached a state of reasoning instilled in them through formative years. These chapters described how this way of thinking led to innocence and immaturity being the justification for children's 'quarantine' or segregation from adult subject positions. As European history developed, innocence and immaturity were to stand as justifications for the boundary between the private and the public spheres, the world of children and the world of adults. This chapter will investigate how these themes are outworked within the conflict and post-conflict of situation Colombia. This will demonstrate how the categories of innocence and immaturity, in being employed, sustained and advocated by the UNCRC (1989), impact the position of Colombian children, making them vulnerable.

It is argued in this chapter that framings of innocence and immaturity have a particularly significant impact on the circumstances of children within the Colombian context through the legal system. This chapter shows how these themes present children in two lights: either as children who are innocent, and therefore victims who have fallen foul of discourses beyond what is normative and acceptable, or as children who are immature, perpetrators of violence or crime and in need of re-education. Both of these understandings of children and childhood maintain the premise that children should be confined (as outlined within chapters 5 and 6). Equally, it is argued that both these understandings of children and childhood deny the child's agency. When children are categorised as innocent or immature, either as the victim or the perpetrator respectively, the discursive structure disregards both categories and seeks to repatriate children back into normative understandings of children and childhood. This chapter will show how, in framing children this way, the international and Colombian State discourses remove any

legitimate recognition of children making agential choices or contributing to the public sphere with agential acts. As such, this chapter concludes that neither category empowers child actors as political agents, being the overall concern of the thesis to *advance understandings of the position of children as political agents*. It also shows through empirical evidence collated in the field that the international framing of children and childhood, despite being adopted by the Colombian State with the best intentions, can meet with contradictory framings within wider Colombian culture.

In order to explain these themes, this chapter begins by outlining the position of children who are represented as innocents. It describes how the UNCRC (1989) and Colombian State law frames children predominantly as innocent victims. It will then be shown how this framing of children and childhood is not always accepted within localised narratives and practices. Even though the concept of innocence has created perceptions of child actors as the highest priority and the most vulnerable subjects, violations against these 'innocent children' largely go unacknowledged and violations not made the priority of prosecutions. The first section then concludes that this is because the very category of innocence, when applied to the child, removes agency. Child actors who are categorised as innocent are framed in such a way that denies their capacity to engage with the public sphere and self-advocate. Thus, they are unable to promote their own best interests.

This chapter then moves on to look at children who are framed as perpetrators, drawing on imagery of the 'immature child'. It outlines how international guidelines have ring fenced certain categories of childhood as innocent, and thus the remainder of children not included within international positions are framed as perpetrators. This section also shows how there is confusion between the categories of innocence and immaturity. Despite children being framed in these different ways through the justice discourse, these perceptions are not carried over into the legal and rehabilitative programmes aimed at supporting children's reintegration. These categories of children as innocent victims or immature perpetrators end up in the same social care spaces. As such, the discourse of the UNCRC (1989), that the Colombian State has imported, is not always realised within localised discursive narratives. This chapter goes on to conclude how a lack of political agency positions the child actor in such a way that contributes to these inconsistencies. The chapter evidences that dividing children between the categories of innocent victims or immature perpetrators does not always resonate with children themselves. Indeed, both

categories assume that children do no have the capacity to interact with public sphere institutions, and thus restrict children's access by implementing representation. Instead the chapter concludes by showing children enacting a form of political agency that conforms to neither expectation. It follows an example of children forming themselves around a political agenda and constructing a political response to their circumstances within a public sphere setting. Finally, this chapter examines the consequences of advocating political agency for the child actor, and the extent to which categories of innocence and immaturity have relevance over the identity of children.

Innocence: Constructing Colombian Children as Victims

In discourses surrounding transitional justice in Colombia, the child is presented as the victim by virtue of their innocence. The overall legal framework reflects this construction by focusing legislation towards protection; specifically protecting children affected by the conflict. The Colombian Constitution (Art. 44) and the Code of Childhood and Adolescence (2006, Art. 20) work together to prevent recruitment and employment by armed groups, as well as establishing the child's fundamental rights as a Colombian citizen. This is despite the fact that in numerous studies, children have self-identified as adopting these roles (HRW, 2003; Colombian Ministry of Labour, 2013; OECD, 2016; Watchlist, 2012). Whether children's self-identification equates to an agential choice will be discussed further on in the chapter. However, it illustrates here that the voice of children is ignored by the official State discourse, which frames children as innocent and incapable of such a choice.

Colombia ratified the UNCRC in 1991, and in 2005 ratified the Optional Protocol to the UNCRC on the involvement of children in armed conflict. The Optional Protocol states in *Article 1* that, 'States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.' Further in *Article 2* it forbids the compulsory recruitment of those under 18 into state armed forces (UNCRC, Optional Protocol, 2000). The Colombian State and military, in cooperation with this, went even further to expand the mandate:

> The military forces of Colombia, in application of the norms of international humanitarian law for the protection of the best interests of the child and in application of domestic legislation, do not recruit minors in age into their ranks even if they have the consent of their parents.' (COALICO, 2009: 34)

In addition, in the Constitutional Case No. C-203/05, the Plenary Chamber of Colombia's Constitutional Court in 2005 stated:

> Minors are the subject of different levels of special protection under international humanitarian law which are relevant in situations of internal armed conflict such as the one in Colombia; thus (i) minors are protected as part of the civilian population, (ii) in addition they receive special protection due to their status as especially vulnerable members of the civilian population. (ICRC, 2017)

Furthermore, in 2007, in the Constitutional Case No. C-291/07, the Plenary Chamber of Colombia's Constitutional Court stated:

> Taking into account... the development of customary international humanitarian law applicable in internal armed conflicts, the Constitutional Court notes that the fundamental guarantees stemming from the principle of humanity, some of which have attained ius cogens status,... [include] the obligation to protect the special rights of children affected by armed conflict. (ICRC, 2017)

Thus Colombia has adopted an international discourse on the framing of children, specifically within this case, children involved in conflict. This international framing was extended in Law 1448, of 2011, or the Victim's Law, which marked the official acknowledgement of the internal armed conflict in Colombia. Under the former president, Álvaro Uribe, the conflict had been branded as an internal terrorist campaign (Watchlist, 2012). This recognition in 2011 confirmed that those children participating in armed groups were innocent victims of illegal recruitment into conflict. Under Law 1448, every child recruited is considered a victim, and they are all entitled to financial reparations. This acknowledgement of illegal recruitment does not focus solely on the crime of forcing children to fight, but also all the activities that surround the role for which they are recruited. Article 181 of the rights of children and adolescents (3) states a child's right to:

> ...protection against all forms of violence, mental or physical abuse, mistreatment or exploitation, including illegal recruitment, forced displacement, antipersonnel mines, unexploded ordnance, and all types of sexual violence (Watchlist, 2012: 34)

Combined, this legislative framework depicts a clear picture of the child as victimised by the activities surrounding conflict roles. Children drawn into conflict activities are coerced as 'vulnerable members of the civilian population' and there is an obligation, stipulated through cooperation with international law, 'to protect the special rights of children affected by armed conflict'. However, these rights that have been given to children, and their positioning as innocent victims of the highest priority, has not always translated into

corresponding action. For example, representing these rights through convictions of crimes committed against children has been a different matter.

The Innocent 'Victim' is Not Actualised

Despite children being framed as innocent victims, there is a notable contradiction between the legal discourse, and the practicable translation of these laws into convictions. In practice, only *two* people have been convicted of crimes against children in the Colombian conflict (Watchlist, 2012; Laura, 2013, In interview). The lack of prosecution is incongruent with the State discourse represented in the legal framework outlined in the section above. The convictions were carried out after the demobilisation of the AUC, a right-wing paramilitary group in Colombia in 2005. To aid this transitional period, the Justice and Peace Law of 2005 was drafted. This law created provision for the prosecution of paramilitaries guilty of violating the rights of children. As an initial example of demobilisation and the process of transitional justice in Colombia, the efficiency of this Law and its success reflected on the ability of the Colombian State to enforce what was to come in the recent peace accord- that:

> In respect of all cases, the following crimes will not be the object of amnesty or pardon (or any such equivalent treatment): crimes against humanity… hostage taking and other serious deprivation of liberty such as the kidnapping of civilians, torture, extra-judicial executions, forced disappearance, violent sexual intercourse and other forms of sexual violence, forced displacement, and the recruitment of minors. (Presidencia de la Rebública, 2016: 30)

However, 2011 saw the first, and only, prosecutions of two former paramilitaries for sexual violence against minors and child recruitment (Watchlist, 2012; Laura, 2013, In interview). The first conviction, that of José Rubén Peña Tobón, was a case put forward by the prosecutor, entitled, *Delito: Homicidio y otros* (*Crime: Homicide and Others*) (Fiscalia, 2011). As such the prosecution was not even focused primarily on the recruitment of minors or their sexual violation, but these issues were considered among a list of crimes: *'otros'*. This has affected future prosecutions of crimes against children in two ways. Firstly, presenting the prosecutions as a groundbreaking focus on children's rights is a distortion; these crimes were not the focus of the prosecution. It distorts the success of prosecutions of crimes committed against children, and prevents recognition that crimes against children are not being properly addressed. Secondly, Watchlist, in their 2012 report, *'No one to Trust',* emphasised that these two prosecutions are inadequate: 'despite some recent

prosecutions against perpetrators for the crimes of child recruitment and sexual violence against children, impunity remains a core concern and challenge in Colombia' (Watchlist, 2012: 5). These prosecutions are insignificant compared to the widespread crimes committed against children as citizens of Colombia. As such, the representation of children as innocent victims and the highest priority has not materialised into corresponding actions within transitional procedures. Violations against their 'innocence' are not being met with the same serious intent as the legal discursive positioning of child actors would outline.

In total, 391 children were handed over to ICBF (Colombia's Family Welfare) during the demobilisation. Over 3 years (2003 – 2006), 31,671 AUC adult paramilitaries were demobilised. An estimated 20% of the AUC armed forces were minors. Yet those children never appeared and there were only two prosecutions for crimes committed against the estimated 6,300 recruited minors (Watchlist, 2012: 17; Army Col., 2014, In interview). Indeed, the concept of impunity is a core concern of children themselves. Impunity shows that the discourse set in place to protect children is not working. During fieldwork research conducted in a school, *Fundación Formemos*, in *La Mesa Cundinamarca*, the children I spoke to repeated this concern in numerous interviews. When I asked a focus group of children about their feelings towards the government, one boy articulated clearly his opinion on the impunity extended to armed groups:

> *Eduardo (age 15): Taking as an example the Peace process thing in La Habana, right? Here in Colombia, we are living a whole different reality, but there in Cuba they are talking of peace, but here the guerrillas keep up with their criminal activities, terrorist acts and killing policemen, killing soldiers. And here, the government has us, basically, and sorry for the expression, screwed. (2014, In interview)*

Additionally, the children articulated the discrepancies between what the government said and what the children saw as 'impunity' or 'corruption' and the two concepts were interchangeable. A second boy, speaking about a different context, articulated this in the following way:

> *Riccardo (age 14): For instance, you can see any governing (politician) in the street, and they make everyone stop at the traffic light so they can cross on a red light. They don't pay taxes, they don't have Pico y Placa (car restrictions), they don't pay for petrol. The police do the same. Corruption everywhere. (2014, In interview)*

Due to this perception of corruption and impunity, the children articulated a distrust that the government would follow through on promises. When asked how they felt the

government should respond to solve the crisis, one girl commented:

Lala (age 12): First of all, they should act with sincerity, because in this country nobody does things or speaks with sincerity. (2014, In interview)

The lack of convictions also calls into question how genuine the transitional justice procedures are: punitive measures for crimes against humanity, including the inclusion of children in conflict, are required by the International Criminal Court in order to comply with international law. What can be seen emerging is a contradiction between the way that children are framed within legal discursive structures as innocent victims in need of protect (adopted from the UNCRC), and the realities that this constructed perception of children and childhood does not bear up under the scrutiny of prosecutions, or indeed the postionality of the children themselves, who do not feel prioritised. The boundaries that are substantiated around the subject position of the child in the legal discourse, are not being carried performed in judicial procedures, and are not reflected in the way the children articulate themselves (2014, Field notes).

In an address given by the Deputy Prosecutor for the International Criminal Court in 2015, Mr. James Stewart stipulated that the Court would only have jurisdiction when the State procedures failed. Stewart (ICC, 2015) articulated the role of the court is to hold the government to account, and the role of the prosecutor 'is to determine whether national authorities have instituted genuine proceedings' (ICC, 2015: 2). With this obligation to the Rome Statute through Colombia's ratification of the document in 2002, and the backing of Colombian legislative structures, it would seem that prosecutions on behalf of the innocent child 'in need of special protections' would be a straightforward matter. In legislation, children are presented as the highest priority because of their status as innocents. However, the lack of prosecutions suggests that there is a discursive gap between the framework that outlines the rights of the child as an innocent victim, and the way that construction is interpreted into localised discursive contexts. When examining the discursive framing behind concepts of being a 'victim' and its connotations to innocence, it becomes increasingly evident why such a status leads to impunities.

Understanding the Problem of the 'Victim' and the Vulnerabilities it Creates

Laura at the International Centre for Transitional Justice (ICTJ) explained that, in Colombia, 'we have a system that still supports impunity in terms of the prosecution of

the perpetrators of forced recruitment' (2013, In interview). I will argue in this section that there is a direct relationship between the framing of child actors as innocent victims, and the lack of prosecutions of crimes committed against children. The previous chapter, Chapter 7, framed the dichotomy between the conceptualisation of children and childhood as outlined within international and national discourses, and the children who subvert such an identity to perform roles beyond the boundaries of the discourse. These children, who enact a category that is considered as excluded from the discourse are perceived as needing to be repatriated into the discourse. The discourse achieves this by finding an identity that explains the presence of children where children 'shouldn't' be. As a subject deserving special protections, children are innocent, and violations against this categorisation instantly invoke the status of 'victim'. When children surface within public sphere activities, for example child soldier, this is a child enacting a 'radical other' identity. The subject position of child soldier does not adhere to the system of logic that interprets children and childhood as a period of innocence. As such, when the identity of innocent victim is attached to the child, it prevents the presence of the child in the public sphere from being an excluded category repatriating into the discourse as the would-be excluded category can be explained. In essence, the term 'victim' provides an explanation for the intrusion of the child into public sphere activity, in this case conflict.

As a 'victim', it becomes clear that children do not belong in the situations in which they are found. As such, their presence is not an act of agency or defiance against the discourse, but rather an unwanted ripping from the private sphere. They have been illegally recruited, and as an innocent 'victim', they have been subjugated to another's agency. The label of innocent 'victim' creates an acceptable or alternative normative category, a category that strips the child actor of agency, and as such, allows it to be repatriated back into the discourse, making the child invisible again. At this point it is possible to see how conclusions in the preceding chapter, Chapter 7, surrounding the presentation of 'the child who appeals to the viewer, humbly requesting help', are so important (Holland, 1992: 161). While the category of 'victim' is an alternative category that acknowledges that the child is no longer where it should be, such categorisation still requires children to retain 'childlike' qualities, almost as an act of penance for transgressing the boundaries of their identity. The expectation or categorisation of innocence creates a bubble of infantilisation in the public sphere.

This categorisation of innocent 'victim' prevents the correct categorisation of other subject positions. Alison Watson (2015) examines the consequences of labelling an actor as a victim, using the example of 'the academic and societal discourse on rape' (2015: 49). She looks at how the classification of 'victim' delegitimises the actor by presenting a particular narrative. She points to Spalek, who argues that:

> If the stereotype of victim as 'passive' and 'helpless' is perpetuated in dominant representations of victimhood, during a time when individual strength is valued in society, then both males and females may increasingly refuse to situate themselves in terms of victimhood. (Spalek, 2006: 9)

This is confirmed by the assertion that 'the proposal by American feminists, to replace the negative concept of 'victim' with that of 'survivor' in cases of violence against women has met with near universal approval' (Van Dijk 2009, 3). Watson (2015) concludes that the classification of 'victim' precludes an actor from the perception of rationality because 'their being cast as victims has had an emotional and psychological impact' (2015: 47). As such, victims are presented as incapable, unable to make coherent choices or even able to coherently define the trauma. This removes agency from the actor and their testimony and leaves them in a 'condition of powerlessness and domination' (2015: 47).

The presentation of the child actor as a victim reinforces the category of the child as incapable. The categorisation of 'incapable' has already been linked to understandings of innocence in chapter 5 and 6. Article 12 of the UNCRC (1989) specifies that 'States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child.' However, if the label of victim presents them as traumatised, incapable and innocent, there is a challenge, therefore, to the ability of children's 'potential to act rationally', the capability of children in forming their own views will be called into question (Watson, 2015: 47).

This is particularly pertinent to transitional cases with regards to children receiving justice and the impunity surrounding crimes against children. Article 12 of the UNCRC (1989) goes on to state:

> 12. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

However, because the Article also calls for the consideration of the capability to form

opinions and the 'maturity of the child', there is already a question over the validity of the testimony of the child. As a victim, they are excluded from what is represented as being rational. The insertion of representation provides an opt-out for adults who find the inclusion of children into legal procedures to complicated, or for when it provides greater convenience to simply not include children. This opt-out has been utilised in the Colombian case, where 'there was also a lack of child-friendly legal measures to allow for the safe involvement of children in court proceedings' (Watchlist, 2012: 17).

Such constructions represent children as unreliable and unpredictable. However, contrary to these representations, Watson (2015) asserts that incorporating children into these transitional processes is not a 'risky strategy', but rather their testimonies and involvement are an essential contribution to securing stable conditions in post-conflict environments (2015: 48). During the scandal of the 'back door', the 5th High Peace Commissioner for Colombia, Luis Carlos Restrepo, endorsed children being discharged from armed groups before those groups fully engaged with the demobilisation of 2006. The testimony of those children could, and should, have brought about a greater level of prosecution. As Watchlist (2012) reported, children 'could have provided critical pieces of information. As a result of this neglect, some paramilitary commanders reportedly sent thousands of children associated with their group home to avoid future prosecution' (Watchlist, 2012: 17; CAOLICO, 2009). Children were not accepted as agential actors with valid testimony. As such, their presence was easily dismissed despite the discourse that presented them as victims deserving special protections. Later, however, the discourse sought to repatriate these children back into the discourse. When the scandal of the 'back door' became public knowledge, an operation, named 'Finding Nemo', was launched by the ICBF in an attempt to locate as many of these children as possible to incorporate them into rehabilitative programmes. However, these children, instead of going home, had occupied public urban spaces where successor groups picked them up. These criminal successor gangs formed in the power vacuum after right-wing militias demobilised, leading the children into increasingly violent and criminal activities (Watchlist, 2012). As such, children moved from one excluded category to another.

Within legal proceedings surrounding children in conflict and transitional processes in Colombia, this presumption of the child actor as a victim denies their agency and delegitimises the actions and choices that they have made in the public sphere. It extends

the private sphere bubble around the child identity and isolates them from the acts they have committed. As Beier (2015) claims, 'the common thread in… dominant constructions of childhood is diminution of agency' (2015: 6). He goes on to make the criticism that when children do receive any acknowledgement of the actions that they have taken, it does not confer 'bona fide political subjecthood' (2015:6). This means 'children are easily conceptualised as victims, but very much marginalised as agents' (Watson, 2015: 48). The following section will examine what acknowledgement children do get for their actions by investigating the child actor as the perpetrator, and how this correlates to the perception of children as immature.

Immaturity: Constructing Colombian Children as Perpetrators

Despite the legal framing that children involved in conflict activity are innocent victims, this does not negate the precedent for the prosecution of child actors within Colombian law. This section looks at the categorisation of children as perpetrators of crime. It looks at how constructions of immaturity justify prosecutions against children, and also examines the way that international law has impacted the classification of children that are to be excluded from prosecution, leaving a remainder behind. I will then discuss the vulnerabilities that are created for children because of this framing between international law and localised systems. Finally, this section examines whether prosecution grants agency, by acknowledging the responsibility children must have over their actions, or if the category of immature perpetrator is equally as dismissive of agency as innocent victim. This section argues that by presenting children as responsible for their actions, but still denying them participation in public sphere institutions, children become subject to the law without any agency to engage with it. Thus, the argument concludes that children are still denied agency through this category. However, the following section investigates to what extent children are assuming roles of political agency within the public sphere, and to what extent this informs understanding of their agency as excluded categories, particularly those enacted in conflict environments.

How the Concept of Immaturity Frames Perpetrators

Conceptualisations of immaturity are invoked when acknowledging that children commit crimes, and in constructing space for such children to be punished. Children who are seen

to be committing crimes are enacting excluded categories. These children are beyond the discursive boundary, by acting outside of normative roles. When these roles cannot be framed as 'innocent victims', the discourse instead seeks to repatriate such children into normative understandings by adopting conceptualisations of immaturity. Children who enact roles equating to immaturity are framed through the narrative established in Chapter 5, where children are perceived as inherently bad and in need of re-education and discipline. As such children are still denied agency and the discourse finds a way to ameliorate the actions of children in the public sphere. Immaturity becomes another construction that, as well as confining children within the private sphere, explains the presence of children outside of the private sphere. The very justification for children being in the private sphere is the 'wilfulness, even an anarchy, that the agency of childhood emits which resists containment and control' (James, Jenks, and Prout, 1998). Thus children intruding into the public sphere appears to be a natural 'resisting' of containment and control, and reinforces the necessity for children being brought back into the private sphere.

However, this category of immature perpetrator does not apply to all children. In the Constitutional Case No., C-203/05, the Plenary Chamber of Colombia's Constitutional Court stated:

> Criminal prosecutions of minors must strictly comply with the minimum constitutional and international norms found in (i) Article 44 of the Constitution [and (ii) the Beijing Rules of "the United Nations Standard Minimum Rules for the Administration of Juvenile Justice"… They all include standards that must be complied with as part of the Colombian domestic legal framework, as expressly stated in Article 44 of the Constitution according to which children are entitled to the totality of rights found in international instruments.' (ICRC, 2017)

As I noted in the previous section there is a clear precedent for regarding the child as an innocent victim of the conflict. Yet there are still allowances for children being regarded as criminals. When discussing the role of prosecuting the minor with Laura from the International Centre for Transitional Justice, Colombia (ICTJ), she highlighted the predicament of the 'double role.' In this 'double condition, you are a perpetrator of crimes, but you are still a minor so you are subject of protections' (2013, In interview). Officially, the office of the Special Representative on Children in Armed Conflict has recommended that children under 18 should be excluded from 'criminal responsibility for crimes committed during the period they were associated with armed forces or armed

groups' (UN, 2011). By Colombian law, those under the age of 14 cannot be prosecuted for conflict-related activity *or* domestic crimes (El Código, 2006). They are taken into custody and processed into special rehabilitation programmes. Those over the age of 14 can be prosecuted for domestic crime, which includes all illegal activities outside of the remit of the conflict. Officially, then, there is a group of children, between the ages of 14 and 18, who have committed domestic crimes, who can be prosecuted within a penal justice system. The others, those under 14 and those who have been associated with conflict activity, are to be placed into rehabilitation programmes. The strong international narrative that represents children in conflict as innocent victims can be seen here; while those over 14 years of age are accountable in domestic crime, they are not accountable as combatants. The following section will argue that these established boundaries have created vulnerabilities for child actors by integrating international law into Colombia's complex conflict. It has created confusion around the boundaries of what constitutes an innocent victim, and what constitutes an immature perpetrator.

Inconsistencies in the Discourse and the Vulnerabilities Created

This prosecution framework impacts children by exposing them to vulnerabilities. The framework created between innocence and immaturity places children within a discursive structure that promises rehabilitation for those considered innocent, and re-education for those who have perpetrated crimes. Yet, this discourse that is pieced together through adhering to frameworks of international law, is not actualised in Colombian systems. Instead, children who are classified as innocent, and those who have been convicted as immature perpetrators, are processed into the same detention centres (2014, Field notes). Two key vulnerabilities are created. The first vulnerability was described by Laura (2013):

> *They have specific programs but they both live together. So those are the areas of lack of protection because there are not thousands of people that work there – and they are not watching them second by second so you have a lack of protection here, lack of prevention of many violations that happen in those houses. And those children don't have anybody who advocate for their rights of what happens in those houses.*
>
> *If you, for instance, live next to a person who was a delinquent and is a minor [prosecuted for domestic crimes], but let's say you are at the age of 10 [in rehabilitation from the conflict], but you live with this person in one of these houses who is the age of 13. He starts to assume a "Boss" role, like a street crime position. He [the ex-combatant] could determine that this is the same situation that he escaped from… escaped from war. (2013, In interview)*

Children who are framed as innocent combatants, and children who are framed as immature criminals, are meant to be processed through the legal system differently. However, we can see here that in ending up in the same place, there is another discursive framework in operation. This is typified in the symptomatic approach to children's issues being perceived as secondary, an approach that promotes the notion that there will be a trickle-down effect of justice for children (Dallaire, 2011). There is a contradicting discourse that frames prioritising the big and adult issues first as the highest priority for stability (Dallaire, 2011; NPWJ & UNICEF, 2002; Walt, 1991). However, this framework does not build towards sustainable peace and contradicts the rights granted to children under the UNCRC (1989) and the Colombian Constitution (1991) (Duffield, 2007, Wessells, 2006a). Children end up in circumstances, where, instead of being protected, they are exposed again to violence and recruitment from peers. This fundamentally contradicts a discourse that prioritises the child. It is example of how the established boundary lines within international law are not translated into the discursive framework of prosecution or rehabilitation and re-education programmes.

Confusions between Innocent Victims and Immature Perpetrators: Manipulating the Discourse and Questioning Political Agency

Senator Gilma Jimenez identified the second consequence that results from the prosecution framework. The very presentation of the child as 'innocent', and the framing of the law to protect them from adult sentencing, positions the child actor in such a way that makes them a perfect perpetrator of crimes. Thus, the discourse that claims children have innate innocence is manipulated by different discourses. When discussing the prosecution of minors, she said:

> *We have seen the increase of minors committing crimes in Colombia. Many adults use minors for committing those crimes because they are not penal subjects. (2012, In interview)*

She alleged that children are more valuable to criminal syndicates and armed groups because they are not 'fully' penal subjects. The Senator testified that often children are selected *because* they cannot be prosecuted, and as such cannot disclose the true author behind the crime (2012, In interview). This suspicion was corroborated in a similar testimony given by a lawyer who worked for various children's rights organisations, including UNICEF, and a lawyer working for the High Peace Commissioner (2014, Field notes). Whether this is the case or not, there is an affirmation here that children are

selected because framings of innocence and immaturity around the child subject position enable children to carry out crime around those who are not expecting children to commit such extreme violence. It has given rise to child *sicarios* (assassins) who are employed to carry out killings (Watchlist, 2012).

This has not aided representations of children in Colombia. It has pushed these children into what Denov (2012: 280) calls the extreme zones, in this case that of 'extreme perpetrators', which fuels perceptions of them as 'dangerous and disorderly' (2012: 281). Indeed, this has contributed to a public feeling that has 'made it difficult for the public to accept [children] as victims of the war who are in need of protection' (Watchlist, 2012: 21). Senator Gilma Jimenez (2012) added to this with accounts of crimes in unstable areas where incorrect enforcement of lax prosecutions has created resentment:

> *Here there's the picture of one little girl, Karen Manuela, she is from Antioquia, 2 and a half years old. They are from the coffee area, and it was coffee harvest season, and she and her family went there to collect coffee beans from the crops. Later, they went to the house, and her parents decided to go to a party, they left the little girl at home, and a 15-year-old teenager broke in, he raped her, stabbed her and let her die. Currently, he is free, walking on the streets. So, these kinds of people, why are we not leaving them in a reformation or re-education centre until they turn 18? I believe that though we must defend children's rights, we also must take care of their formation. (2013, In interview)*

It is also important to understand the context of such violence, when it occurs in an area of instability. The Colombian situation has led to a discourse that presents certain areas as areas of particular instability, where crimes committed within certain zones are conflated with conflict activity. Berents (2015) discusses the impact of this in Cazucá, where 'the presence of illegal groups', as well as 'violence and poverty become associated with particular neighbourhoods or communities' (2015: 7-8). She notes the implication of this is the marking of such communities as 'other' and 'stigmatising all those within them as violent or deviant' (2015: 8). Children are not exempt from this otherness, where instead they become not-children, excluded categories. In addition, the heightened insecurity resulting from the duration of the conflict can cause such crimes to be perceived as part of generic conflict violence, as illustrated by Senator Jimenez. So there is not always a sentiment in the wider Colombian discourse of the 'innocent' child. Rather, there are strong feelings, such as those expressed by Senator Jimenez throughout our interview, that children who have committed atrocities are seen to elevate their status to that of an adult, aligning them to the identity of a perpetrator of crimes, though still connected to the concept of immaturity, as Jimenez asserts the need to focus on the 'formation' of children.

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However, it is easier for society to accept the label of the position, such as 'soldier', 'murderer', or 'rapist', without attaching the identity of 'child' to it.

On the one hand, prosecuting children for the crimes they have committed would appear to certify the actions that they have taken with a level of legitimacy. It acknowledges the 'choices' of the child who committed the crimes. It reflects the wider sentiment that children who elect to take such actions are performing agency. On the other hand, it does not seem to support the definition of an active agent, because it leaves the child short of other active roles that make the whole process legitimate, as explained by Beier (2015). Beier (2015) brings this to attention by highlighting that 'tensions manifest in a multitude of well-known definitional contradictions: a young person, by virtue of nothing other than chronological age, may be deemed old enough to be held accountable under criminal law, but not old enough to be a juror' (2015: 6) or old enough to vote for those that would make the laws. As such, children would be held accountable under laws they could not be a part of creating, by public sphere institutions that they cannot freely access. Thus it is possible to see that the category of immature perpetrator does not provide political agency, and as such, neither dichotomy, that of innocent or immature empowers the child actor as a political agent.

Yet there is a clear position within margins of Colombian discourse that children are not completely irresponsible for the crimes that they commit, indeed if not entirely responsible. The Senator elaborated the tension between the two dissonant concepts:

> *Last year I launched the idea of penalising minors and sending them to special jails, which we would build up for them with processes of re-education, if you will. But half world came against me. "How? If you are supposed to defend children, how you would promote the idea of sending them to jail?" people said to me. But that's part of the responsibility we have towards their formation!*

Despite the official discourse that children are innocent victims within transitional justice procedures, there is a clear pattern that those crimes conducted in combat contexts are not so simply segregated in the public discursive framework. Nor are they so clearly segregated from domestic criminal acts. As Denov (2012) explains, 'the lives of these children fall within grey, ambiguous and paradoxical zones' (2012: 280). If there is a sentiment that children are enacting agency, then it is important to look at how children employ decision-making, and to look at how far they claim an agency, and to what extent this infers 'political subjecthood.' The following section will investigate an example of

children exercising political agency to show that there is scope for greater agency of children in a political, public sphere format. It also reveals a greater discussion is needed to investigate to what extent children demonstrate capability to frame their own issues in a political context. I will then go on to look at whether it is possible for children to exercise agency through voluntary recruitment into conflict situations, or whether recruitment is always forced. This all contributes to the central research question that aims to focus on advancing understandings of children's political agency.

Opting for agency

In 1996, 2.7 million Colombian children voted in an open election held by a collaboration of organisations under the name of the Children's Peace Movement. Facilitated by UNICEF, 27 young persons had gathered from all areas of the country to discuss improving the lives of children in Colombia. This project was conducted at the time Graça Machel was collating her research on *The Impact of Armed Conflict on Children* for the United Nations 1996, during which she visited Colombia. Several interesting outcomes arose from this initiative. Firstly, during consultations, Marley, one of those present, recounted how they had sat for a long time listening to the adults before the group of children asked to be left alone: 'We wanted to find our own solutions' (The World's Children's Peace Prize, 2016). This is a systematic issue with children who are placed in decision-making positions. When adults organise such initiatives to help groups of children express themselves, it often results in adults attempting to lead and 'explain.' Juan (2014, In interview) who works within restorative justice programs through ACR and ICBF, explained how adults construct these spaces of participation that are not taken seriously:

> *And the worst part of that is that children know it. I was remembering when I tried my best as a child to make a student council in my school. And I remember that they said 'the president of the student council is an important figure!' And I said 'wow – what does he do? Does he teach and present in class?' 'No he presides over the council' – but it was a social institution! And everyone made fun – he doesn't do anything, he's just doing it to be recognized and go to a good university. And he doesn't do anything. So I lost interest in that. (2014, In interview)*

It is also interesting to note that Marely's account from a chid perspective contradicted the account that was presented by Sara Cameron, novelist and journalist covering the event, who stated 'there were 30 adults in the room as well, representing peace and children's organisations, but the young people did most of the talking' (Cameron, 2001). This was

not the experience that Marley recalls. In marginalising the space given to children for contribution, it often has a contradictory effect to that which was intended. Instead of teaching children participation and active responsibility, children disengage with a process that they see as disingenuous. However, these children took control of the proceedings, which led to a second interesting outcome; the route that the children carved out. When left to themselves, Marley relates how 'someone came up with the idea of creating a movement over the entire country for children who support peace and are opposed to violence... If we are only a small group who talk about peace we can be killed. But no one can kill ten million Colombians who want peace' (The World's Children's Peace Prize, 2016).

When given the opportunity to structure themselves, the children chose a political movement as a response. Previously the 'voice' of children was directed 'with support from teachers, the children wrote stories, poems and letters, painted pictures, and constructed sculptures, to create a compelling exhibition for Ms Machel' (Cameron, 2001). However, during one of the sessions organised to discuss concepts surrounding peace, which Farlis Calle (who would go on to be a founder of the Children's Peace Movement) attended, a friend turned to her and said, 'we have to have something to give this Ms Machel when she comes here. We need something to show that we can deal with our own problems. We don't want her leaving here thinking we are just stupid and helpless' (Cameron, 2001). So the children worked together to create the following Declaration:

> 'We ask the warring factions for peace in our homes, for them not to make orphans of children, to allow us to play freely in the streets and for no harm to come to our small brothers and sisters. We ask for these things so our own children do not suffer as we have done.' (Cameron, 2001)

This declaration inspired the aforementioned project, a movement that intended to hold elections. These elections would enable children to vote on the rights that were most important to them, displaying the political engagement that the children desired. Three hundred thousand children were expected to vote; 2.7 million turned out. 'At some locations children ran out of voting cards, but they copied the ballot onto paper napkins and still cast their votes' (Cameron, 2001). The conclusions of the ballot were equally interesting. Twelve rights were put to the children summarised from the UNCRC (1989) and by extension the Colombian Constitution:

- *The right to life*
- *The right to education*
- *The right to love and family*
- *The right to a clean environment*
- *The right to be different*
- *The right to special protection*
- *The right to not have to work before the*

- *permitted age*
- *The right to freedom of expression*
- *The right to be well treated*
- *The right to be taken care of first*
- *The right to peace*
- *The right to justice*

Of these, the categories that received the most votes were 'The right to life', 'The right to peace', and 'The right to love and a family'. This is poignant when considering Watson's (2015) conclusions in her exploration of resilience as resistance for children in post-conflict environments. She points to a trend that 'there is a temptation to think of children as only being relevant when policies that appear to directly affect them are discussed. Thus, they are confined to discussions of issues of education, child health, and, when things go wrong, youth crime.' (Watson, 2015: 58) Yet when given a chance to speak for themselves, these children chose firstly to create a political movement, in which they established that the most important things to them are the broader citizenship and political concepts of life, peace and relationships. This agency challenges the constructions of innocence and immaturity that keep children confined within the private sphere. These children are behaving with a political agency and an awareness of the world around them in ways that confound constructions of innocent, immature children and childhoods.

Opting for political procedures is not the only act in public spaces that children use to claim subjecthood. Berents (2015) points to a study conducted by Villamizar Rojas and Zamora Vasquez (2005: 70-71) where they show 'new forms of expression' arise in places of encounter that are often quite public. They point to the street or shops in which young people gather to claim particular ways of being and being recognised' (2015: 10). However, these expressions of agency flirt around the edges of expectable definitions of childhood. They are all performed within the margins of adult supervision or adult acquiescence, or parallel to familial spaces. The conflict, on the other hand, has brought a different expression of agency in the public sphere to the foreground. The recruitment of children into the conflict, despite official discourses, has remained a contested form of agency. One of the central concepts that the transitional process has to grapple with is how far children have opted to join armed groups, and thus employed agency, and to what extent recruitment is coercion. Assessing the agency of children in this area is essential to understanding the power dynamics of children who appear to seek greater

political subjectivity.

Opting for agency: Consequences

> *'The thing is that when you arrive to childhood there is a problem with the concept of agency and empowerment over the concept of war' (Juan, 2014, In interview).*

This contestation between child agency and war makes conflict scenarios the optimal environment for questioning the agency of the child actor. The previous examples draw attention to children organising themselves into political procedures and mention the way children occupy public spaces. However, child agency creates one of the greater challenges to the transitional justice process; how to bring justice to victims of crimes committed when the perpetrators are victims themselves. When children recognise a level of political agency, should they be prosecuted accordingly? Furthermore, would it not be better to see them as perpetrators if the framing of the child victim exposes them to exploitation (through a manipulation of the image outlined above)? Any affirmative response to such questions, however, contradicts the discourse built up around the international rights of the child. Begging the question - how do concepts of innocence and immaturity translate when both are present in one subject position as victim and perpetrator?

This collision of questions that surround the child actor makes it necessary to establish what consists of a coherent act of political agency in conflict. If this were a case of affirming that children have made a logical decision to join an armed group or participate in conflict activities, it would be possible to confirm this agency. Many children have given testimony of their willingness to join groups, and that they assented to membership of the armed groups. Despite confirmed reports of kidnapping, the recruitment of children involves, for the majority, a form of decision from the child (HRW, 2013; Colombian Ministry of Labour, 2013; OECD, 2016; Watchlist, 2012; Wessells, 2006a). Wessells (2006a) refers to this as 'non-forced recruitment' (2006a: 180).

In some cases, the choices of children can place adults in questionable situations. One such account came to me from an independent researcher in Colombia (2013, Field notes). He told me of a time he was interviewing FARC commanders in one of their camps. He questioned them on the recruitment of children, and upon the commander's denial, he pointed to a girl who was evidently under the age of 15. The commander

shrugged and explained that she had come to him in distress, reporting that her father had been abusive (including sexually abusive) and due to their economic situation was threatening to sell her into prostitution; what was he supposed to do? (2013, In interview)

It could appear as if children are following a pattern of rational decision making and determining their own course by electing these conflict roles. This would indicate that they are responsible for the actions that they have taken. As Juan (2014) articulated in our interview:

> *At the first glance that you have over war and childhood, over the participation of childhood in war, you can think that war empowers and capacitates children because it gives them other roles. And because of the notion that the children are subjects of rights like an agent – that he chooses to go to these groups. In some cases, the decision of the child is understood to be conscious – it's a conscious decision in his search, in the pursuit of his own wellness. (Juan, 2014, In interview)*

However, despite the pattern of rational decision making that children employ to become a part of an armed group, this does not necessarily confer an action of an agent. Returning to Brocklehurst's comment that 'children can take on a variety of roles and responsibilities, but this does not, of course, mean that a child is acting in war knowingly or effectively or with compliance' (Brocklehurst, 2010: 453), selecting an agency conferring role does not confer a 'knowing' of what this will entail. Juan (2013) followed on in our interview stating:

> *I started distancing myself from that perspective [children as voluntary recruits] because armed groups in Colombia, make a systematic effort to recruit children. So, in the interviews that I have had with children, I have tried to show that children did not have consciousness of their decision, that it was a manipulation of these groups. And how did I do that? I made interviews and ethnographies with demobilised adults who were recruited as children. I asked them – Do you think you went to these groups because you wanted to? – and 100% of these interviews and the poles that I made, they said no, because I was manipulated by the group within my context of vulnerability.*

> *And when I've entered the group, in some cases, the group put me, to do the same to other children. So they (the children) enter – they (the group) choose the more pretty ones, the more handsome ones, girls and boys, they give them a rifle, good looking rifle, good looking camouflage, they are given a car, and they make them go to the principales, to the main towns, to show other children, so they can look at them. There is a culture, a symbology of power and prestige that groups were intentionally looking to multiply and recruit children.*

Even though children profess to a voluntary recruitment, with the perspective as an adult actor, it is possible to see that what a child determines as voluntary at the beginning, there are circumstances involved in the surrounding discursive structures (such as those

mentioned above by Juan), that question the very nature of being able to make a choice. Additionally, these roles can quickly become a position from which children cannot leave. Indeed, children who have been recaptured or released have spoken of this experience. Diego (aged 15) gave testimony to this quick reversal when he became aware of the conditions he was being kept in. He was recruited into a successor group (*Bandas Criminales,* BACRIM) and asserted that 'what he hated most while being with the Aguilas Negras was being 'someone's slave.' (Watchlist, 2012: 18) Diego entered the group on the promise of 'three free meals a day and some money in return for 'watching the road and keeping guard at night.' (Watchlist, 2012: 18) However, the reality within 7 months' time was an enforced separation from his family, and periods without any food at all. He knew that to run away was to ask for a death sentence.

So it is possible to see three things: firstly, that there is strong correlation between actors who were recruited as children and removed from conflict roles and those same actors who felt with the hindsight of that experience that it was not a voluntary process. While it may be possible that those now adult actors could attempt to manipulate the system by claiming a forced recruitment, it also leads us to the validity of a second concern. The systemic recruitment drives from armed groups towards child actors means that they intentionally, as movements, are manipulating children into joining their groups through promises and seduction. It has been mentioned that this questions the nature of the 'choice' that is available to children within the discursive structures they are operating in. Maria at ICBF confirms:

> *You know the seduction is incredible. What does a 12-year-old boy want? To be sent to school? Whom of us were happy to go to school at that time? Nobody! We all were bribed to go, with a good breakfast, in many ways, with a lot of love, but we were all bribed. So, they (the Farc members) bribe children too, they seduce them into the group. Initially, these children have fun… (2014, In interview).*

This results in the final conclusion; when children cannot leave and they are forced to commit acts that they do not want to, it indicates that children can not sufficiently anticipate the consequences of their suspected agency. This calls into question how 'knowingly', 'effective' or 'compliant' a child's involvement can be if they cannot gauge the repercussions. This was a point highlighted in Lt Romeo Dalliare (2011) in his *They Fight Like Children, They Die Like Soldiers*. Dalliare unpacks his experience alongside in-depth research to explore how conscious children are of the roles they perform. He describes a scenario between an adult soldier and a child combatant, both pointing weapons at each

other, and the sense of the soldier that the child does not understand the implications of the pulling of either trigger (Dalliare, 2011):

> 'Child soldiers are not weathered warriors who have consciously, willingly and wholeheartedly committed their adult life to the use of force against others and are prepared to pay the price of the same against them' (Dalliare, 2011: 31).

It is possible to ascertain that not all adult combatants are 'willingly and wholeheartedly committed' however (ARC, 2014, In interview). This leads to separating out the subjectivity and agency of the child from the subjectivity and agency of an adult. During a discussion with Juan who works within restorative justice programs through ACR and ICBF, we discussed this contention.

> *Researcher: Could you not make the same case for adults though, in some contexts that if adults have no idea – that they enter in with good reasons – maybe all their property is burnt down by right wing groups, so they move to the FARC because they have no other option – in a similar logic pattern – and once they get there, they can't leave either.*

> *Juan: Yes yes – but the adults in other cases – because I work with ACR – they knew what they were expecting from them over there [with the armed groups]. In case of children – no.*

> *Researcher: So they adults knew what they were getting into… ?*

> *Juan: Yes, yes, in some cases no… but you don't have the 100% that you have in the other case (the case of children) – 'I didn't know what I was getting into.'*

The issue with children's agency in conflict is closely connected to their ability to predict consequences. As Julio pointed out, even if adults were unaware of the full implications of joining a particular armed group, their experiences as an adult gives them a greater frame of reference with which to make an informed choice. The separation between the discursive structures of wider Colombian society and those groups that are engaged with the conflict, leads to an inability to predict the rules and consequences of different discursive structures. In crossing the boundary between these discursive structures, the meanings and the systems of logic governing the discursive framework changes. Therefore it becomes less familiar, and less easy to predict what the framework is – in a similar experience of being a foreigner in a country where you do not know the culture or the language. Juan described it as follows:

> *As a foreigner, it's like a metaphor, if I go to England, I am exploring a world which I don't know, so I can be manipulated or an English person here can be [manipulated]… So you have to be protected, protect the person. You need a guide because of the lack of knowledge, the lack of capability, cognitive capability, because he's in development. The*

lack of – competence.

So in that matter, I think that in childhood – yes they take decisions. But the decisions they take might be within a context of lack of experience and lack of knowledge, that may be harmful to them. So they are exposed in risk of not only manipulation of armed groups, that manipulation also the deception of sexual abuse… So yes they're a subject with rights, yes they have power of decision but according to his lack of skills towards the world… he can be at risk of manipulation. (2014, In interview)

When crossing these discursive boundaries, it is possible that a lack of experience with a separate discursive structure will present a similar problem for an adult. But it is the fact that in having an awareness of one's own 'norms', one becomes aware that one does not know another's – and this other, in being an unknown, will present unknown consequences. If, in the case of an adult, they engage with a discursive structure that is different from their current structure, for example joining up to an armed group such as the FARC, they are at least aware there will be unforeseen consequences, if not foreseen consequences, even if there is a lack of comprehension of how that will impact them.

Conclusion

This might make it appear that the argument does not condone the possibility of the political agency of the child actor. On the contrary, there is clear evidence of child agency. The question is, what are the boundaries of the political agency that children do possess, and how far does society recognise that political agency? Rather than framing the agency of the child as non-existent, and setting the child identity up as the antithesis of agency – there needs to be a greater engagement with what this different agency looks like, and where its margins lie, and what future interactions it should have with wider societal discourses within peace building processes. The following chapter will further challenge the way the agency of the child actor in the public and private spheres is conceptualised. Conceptualisations of the child cause the conditions that create an environment where children are forced sideways into unwanted, dangerous roles. It is necessary to examine how an acknowledgement of the agency of the child actor can challenge and change their circumstances. This will be the theme of the following chapter, Chapter 9, *Concepts of Education and Labour for Children in Colombia: Dividing the Private and the Public Spheres.* This chapter follows the contradiction between the international discourse framed in the UNCRC (1989) that work is an undesirable activity, and the discourses that create space for the necessary work subject positions children find themselves in within the Colombian

conflict. The chapter argues that the international conceptualisation of children and childhood advocates education, but excludes concepts of labour. In denying children positions of significant employment, children who cannot conform to the ideal of fulltime education, are forced into these excluded categories beyond legal protection. Working children is a complex subject, however the following chapter adds to discussion by arguing that stifling work roles within normative discourse, prevents children from being protected by the law.

CHAPTER 9

Concepts of Education and Labour for Children in Colombia: Dividing the Private and the Public Spheres

This thesis sets out the narrow identity delineated for children and childhood within the UNCRC (1989), and the impact this framework has on children who cannot conform to the expectations. The previous two chapters have investigated themes identified within the UNCRC (1989) of citizenship and agency, and immaturity and innocence, and how these concepts frame child actors and prescribe certain behaviours. Chapter 7 addressed conceptualisations of citizenship and agency. The chapter firstly outlined how accepted norms of children and childhood that exist within Colombian national law reiterate the ideals set out within the UNCRC (1989). As such, children in Colombia are framed as non-agential actors in line with international expectations. When children assume roles that exist outside of these expectations, they are excluded from the normative discursive structures. The chapter showed how, as excluded categories, the State discourse seeks to repatriate such children back into normative structures. The second part of the chapter focused on children's citizenship rights, explaining how children experience citizenship as a 'paper' right. Thus, despite children's rights being framed as the highest priority, these rights are frequently sidelined in practice. The chapter concluded, therefore, that a lack of agency leads to a lack of active citizenship, and without the voice to advocate for their rights in public sphere institutions, children's issues are often sidelined and their identities manipulated to suit specific agendas.

Chapter 8 went on to investigate representations of innocence and immaturity within the Colombian context. The chapter showed how these categories have caused children to be presented as either innocent victims, or as immature perpetrators. The chapter showed how the category of innocent victim is debilitating as it reinforces images of children as helpless. This sustains the conceptualisation of children as incapable of agency, which reinforces children's lack of voice within public institutions. The chapter then went on to show how framing children as immature perpetrators is still not an acknowledgement of agency. Instead, the section showed how the discourse seeks to repatriate perpetrators into normative childhood roles. The actualisation of this repatriation creates two vulnerabilities. Firstly, children who are 'innocent' or 'perpetrators' end up in the same

system. Thus showing a discrepancy between the international standard, and the localised context. Secondly, the category of innocence is manipulated to assist crime. The chapter concludes by showing that despite both categories of innocence and immaturity framing children and childhood as without political agency, children have gone on to confound these boundaries and confuse the discourse. This chapter ends with empirical evidence contradicting the normative narrative that children should be framed as either innocent or immature, and thus challenges the influence of such categories.

This following chapter turns to the final pair of themes identified within the UNCRC (1989): education and labour. This chapter aims to conclude the empirical chapters by showing how normative conceptualisations within the UNCRC (1989) of education and labour, contradicts the daily experiences of children in Colombia. This chapter will show how framings of education and labour can leave children exposed and vulnerable. By importing international expectations of education and labour, two subject positions for Colombian children are created. Children are either performing normative roles and thus fulfil the international and State expectations that place them within full time education, or children are subverting these expectations and performing excluded roles, and for the majority, this will be a role in labour or work (ILO, 2007).

This chapter argues that enforcing a standard requiring children to be in full time education is incommensurable with the position that many Colombian children find themselves in. Children from poorer parts of society often find themselves unable to fulfil the obligations of staying in school because they are an important part of the family socio-economic structure (ILO, 2007; OECD, 2016). These cases are exacerbated by examples of poor schooling that provide little incentive for children to remain at school when they could be earning money elsewhere, or when there is family expectation to help with the household income (OECD, 2016). As such, conforming to the international expectation of full time education becomes an elitist exercise, for those who can afford not to work, and in some cases afford better private schooling. Children who subvert the role of education are forced sideways into performing excluded roles outside of the discourse (Ministry of Labour, Colombia, 2013; OECD, 2016; Watchlist, 2012). These roles are often categorised as illegal, and as such children are beyond the protection, advocacy and assistance of public sphere institutions.

In order to address these concerns, this chapter will be divided into 2 sections. The first part of this chapter will show how an expectation that children should be in education assumes a specific set of understandings, reflecting the confinement of the private sphere, and as such, promoting a model where children should be kept out of work and the public sphere. It will show how the Colombian state reinforces this position, implementing well-meaning laws to restrain children from work, and employing structures to increase access and participation in education. The second section will show how these constructions create consequences for Colombian children when the international expectation of education is enforced. Despite the Colombian State's best intentions, importing an international structure that expects the suspension of other activities, in particular work activities, during the 'education phase' can end up harming children. In this section, I will outline the vulnerabilities that are created, firstly by obscuring inequalities within different sections of the population, and how children from poor socio-economic backgrounds are disadvantaged when they cannot fulfil the obligation of full time education. This then impacts the security of children, because the work roles they assume are beyond the law and as such are unprotected. I will argue that enforcing an international expectation that education is the best environment for children prevents theorizations on a *better* alternative for Colombian children.

Advocating Education, Excluding Labour

Chapter 6 outlined the position of the child within the UNCRC (1989), and the expectations around education and labour. The Convention articulates that children are able to work under certain conditions, but constrains these conditions by restricting the type of work, the length of hours, and a minimum age at which children can work (UNCRC, 1989: Article 32). However, these conditions all have to meet the prior condition that any such activity does not 'interfere with the child's education' (UNCRC, 1989: Article 32). Education, on the other hand, is actively promoted. States are required to recognise 'the right of the child to education', to 'make primary education compulsory', and to make access to education as accessible and as cost free as possible, as well as committing to increasing accessibility and affordability (UNCRC, 1989: Article 28). States are to 'encourage regular attendance' and to aim for the 'elimination of ignorance and illiteracy throughout the world' (UNCRC, 1989: Article 28). All of which will promote the

development of children in order to prepare them for 'responsible life in a free society' (UNCRC, 1989: Article 29).

The rest of the Convention articulates the importance of children being in a stage of development within a space of protection (UNCRC, 1989). The family, as the 'fundamental group of society', offers the primary site for this contained space for childhood, supported by 'public or private social welfare institutions…legal guardians, or other individuals legally responsible for [children]', and any other 'institutions, services and facilities responsible for the care or protection of children' (UNCRC, 1989: Art. 3). These supporting institutions are framed around the importance of the wellbeing of the child. In turn, the wellbeing of children is focused on raising children who can 'fully assume [their] responsibilities', who have developed 'his or her personality' and who are 'fully prepared to live an individual life in society' (UNCRC, 1989: preamble). This 'fully developed' adult is contrasted against a time of needed preparation, 'childhood', where the child 'by reason of his physical and mental immaturity' must pass through a period of development to emerge as an adult (UNCRC, 1989: preamble).

It is important to reiterate how the UNCRC (1989) positions children between labour and education, and the additional framing of childhood as a period of development, because it shows how the international narrative frames expectations of states that are a part of the 'international community'. In the first instance, it may appear as if the document outlines an expectation that children should have an education, but are allowed to work on the side within guidelines. However, it is argued here that there is a strong narrative that condemns anything that is perceived to interfere with the period of development reserved for education. When placed alongside articles such as Article 31, which expresses children's right to free play for example, and the way the Preamble's assigns a duty to create a protective and caring environment for children to families and parents in creating, it becomes an imagining of children and childhood that does not make space for employment. In order to conform to these conceptualisations of children and childhood, states have to protect an idyllic space that promotes education, development, and a period of life where children are protected and cared for by suspending activities that would be considered public sphere activities. This includes employment.

The Colombian government has adopted these stipulations and expectations. The Colombian State has ratified three conventions that directly relate to limiting children in labour: The Minimum Age Convention (No. 138) (minimum age specified: 14 years), The Worst Forms of Child Labour Convention (No. 182), and The United Nations Convention on the Rights of the Child (UNCRC) (ILO, 2007). In signing and ratifying these international conventions, the Colombian government declared the intention to conform to the expectations presented within these documents that would restrict children in positions of work. Furthermore, the Colombian government has gone on to incorporate this legislation into Colombian National law through the Colombian Constitution (1991), and the Minors Code - Decreto No. 2737, 1989 - (ILO, 2007).

As well as incorporating legislation about children in work, the Colombian government has promoted education as the first priority for children and has rolled out numerous policies and programmes. Education has been included as one of main three priorities in the National Development Plan 2014-1018 (*Plan Nacional de Desarrollo 2014-2018: Todos por un Nuevo Pais, PND)*, the New School Initiative *(Escula Nueva)* aimed at sustaining schooling particularly in rural areas and with differing ability levels, and increasing the funding into education from 3.5% of GDP to 4.9% of GDP between 2000 and 2013 (UNESCO-UIS, 2015; OEDC, 2016). These laws and policies put in place by the Colombian state indicate the government has adopted education as the best place for the child, and labour as an undesirable activity.

What is important to make clear at this point, is that this chapter is not a discussion on whether education is indeed the 'best place' for children in the general pedagogical sense. Rather this chapter is a discussion about how the UNCRC (1989) subscribes a certain subject position to the child and that this position, in placing education as the highest priority, marginalises children who experience work as a necessity in their daily insecurities. The UNCRC (1989), while creating a 'small space' for children assuming work roles, ultimately presents children and childhood as a period of development in which labour should be excluded as an undesirable activity. As such, this chapter is about how children's subject positioning is framed in a way that denies them the agency of deciding to work. Moreover in circumstances where work becomes a necessity or something children are forced into it prevent recognition of such agency. . In denying children this agency, they are unprotected by legal definition and as such, they fall between

these frequently conflicting discourses. As a result, are misunderstood, misrepresented and ultimately marginalised.

By framing children in this way, there are two outcomes that both lead to vulnerabilities for the child actor. In placing an expectation on the children that education is the most important activity, children who comply with the normative standard find themselves within educational institutions. Alternatively, children who subvert these restrictions and assume roles of work, are excluded from protections under the law, instead the law will seek to repatriate them back into childhood and positions of education. The following section will outline the vulnerabilities this creates for the child actor. It will describe how the implementation of education as a priority does not address inequalities within different sections of the Colombian population, and how this impacts the security of children particularly from poorer socio-economic backgrounds. It will show how omitting labour as a serious consideration in the constructed identity of children exposes children to vulnerabilities as they assume positions that are outside of the law. I will conclude that the dominant narrative that places children within education prevents theorizations on alternative approaches for Colombian children that may incorporate both work and education.

Inequality and Divisions of Education and Labour: Creating Vulnerable Subject Positions

Enforcing a standard, as conceived within the UNCRC (1989), that requires children to be in full time education as a development space, is incommensurable with the position that many Colombian children find themselves in. Within Colombia, there are an estimated 890, 000 children working under the age of fourteen years (ILO, 2007). While only an estimated 201, 390 are working exclusively without also being in education, there is a clear pattern that children are assuming work roles that significantly impact their studies. This was shown in a report conducted by the International Labour Organisation (ILO) where children working from the ages of five work between five to fifteen hours a week (ILO, 2007). These hours steadily increase until at the age of fourteen, working children are averaging a thirty-hour week (ILO, 2007). This has inevitably impacted children's ability to engage with study, bringing periods of study to an early end, with school life expectancy averaging 13 years of age (ILO, 2007; OECD, 2016) and one in five children do not

continue past primary school (OECD/CAF/ECLAC, 2014). There is a clear discrepancy between the ideal framing of the UNCRC (1989) that children should be in full time education, and discursive structures within Colombia that are accepting children in working positions.

There are a number of factors that contribute to children adopting work roles. However, despite making it illegal for children to assume any form of significant employment, it is likely that children will assume these roles anyway, and these roles will lead to vulnerabilities. The UNCRC (1989) exposes children to these vulnerabilities by framing children and childhood as an space where development occurs through educating the mind, and by marginalising work as a valid activity for children. Children's rights, specifically their legal rights, are represented through a prioritisation of education and institutional access to education. Legal rights around labour are focused on restrictions (outlined in the previous section), rather than attempts to regulate workplace practises. Therefore, when children assume roles outside of education, they are enacting excluded categories that go beyond the international and state constructed subject positions.

This has lead to children working in the informal economy, which exposes children to working environments without legal protection. The Organisation for Economic Co-operation and Development (OECD) concluded that this form of employment is 'particularly high in agriculture and construction sectors, and among young people with low skills' (OECD 2016: 24; Peña, 2013). Not only then is this work informal and therefore unregulated, but often with informal work, the roles children assume are easily exploited through positions that are in demanding industries. This leads the report to conclude that 'vulnerable employment is more of a challenge for Colombia's youth than unemployment' (OECD, 2016: 24). By presenting labour as a conceptualisation that is associated with the adult subject position over the subject position of the child, the UNCRC (1989) creates a standard that forces those children who work out of normative discursive practises into illegal roles, which by the nature of their illegality, cause vulnerabilities for children.

There is a contradiction between the international and state standard that working children is undesirable, with localised discourses that accept children in working conditions. The uptake of these excluded roles is exacerbated by examples of poor

schooling that provide little incentive for children to remain at school when they could be earning money elsewhere, or when there is family expectation to help with the household income (OECD, 2016). This quickly becomes a divide between those children from poorer parts of society who often find themselves unable to fulfil the obligations of staying in school, or who to some extent choose not to, because they are an important part of the family socio-economic structure (ILO, 2007; OECD, 2016).

As such education becomes an elitist exercise, with those who can afford to not work, and in some cases afford better private schooling, conforming to the international expectation. Children, often from poorer socio-economic backgrounds who subvert the role of education are forced sideways into performing excluded roles outside of the discourse. Wessells (2006a) states that economic impoverishment (whether that is perceived by children to be on a familial level, or a personal level) within conflict environments drives this shift to alternative roles, and in turn conflict opens certain roles up to children, for example 'child-soldier'. Wessells argues that for children who work within armed groups, 'the link between poverty and conflict is palpable' (Wessells, 2006a: 179; Machel, 2001). This is a vulnerability that is particular to those environments, such as Colombia, where conflict offers a very dangerous form of subversive identity. In legally advocating that work is a non-child activity, lucrative roles open up within illegal activities, where child labour is not only accepted, but also seen as desirable by 'employers.' As highlighted in chapter 8, children are incorporated into roles around conflict activity where the identity of a child is perceived of as preferable. Children are utilised as lookouts, informants, smugglers, and as hit-'men' (HRW, 2003; Watchlist, 2012). Children can perform all of these roles proficiently where alternative discursive constructions of their identity obscure the function they are carrying out. For example, a child as a smuggler may pass a checkpoint unchecked by those who perceive them too innocent to be used in such a way.

Indeed, 'across regions in Colombia, poverty rates are much deeper in rural communities, reaching over 55% in la Guajira and over 62% in Cauca and Chocoó' (DNP, 2015; OECD, 2016: 25)'. Such areas have experienced consequences of the conflict that have been devastating. However, equally, poverty becomes an exploitative environment. In an interview with Jose (2014, Lawyer with High Peace Commissioner), he commented that one of the outcomes of poverty on the recruitment of children into conflict is driven by

an environment where 'the family usually doesn't have much money… this is really really common in the rural areas in Colombia' (2014, In interview).

This was reiterated in an interview with the President of Justice and Peace, a *Magistrada Lester* (Head of a Commission) within the Colombian government. She spoke of a boy, 'he lives at the coast, he is very close to his family. But they didn't have money so he went to the paramilitaries and told his mother he was working in Venezuela. He was a 13-year-old boy. And he would send her money. His mum only realized when he was demobilised' (2014, In interview). Poverty, then, is a key characteristic of children entering into working roles that have been categorised as exterior to the discourse, or illegal. For these children, assuming working roles is not always about an opportunity presenting itself.

Instead, in the context of conflict insecurity, illegal work roles open up that children take out of, in some cases, necessity. One girl, Marcella (age 14) spoke of the situation she came from. She described her city as a place where people who are in the streets are without clothing, people are missing legs and limbs and they are holding babies, with no food. She told me she was an orphan, and that she had lived on the streets before. She said, 'in that moment you have two options, starve or go with these people [guerilla]' (2014, Field notes). Children end up in positions where work is a necessity. Thus the roles that enable survival through financial provision end up outside of the expectations of education within a discourse. These roles are dangerous, unregulated, and unprotected. As such the discourse does not offer spaces of significant employment. Nor is the state supplying the main discursive framework of a secure and robust education for those from the poorest and most vulnerable parts of society.

In Colombia's Demographic and Health Household Survey (2009-10), 'a student from the poorest socio-economic level… has a school life expectancy of 6 years, which is half that for an individual from the wealthiest socio-economic level… and is much more likely to be out of school' (OECD, 2016: 34; Garcia Villegas et al., 2013; UNESCO-UIS, 2015). Children from poorer families spend less time in education than those children in wealthier families. This division between richer and poorer children is reflected through their access to good education. Education in Colombia is in a challenging state. Maria at ICBF outlined Colombia as 'a country where access to education is precarious' (2014, In

interview). She elaborated that 'in order to have a good education, it has to be private and that is very expensive. Public education is very basic' (2014, In interview).

What is made evident in the Colombian context are the spaces that are created where childhood appears. As Ariés (1973) outlined, childhood appears in the presence of institutional education. However, it is the *purchasing* of a place that controls access to these spaces, and thus access to a significant, or even satisfactory education is conferred by wealth. For children to conform to the standards of the childhood represented within the UNCRC (1989), it is not enough to attend an educational institution. Children must emerge as 'developed', which requires buying into a good education. Additionally children must suspend other activities, which requires parents being able to support their children without requiring or expecting their children to contribute to family incomes. Therefore, children who cannot comply with the expectations of such a childhood, are exposed when, by not conforming, they adopt roles that are outside of discursive frameworks and as such, outside of legal protection. Colombia has a higher than average enrolment into private educational institutions at both primary, lower secondary and upper secondary education (OECD, 2016). At a tertiary level (higher education), this jumps exponentially (OECD, 2016: 29). These inequalities are entrenched 'in a country with high poverty rates, [where] the extent of private provision has important implications for educational equity' (OECD, 2016: 29). In Colombia, education, while remaining the standard for all children legally, has practicably become inequitable and 'evidence from an analysis of…assessments indicates… a high rate of segregation between schools based on the socio-economic level of students' (Duarte et al., 2012; Barrera, 2014; OECD, 2016; 36).

This presents a challenge to the subject position of children who cannot afford access to these spaces. Assuming a role of work has been framed as undesirable. However, in order to conform to the legal expectations that children should be in education, they are expected to attend schooling that is sub-par, and presents little benefit to them. During fieldwork, I spent time in the education system in a boarding school, *Fundación Formemos*, outside of Bogotá in a town called *La Mesa* between April – May of 2014. During this period, many students expressed that they did not wish to live in the countryside, and the majority of the older students did not enjoy working in the farm environment and were hoping for jobs in the city (2014, Field notes). This is unsurprising considering that the urban/rural population ratio in Colombia is 70:30 respectively (Berents, 2015). Students

expressed an interest in becoming nurses, doctors, or engineers. For many, however, they were aware of the challenges of the education system and when asked what they felt the government should focus on, two children responded:

> *Juan (age 12):   I believe they must improve the education in Colombia, because we are really bad at it.*

> *Manuella (age 13): They need to start investing in new things, instead of fighting over things that are worthless. For example, in education, to add more things to academia, to education, because this is something that is affecting us all as a country. (2014, In interview)*

One older student of 15 years expressed an interest in joining the military. He was articulate about the environment created by the conflict and knew that if he wanted to gain a further education and a life opportunity, he would need to find an organisation as a sponsor and a place where he would be accepted. However, for most of the children, there was hopelessness that despite their ambitions, they were unlikely to reach their goals due to lack of adequate education and funding (2014, Field notes).

Participation in education is, for the most part, lower in rural areas than urban environments (MEN, 2015a; DNP, 2015; Garcia Villegas et al., 2013; Bernel, 2014; OAS, 2010). It was a perception reiterated and reinforced in numerous interviews that parents in rural areas keep the children on 'the farm' to work because they don't *value* education, or even understand it. Jose, a lawyer working for the High Peace Commissioner, elaborated this during an interview:

> *Most of them [children in the rural areas] also suffer hard work. Because there is a point of view in the rural areas that when you are ten years, you are already a man, you are an adult. I have seen kids, that for me is a kid, because he is 11 or 12 years, and he has muscles stronger than any man that I have seen of my own age. Because they have carried weight since they are 5 or 6 years. A lot of weight, they have carried animals, they know how to take cows and horses, they know how to take heavy water containers, and they know how to work with the land. And when you do that, in some conditions with rain and sun and all that kind of environment, you get pretty old sooner… so I have seen those guys with a dark skin, because of the sun, really strong, because of the muscles, and the way they think is like an adult, and they have, as I have told you, 11 or 12 years. (2014, In interview)*

When asked why he thought it was the case that children in the countryside were working instead of in education, he replied:

> *Because they were raised that way. Of course, they don't have high school, they don't get there. They have to drop as soon as they learn how to read and to count. And sometimes I had heard parents who say that to the child "when you know how to count you can get out*

of the school, I don't care," "no dad, I want to stay I really want to learn", "what for, it isn't going to help you for anything".

I think that this is the opposite way to many developed countries towards education. Because they see it as an opportunity. Here, in many regions they see it as a distraction to the opportunity, to the real opportunity that is work. Right? (2014, In interview)

There is a perception here that there is a discourse operating where at the age of around ten years old, children seem to move out of school and into work.

However, contrary to this perception, there *is* a sentiment in rural areas that education is important (OECD, 2016). Parents want their children to do better than them and receive a better education (2014, Field notes). The issues arise when those parents need to integrate the priority of education into their societal discursive practises. Wanting their children to receive a good education may be discussed as a priority, but it is also a priority to ensure a basic survival income. So at times when children are needed to help, keeping children back from school does not seem to contradict wanting them to have a good education (2014, Field notes). It points to a larger underlying discrepancy between the discourse surrounding the right of the child to education, and the social framework that the children are contextualised in. Julio (2014, *Soldier-Academic*) commented that:

> *There's no way you could think about a stage, conceived as childhood – in the way which maybe the elites and the western discourse understand childhood. So its very difficult…sometimes these are families who have been educated into the idea that children can become providers of wealth to the family because they can put them to work, they can sell them they can hire them out. It's a very difficult issue. (2014, In interview)*

Parents may want to promote education as one of the most important priorities, but not having received the level of education that they would like for their children, they do not know how to enact that process. In an interview (2014) with an academic working on the subject of Colombian childhood, we discussed the challenges of understanding contradictory childhoods, particularly between these different groups in society:

> *Researcher: So between social structures, for example, parents in Bogota, they'll have a very different understanding of children than, possibly than parents in the countryside?*
>
> *Pachon: Of course, completely. And not just because of being urban or rural, but rather social class. It's possible that parents of children from the altos de Cazuca, which is a lower-class barrio in Bogota which has a more rural experience, and has experienced violence, that they have a concept of the child and what the child can do completely removed from what the middle or upper class in Bogota might hold. It's not just because of an urban/rural divide. Rather social class is there permeating these multiple visions (identities). (2014, In interview)*

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The detection of divisions between social groups is interesting in this case. The academic stated that the division is not necessarily a division of urban and rural, but rather social class. However they then moves on to brand lower social classes in an urban environment as 'a more rural experience'. This linking of lower classes with rural experiences, groups together a particular type of childhood. Children from lower class urban neighbourhoods and rural neighbourhoods have a particular set of expectations placed on them. They are not expected to gain a good education or amount to much in society, which is corroborated in studies carried out on their academic attainment (OECD, 2016). Such children are attached to poorer parts of society, and in this context of continual conflict, 'violence and poverty become associated with particular neighbourhoods or communities' (Berents, 2015: 7-8). Belonging to these groups creates a lack of opportunity for a child that pulls them into excluded roles. The challenge in the Colombian context is that without the ability to buy into a good education, children can easily step into these excluded categories.

Conclusion

Child actors are made visible as children because of an international standard, the UNCRC (1989). This standard identifies all children as necessary beneficiaries of an education. However, in the Colombian case, the construction of education as an elitist activity that requires a financial stability prevents those children who are visible through the UNCRC (1989) from being able to conform to the international expectations of 'childhood'. A token education is not sufficient to feed children into the greater economy and 'assume [their] responsibilities within the community' (UNCRC, 1989: preamble). Instead, children who find themselves in a position of need, whether that is a perceived personal need or a wider family socio-economic need, end up in roles that are beyond the discursive expectations around children and childhood. In attempting to import an understanding of children and childhood, the Colombian State discourse marginalises discursive practices that accept and enable children to adopt working positions outside of the legally constructed position of the child. This chapter has argued that such a framework makes children vulnerable by creating a legal standard that children subvert, and as such are placed beyond the boundaries of legal protection. This chapter has highlighted that such vulnerabilities are weighted towards those from poorer social-economic backgrounds. It is not within the parameters of this thesis to suggest policy for

how to resolve these excluded child actors, instead, to focus on the way that current contradictions between discursive framings cause children to be made vulnerable when they cannot conform to the expectations, and as such are positioned beyond legal protection.

The following chapter concludes this thesis. This final chapter will outline the argument that has been presented in this thesis; that children are made vulnerable by the international expectations within the UNCRC (1989) when they cannot conform. Instead, they find themselves pushed sidewise adopting roles outside of the discourse. These roles present as excluded categories, and place children beyond the protections provided within discursive frameworks. The conclusion will outline the argument to show the overall aim and the key objectives have been met within the thesis. In doing so, the chapter will state the key contributions of this thesis, the limitations of the work, and outline areas for future research.

CHAPTER 10

CONCLUSION

Introduction

This thesis has set out to advance understandings of children's political agency. The thesis has argued that children are made vulnerable when they cannot or do not conform to the international expectations outlined within the UNCRC (1989). This chapter will conclude the thesis by outlining the argument. In the first section, I will discuss how the different chapters have addressed and contributed to the overall aim and key objectives. In the second section, I will outline key contributions and discuss future avenues of research. I will also highlight the contributions this thesis has made to discussions surrounding children's agency as well as the broader understanding of the discursive construction of agency and political subjectivity. I will go on to emphasise how these contributions open up further avenues of research and will elaborate on the possibilities of comparative research through the case study of Colombia, and the impact on policy that the framework of this thesis brings.

Overall Aim and Key Objectives

This project has come about as a result of my experiences working with children. During these experiences, I have seen children in vulnerable situations, enduring circumstances that go largely unacknowledged, with little capacity to change their circumstances in a way that complies with social norms. The identity of 'poor helpless children' prevents these young actors from being able to take action to change the environment in which they find themselves. As such, these children enact cycles of poverty, criminal violence and combat activity. My personal observations were reflected in an article by Clara Feliciati (2006), which I read prior to this research. In her discussion of the international and national legal positions surrounding the Rwandan girl-child, she paints a vivid picture of a girl-child with many responsibilities, and no agency to discharge these responsibilities: she has no parents, she has contracted HIV (after the genocide, 70% of the Rwandan population was female, of which 80.9% was traumatised and 66.7% infected with HIV) (Feliciati, 2006: 11). She is also the head of her household. Steven Lewis from UNICEF commented,

'How will they cope, especially, in Rwanda, where today there are between 65,000 and 80,000 child-headed households? Where tiny morsels of youngsters ─10, 11, 12, 13 years old, and mostly girls─ are trying desperately just to keep what's left of their families together?' (1999: 8). The article cited Human Rights Watch as stating that girls are often 'chased from the family property' (Feliciati, 2006: 16; HRW/Africa, 1996: 43).

The head of her household as a child, with dependent younger siblings, she has been raped and contracted HIV, so her future marriage prospects are slim, and she owns no property (even though she should have the right to inherit, how can she claim and hold the property at 12 years of age?) What options are open to her when in a post-conflict society that lacks infrastructure and where there are many in need? Many of these young girl-children turn to prostitution as a way of supporting themselves and siblings, even potential offspring. The idea of education enshrined within the UNCRC (1989) is far from the reality of the situation. This entire scenario made me ask the question: how can a child who has experienced so much, be unable to hold property and a job in order to support herself and her dependents - but it is possible for her to sell sexual services in order to gain independence? The idea that children may require independence is so offensive to the concept of 'childhood', that children must suffer the consequences of elites holding on to a normative ideal, even if that pushes them into the antithesis of childhood, prostitution: this role is an excluded category, illegitimate and conducted in spaces of grey ambiguity. Rejecting the condition of independence is a pre-cursor to the child adopting such an excluded, illegitimate and often harmful role. Yet the conventional standard contravenes this by saying that neither is ideal: the overburdened independent, or the child-prostitute. However, it raises the question: what is so controversial about acknowledging the political agency of the child actor, especially when such a denial leads to the opening of these excluded, unacceptable spaces?

Such questions seemed particularly important in the context of Colombia in light of its conflict past and transitional negotiations. As such, this thesis set out to explain how the dominant narrative of the UNCRC (1989) constructs a discourse that is incommensurable with the experiences of some of the world's most vulnerable subject positions. This thesis explored how the ideal standards established within the UNCRC (1989) could present challenges for children beyond the framework outlined in the document. Children who are forced into roles outside of this international discourse are being placed beyond the

protections outlined also.

As I outlined within the Introduction and Methodology chapters, during an initial period of fieldwork to Colombia in 2013 these questions began to form into the key objectives and overall aim of the project. These were as follows:

Overall Aim:
- To advance understandings of the position of children as political agents, and to show the vulnerabilities caused when children act outside of the constructed expectations of children and childhood delineated within international discourse.

Key Objectives:
- Firstly, to show how meanings of children and childhood are constructed concepts, and how they have been constructed within the UNCRC (1989) through a European history.
- Secondly, to address how this Convention is interpreted into local contexts, through the case study of Colombia.
- Thirdly, to show how and why the different discourses create different boundaries or expectations around the identity of the child.
- Fourthly, to explain why these different narratives cause the vulnerability and exploitation of children.
- Finally, to explain this vulnerability and show that in constructing a position for children within international discourse that does not appropriately acknowledge their political agency, many children are pushed outside of discursive norms into excluded subject positions. These positions are often dangerous, acting outside of law, and lack protections provided by legal definitions.

The following sections will briefly address the different objectives and how they were developed within the chapters. This chapter will then look at key contributions, and areas for further research before summarising conclusions.

Children and Childhood as Constructed Concepts

There is a strong recognition of children and childhood as constructed concepts within the scholarly literature (Brocklehurst, 2010; Denov, 2012; James, 2010; James, Jenks and

Prout, 1998). This thesis aimed to advance these understandings by using discourse theory to show the way in which boundary lines are constructed around subject positions, and how those boundaries are subverted by categories excluded from central discursive structures. Chapter 2, Discursive Constructions: Meaning, Discourse, Performativity, outlined the theoretical framework. This chapter created an understanding that progressed through three theorists, Saussure, Laclau and Butler, to show how concepts are given meanings, and how they collect into discursive frameworks and how these are iteratively performed. The chapter looked at how identities form through understandings of 'other' and how otherness consolidates meanings by deferral of meaning. Additionally, the chapter summarised how a discursive framework understands what is beyond the boundary of discourse, which prevents infinite deferral of meaning. As such, a system stabilises itself between what is in a discourse and what is exterior. The discourse then repeats itself by creating expectations through performative acts.

This framework was used to show how meanings of children and childhood have changed and developed within European history (Chapter 5). The chapter focused on three pairs of themes identified as framing children and childhood within the UNCRC (1989). The chapter elaborated on how these themes: citizenship and agency, innocence and immaturity, and education and labour, developed meanings within a European history that were to attach to the identity of children and childhood. These meanings were then discussed in Chapter 6, which focused on how these meanings developed within a European history can be found operating within the UNCRC (1989). As such, this thesis outlined the changing nature of childhood, and how understandings have developed through moments within European history. This chapter outlined how each pair of meanings is represented within the UNCRC (1989), and how the wording of the document shows the European influence on these concepts of children and childhood. As such, the document secures a European understanding of children and childhood. By constructing an argument for these concepts as present within the UNCRC, the following chapters then investigated the outcome of these conceptualisations of children and childhood on the localised context of Colombia.

Translating these Insights into the Colombian Case

Chapters 7, 8 and 9 turned to the case study of Colombia to investigate the impact of a

European understanding of children and childhood, as represented within the UNCRC (1989), on the complex conflict and unfolding peace process. The chapters investigated the translation of the Convention into the Colombian context to show the contradictions created in localised discourse by the incorporation of the Convention into Colombian legal structures. These empirical chapters were based on fieldwork conducted in Colombia between 2013 and 2014. Chapter 3, Methodology, discussed the use of the case study method, justifying the importance of examining the impact of international expectations within a situational context, and explained the selection of Colombia as the most appropriate case study. The use of discursive methods, semi-structured interviews and ethnography were also explained within Chapter 3. In the field, the selected methods combined with the theoretical framework outlined in Chapter 2, informing the data collection process around discursive frameworks. Chapters 7, 8 and 9 organised the data between the three pairs of themes to show the impact of adopting the UNCRC discourse into Colombian law on Colombian children.

Chapter 7 showed how expectations of citizenship and agency within the UNCRC (1989) impact the subject position of children in Colombia. This chapter shows how the category of children and childhood within the UNCRC (1989) has been replicated in the Colombian Constitution (1991), and as such the differing discourses within Colombia that position the subject position of the child in different ways are made obvious. The chapter outlines the consequences of the boundaries that the UNCRC (1989) creates around the subject position of the child, and how children are denied agency. The UNCRC (1989) was shown to be adopted into Colombian law, causing children who enact agency, either because they appear to choose that course of action or because they have to, to be considered excluded categories. Children who assume positions of agency place themselves beyond the discursive structures of international and Colombian State expectations, and as such are outside of the protection of the law. This makes children vulnerable because they are forced into these excluded positions, which are often dangerous, illegal and lack the support of public institutions. The chapter goes on to show that as a result of the denial of agency, children end up as citizens on paper only, and they lack the active participation that comes from political agency (as argued in Chapters 5 and 6). The chapter concludes that a lack of agency, and thus a lack of active citizenship, leads to children being conceptualised as objects. This objectification, in turn, creates vulnerabilities by allowing differing agendas to manipulate the image of children, without

children being able to legitimately contend with their subject positioning within wider discursive frameworks.

Chapter 8 explored the representations of innocence and immaturity within legal processes. This chapter highlighted the vulnerabilities created by constructions of innocence, showing the impact of innocence on the negation of agency. Additionally, concepts of immaturity were shown as equally debilitating, removing agential action from children categorised as perpetrators. The chapter discussed how children in Colombia have shown political agency and coordination. However, the chapter went on to conclude the importance of discussions about children's ability to predict consequences, and therefore the extent of this agency. This line of questioning opens up possibilities for future research, to explore whether children have the ability to predict the consequences of their political actions sufficiently. Therefore, the chapter concludes that while children show a clear capacity for enacting agency, they also lack sufficient experiences to predict consequences. Far from denying children political agency then, the chapter argues for a greater need to engage with these subject positions to develop new understandings and categories.

Chapter 9 outlined the contradiction between education and labour. This chapter concluded the empirical chapters and showed the conflicting expectations that can be placed on child actors in such a way that they find it difficult to conform to legal expectations placed on them. The particular example of education and labour draws a clear boundary between 'labour', which is deemed an undesirable activity for children, and 'education', which is positioned as the fundamental concept supporting conceptualisations of development. The UNCRC (1989), in specifying that children should be in full-time education, and in restricting the ability of children to work, makes those children who work an excluded category by placing them beyond the boundaries of discursive expectations. Children are forced into spaces where their illegal employment is not a concern within the informal economy, and as such they end up in dangerous illegal categories, beyond the protection of the law. It was also shown in this chapter that the most exposed parts of society, those of the lowest socio-economic groups, are the ones that end up within this contradiction of having to work.

Explaining the Vulnerability of Children

This thesis has explained the way in which children who cannot or do not conform to the UNCRC (1989) subvert expectations of children and childhood. As such, these children enact roles beyond the boundaries of discourse, and consequently, are considered excluded from discursive categories. The empirical Chapters 7, 8 and 9 have outlined the way in which these boundaries create vulnerabilities for child actors. In explaining these boundary lines in the section above, some of these vulnerabilities have been highlighted. Additionally, the following section explains how vulnerabilities form when children are forced into excluded categories. Chapter 7 described the vulnerabilities created when children have no agency. The chapter concluded that framing children without a political agency reduces children's citizenship to paper rights. As such, children are denied a voice where others make decisions about them, as well as having the ability to define them. This removes children from the security provided by a political voice, and the ability to engage with their subject positioning. Chapter 8 discussed the vulnerabilities caused by framing children as innocent victims or immature perpetrators. Neither category empowers the child actor with agency, and instead they form justifications that limit children's access to the public sphere, as well as justifying the repatriation of children into normative expectations of children and childhood. Finally, Chapter 9 described how children are made vulnerable by expectations that children should be in education over positions of employment. Advocating education and excluding positions of labour causes those children who take up forms of significant employment, for whatever reason, to become illegal actors. This can cause children from the poorest sections of society to be penalised for actions that they are often expected to assume under different discursive expectations.

Key Contributions and Areas for Future Research

This section will outline the key contributions before discussing the areas for future research and where themes of the project may be developed.

The contributions of this thesis have been divided between three overarching key areas that this thesis addresses. Within each of these themes, further contributions have been delineated. The following lists the contributions for clarity, which are then discussed:

- This thesis presents an original and extensive case study
- The case study has a particular poignancy – with specific significance in the Colombian case as an important historical political juncture.
- The thesis responds to a gap in the literature – adding to knowledge that is looking to develop greater understandings of children in these growing complex emergencies and their equally complex solutions – particular through transitional justice procedures.
- The implications of these findings are transferable to cases where children are increasingly involved in international relations as complex actors who are participating in increasingly political, and often violent, scenarios.
- This thesis involves the voice of children as constructors of knowledge – by participating in my reflections on the situation and guiding my understanding from their perspective.
- The conclusion outlines the theoretical contribution this thesis has made in framing children as subjects made vulnerable by the very discourse that seeks to protect them
- Finally, it adds to theories within international relations and to scholars challenging questions of identity, agency, by creating an understanding of the boundaries discursive narratives can create around political agency.

Empirical Research: Comparative Case Study

Firstly, this thesis has constructed an empirical understanding of the political agency of children in a situation of complex conflict and post-conflict transition. The study engaged with over 40 prominent individuals working in policy definition and implementation in Colombia with regards to children. The breadth of participants allowed the study to be well-rounded between spheres of government (including military generals and lawyers at the High Peace Commissioners Office), educational institutions (Fundación Formemos), IGOS (e.g. UNICEF) and NGOS, prestigious academics, as well as children. The size of the study contributes as a significant source within available literature.

I also suggest that this research adds a further significance to the literature by providing a particularly poignant case study. These interviews came at an important moment in

Colombia's history, and an important historical political juncture. During my research, Colombia was in the process of negotiation between President Santos' government and the FARC, however, the peace accord only came to its conclusion at the end of 2016. By carrying out research at this time, the thesis was able to address a unique moment in this transitional justice period. While talking through the position of children in Colombia with members of the Senate, members of the House of Representatives, heads of commissions, academics from universities, as well as lawyers, and representatives from NGOs and IGOs, such as UNICEF, there was a genuine concern about the impact of the peace accord on children, and their position in post-conflict transition. Many of the questions that I was asking were their questions also. This convinced me of the need for studies such as this, and the importance for integrated research to develop between studies investigating conceptual questions surrounding boundaries and the positionality of children, and accessible information that can be implemented by policy makers.

In addition, this thesis responds to calls for creating a robust engagement with children in international relations. Particularly, this thesis adds to this discussion by examining children who do not conform to the expectations established within international treaties – drawing conclusions that are important, not only for this one transitional process, but for other post-conflict transitions. By placing these findings within a strong theoretical framework, they are easily transferable between case specifics – where the developed framework may investigate the similarities in the boundary lines drawn around children in a different context. Examples of societies moving through transitional periods with the involvement of international actors are proliferating. The scholarship around Transitional Justice is expanding in response, and this thesis contributes to this literature by challenging and questioning the way forward for children in these complex scenarios.

Furthermore, the questions posed, explored and explained within this thesis impact other international events where the contentious identity of children creates confusion around those children who participate in terrorist activity, children who participate in extreme acts of violence, and children who are being manipulated by countless agendas to smuggle, lie, cheat, distort, detonate, disseminate information, and enact forms of political agency. Engagement with the political agency of the child actor within international relations is only going to increase.

This project also incorporated the voices of children, who as well as supplying interview material, engaged with this project and its themes in ethnographic settings. This meets a significant gap in the literature, where there is a lack of engagement directly with the voices and opinions of children. Scholars such as Helen Berents have begun opening up these avenues within security studies and international relations and it is important that this continues to happen. Spending time with children, even just one month living on-site, was invaluable to the research, and wider academic literature. The children talked about the conflict, their places in society, and their opinions about political issues in a way that framed this thesis and my understanding of the concepts involved. Talking to children challenged, for example, thoughts I had developed around children in work. I had previously seen work as a liberating category for children. However, these children, from different parts of Colombia, expressed that the category of work was not liberating to them. Instead they felt that, despite its necessity, it often led to exploitation. This led to conclusions about the way that work, in being made an illegal category, makes children vulnerable because the lack of regulation exposes children to exploitation. Therefore, Chapter 9 focuses on the implications of illegal work.

Conclusions from the Implementation of a Theoretical Framework

This thesis contributes to a second area of literature: by providing a study that bridges the gap between a strong theoretical position, and grounding such thought in empirical evidence. By examining political thought through case study evidence, theories are developed and made stronger. This thesis contributed to discourse theory by elucidating the role socially constructed positions have in out interpretation of actions, and the corresponding policies that are developed. These expectations and policies, however, do not always accurately frame or acknowledge the roles actors are carrying out. This was highlighted in the thesis through considering the difference in the policy approach towards child soldiers, in comparison to adults involved in militia activity. Furthermore, it considered the different attitudes that exist solely around the actions children carry out - based on the narrative that the children are fulfilling. Therefore, this thesis adds to theories looking to explore boundaries around identity, investigating the impact on discursive positioning in a non-conventional environment.

This thesis sets out to explain how vulnerability is created around the subject position of

the child. I have argued that normative discourses prescribe certain behaviours; when children cannot or do not conform to these behaviours, they are forced into positions outside of discursive frameworks. This makes them vulnerable because it exposes them to the activities that are also excluded from normative expectations. In conflict, these activities are often illegal and dangerous and involve adopting positions excluded from legal protection. Framing children who assume these subject positions as innocent victims or immature perpetrators that need to be repatriated into conventional discourses prevents a needed discussion about how and why children are assuming these roles. When discourses continue to misunderstand and marginalise these roles that children assume, they prevent such children from accessing the public sphere support that they need, often to survive. Denying children political agency directly impacts their security. Additionally, there is a key issue here about how discursive frameworks define children and childhood, and how this impacts the laws and the policies we create in our aim to protect children.

These conclusions were reached through the process of this research. The questions that arose at the beginning of the thesis have been outlined at the start of this chapter. Essentially, the fundamental contradiction that worried me more than anything else was the implementation of an international standard that provided children with rights that do not present tangible opportunities for those children who are the most vulnerable. Providing rights to play, rights to education, and rights to representation mean little to a child in a conflict environment or war-torn country with questionable to no infrastructure.

As such, the theoretical framework was created to help understand why this contradiction existed, and how the well-meaning positioning of children in international relations could be so ineffectual, specifically how it could actually be damaging. The theory framed the investigation, focusing on why and how different narratives have constructed differing subject positions for the child. It was of central importance to create an understanding of how the different discourses involved constructed different boundaries around the subject positions for children. The theory enabled the empirical data to gather around understandings of boundaries, where the boundaries of discourse created space for excluded categories beyond the discourse. In particular, it allowed an analysis of how these discourses then sought to repatriate excluded categories by rationalising them back into the discourse. It created a system of understanding that explained why these vulnerabilities were either not being 'successfully' addressed, or not addressed at all.

Attempting to rehabilitate children by simply requiring them to conform to expectations will be unsuccessful. Equally, expecting them to comply with a confined set of discursive expectations, in an environment that does not support these expectations, will also inevitably fail. However, this thesis has constructed an understanding that it is necessary to explore those excluded categories that children are performing, showing the need for an engagement with the motivations of children for moving outside of discursive frameworks, and opens possibilities for restructuring the subject positioning of children in ways that provide sustainable peace and security. As such this thesis contributes to the literature by challenging existing frameworks and creating a framework through which children can be approached and understood.

Expanding the Literature around Children's Political Agency in International Relations

This thesis adds to literature that is calling for greater engagement with the agency of children, and literature that is concerned with subject positioning and agential action (Beier, 2015; Brocklehurst, 2010; Brocklehurst; 2015; Hyndman, 2007). This work also adds to discussions around post-conflict transition by framing children as subjects who are in between conceptualisations of international, national, and in some cases (such as this case study of Colombia) localised discourses.

I have outlined how this framework has added to conceptual understandings of children and their security by arguing that boundaries constructed around the identity of children deny their political agency and create vulnerabilities. I also outline how this framework has added to empirical understandings of children and their security, by showing how these vulnerabilities appear in the Colombian context. These vulnerabilities appear when children are forced sideways into excluded subject positions and end up enacting roles outside of legal protection.

If agency is the capacity to act, traditionally this is conceived in terms of autonomy. Individuals, thought of as rational actors, are understood as having the autonomy to act as they see fit – within limits. However, this thesis contends that the capacity to act is established by the way in which discursive boundaries, such as public and private, are articulated. The individual does not exist prior to these boundaries being established and

simply become limited by them. Rather, an actor's capacity to act is constituted by these discursive boundaries. This articulation of agency causes the thesis to interact with children's agency in a different way - contesting the traditional literature on childhood – that sees all children as having the same capacity to act. Instead, the way that boundaries are established very much changes the capacity to act, and how society interprets and reacts to particular actors and their actions.

To this end, I suggest that the best way to create greater security around children is to ensure a greater engagement with children and their political agency and the theoretical and empirical implications, towards which this study aims to contribute. This thesis stands as a comparative case study for those working within the fields of children's agency, children's position within international relations and security studies – including Transitional Justice, as well as scholars interested in discourse theory, and intersection between discourse theory and empirical work.

Future Research Opportunities

This thesis supports the necessity for studies that involve the voices of children to redress the balance of knowledge production. Theorists have pointed to the lack of children's voices within the literature, and this thesis supports this position, not only as a desired approach, but also as a necessary one. Children are needed to articulate their own positionality and subjectivity around the issues raised in this thesis.

Additionally, the approach of this thesis to children and childhood has constructed a framework of critique around the implementation of the UNCRC (1989) within international relations, and conflict and post-conflict settings. This framework can contribute to future research to develop understandings of boundary lines around child subject positions, and their representation between international, national, and localised discourses. This also calls for further work engaging with these subject positions, which will enable a better approach for international institutions that are genuinely supporting the process these children are going through. There needs to be a greater mapping out of these excluded categories, not only conceptually, but also with transferable understandings into policy implications.

One of the gaps identified within the literature, is the need to transform academic research into practicable policies. This will be an important future research project, bridging the gap between key theoretical developments and policy implications. There is a need for this, particularly with post-conflict communities, where reconceptualising the role of children in rebuilding efforts provides security, not only for themselves, but also for wider communities (Duffield, 2007; Wessells, 2006a). I therefore argue the importance of this approach in future international policy construction, particularly on an international institutional level; there must be an acknowledgement of the incentives and motives behind children's political acts. Equally, children must be engaged with on their own terms, and not through a historical context that neither speaks to, nor benefits, their life experiences.

Conclusions

This thesis argues that children are made vulnerable when they cannot or do not conform to the international standard of children and childhood outlined within the UNCRC (1989). This thesis has explained how disparities between these international expectations, and the circumstances of insecurity in which children find themselves, can create vulnerabilities around subject positions that do not conform to expectations. As such there are conflicting constructions, and therefore expectations, of child actors. When we understand the differences between the discursive constructions of child actors, it is possible to frame, and therefore engage with, those categories excluded beyond a given discourse. This thesis has argued that this is essential to the security of children, and wider societies, particularly in conflict and post-conflict settings. This thesis has challenged the identity of child actors presented within international relations to ask what identity we are securing and for whom. In doing so, this thesis calls for a greater engagement with the political agency of child actors, arguing that such an approach ensures greater security for the child actor in vulnerable environments.

APPENDIX

Table 1: Anonymous list of interviews carried out between 2012-2014

List of Interviews	Record Kept	Language
Government		
ICBF (2013)	Recorded	Spanish
ICBF (2014)	Recorded	Spanish
ICBF: (2014)	Recorded	Spanish
ICBF (2014)	Recorded	Spanish
ACR (2014)	Recorded	English
House Representative (2014)	Recorded	Spanish
Senator GJ (2012)	Recorded	Spanish
GJ associate (2014)	Recorded	Spanish
Senator X (2014)	Recorded	Spanish
President for Justice and Peace (2014)	Recorded	Spanish
Lawyer HPC (2014)	Notes	Spanish
Military Round Table (2014)	Notes	Spanish
Military written response (2014)	Document	Spanish
Military Pilot (2014)	Notes	Spanish
Gov. Initiative Fundación (2014)	Recorded	Spanish
NGOs		
Fundación F (2014)	Nte/ Suv/Rec	Spanish
Fundación "para Niños" (2013)	Recorded	Spanish
Fundación Telefónica (2014)	Recorded	Spanish
Observatorio "para Niños" (2014)	Recorded	Spanish
Fundación en "el Sur" (2014)	Notes	Spanish
Fundación de Justicia (2013)	Recorded	Spanish
ICTJ (2014)	Recorded	English
UNICEF (2013)	Notes	English
COALICO (2014)	Recorded	Spanish
Court of Jurists (2012)	Recorded	Spanish
Historical Memory Centre (2014)	Recorded	Spanish
Academic		
Dr X x3 (2013/4)	Recorded x3	English
Dr M (2014)	Recorded	English
Military University (2014)	Notes	Spanish
Academics, Law University (2014)	Notes	English
Military Academic (2014)	Recorded	English
Dr J (2014)	Recorded	English
Independent		
Journalist (2014)	Recorded	English
Employee at HPC Office (2014)	Recorded	Spanish
Independent Academic (2012/3)	Recorded x2	English
Ex-guerrilla actor (2014)	Recorded	Spanish
Independent Researcher (2013/4)	Recorded/Nts	English
Congress Convention (para niños (2014)	Recorded	Spanish

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