

CHAPTER V

CONCLUSIONS, LIMITATIONS, AND RECCOMENDATIONS

A. Conclusions

After the elaboration and in-depth discussion in the above chapters, there are some conclusions that can be concluded to this research with the title of "The Reviews of International Law on the Recruitment of Child Soldiers (Legal Study of Ituri Conflict in the Democratic Republic of Congo)" as follows:

1. The protection of child soldiers is governed by IHL based on its purposes, principles - the Principle of Distinction, Prohibition on the Infliction of Unnecessary Suffering, Notion of Necessity, and Principle of Humanity - and according to the regulations relative to children and child soldiers, such as Article 77(2) of Additional Protocol I to the Geneva Conventions and Article 8(2)(b)(xxvi) of the ICC Statute for international armed conflict, Article 4(3) of Additional Protocol II to the Geneva Conventions and Article 8(2)(e)(vii) of the ICC Statute for non-international armed conflict, Article 38(3) of the Convention on the Rights of the Child (CRC) and the Optional Protocol to the CRC on the involvement of children in armed conflict.
2. The DRC, as a state, had already did one of their responsibilities to prevent the recruitment and use of children in armed conflict by

ratifying some international conventions relative to children in armed conflicts such as Additional Protocols to the Geneva Conventions, Convention on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and the Rome Statute of International Criminal Court. But the recruitment and use of child soldiers are still happening and Thomas Lubanga Dyilo as the founder of UPC and also the Commander-in-Chief of its military wing; FPLC, was individually responsible for the acts of his armed groups on recruiting and using children as child soldiers in armed conflict in Ituri.

3. Based on all the evidence and facts, on 14 March 2012, the Chamber of ICC with Judge Adrian Fulford as the Presiding Judge, Judge Elizabeth Odio Benito and Judge René Blattmann, reach the verdict and characterized the Ituri conflict as a non-international armed conflict. The Chamber also found Lubanga guilty of the crimes of conscripting and enlisting children under the age of fifteen years into the FPLC and using them to participate actively in hostilities within the meaning of Articles 8(2)(e)(vii) and 25(3)(a) of the ICC Statute from early September 2002 to 13 August 2003 and on 10 July 2012 sentenced Lubanga to 14 years of imprisonment.

B. Limitations

This research may still be far from being perfect, particularly because:

1. The limitation of books and references the researcher can get regarding to this research. This research merely relies on the arguments and approaches by the ICC Chamber of the case, some international conventions and doctrines.
2. The limitation of time for the researcher to do the research, because the research takes more time than the researcher thought it would be.
3. The limitation in preparing good and correct grammar in English.

C. Recommendations

Based on the result of research conducted by the researcher, the researcher gives some recommendations regarding to the title of this research, as follows:

1. States and parties related to the conflict, in this case is the DRC and armed groups such as FNI, UPC and FPLC should obey the international laws regarding to non-international armed conflict and the use of children in the time of war which was happened in Ituri. They should obey and not violated the laws which had been ratified by the State.

2. To prevent the violation against IHL, especially in the recruitment and use of children in the armed conflict, international communities have to campaign regarding to IHL and armed conflicts in order to encourage states and armed forces or armed groups to be more aware and obey either the principles, purposes, or the law of international humanitarian itself.