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Paper 1

## LABOR: CHILD

The concept of childhood as a social principle emerged around the sixteenth century. It is difficult to say exactly when street trading started among children in Nigeria. Initially, a few were found on the streets. Later, they became conspicuous, then a menace, and now a social problem. In the past, as now, a child is considered a blessing and an addition to human capital in the process of survival and social interdependence. From a sociocultural angle, children are gifts and result from the consummation of marriage. From political and economic angles, children are economic assets for labor and material wealth, and they are the basis for possession and wealth. In the Yorùbá culture, children are expected to serve their parents and provide for them. They are also social insurance against future uncertainty.

Child labor includes agriculture labor. Traditionally, the Yorùbá are agrarians, and children as young as five years old weed, plant, harvest, and sell farm products for their parents. Children also engage in street trading or hawking. Hawking was common in rural economies and this has translated to street trading in urban communities for family sustenance and for commission.

Domestic labor is another form of child labor. It dates back to traditional times, when children of impoverished families were sent to wealthier family members for training or discipline. Urbanization and changing roles and increasing employment of women

have brought about an increase in need for domestic labor. Pawning and bonded labor known as *iwòfà* under the Yorùbá traditional culture was a pre-nineteenth-century practice of child labor in which children were given out as security for loan, and their labor served as payment for interest of the loan.

Some reasons for child labor include support for family production, skill acquisition and training, socialization into the culture, community integration, and survival. Work for children is not necessarily detrimental. It should, however, not be abusive, oppressive, exploitative, or hazardous. Some laws have been promulgated to protect the rights of every child. These include laws at state, national, regional, and international levels such as the Sharia Penal Code Law of Zamfara State (2000), the Child Rights Act (2003), the Criminal Code Act (2004), the Constitution of the Federal Republic of Nigeria (1999, as amended), the African Charter on Human and Peoples Right (Ratification & Enforcement) Act (1990), the African Charter on the Rights and Welfare of the Child, and the UN Convention on the Rights of the Child.

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Olúyémisí Bámgbòsé



of instruction in Yorùbá courses offered in linguistics and African languages departments. Graduates of these programs produce their writings in Yorùbá. Interestingly, teacher-training colleges are the dominant institutions for Yorùbá as second-language programs in Nigeria. Many Yorùbá instructors belong to the professional organizations Egbé Akomolédè Yorùbá and Egbé Onímò Èdè Yorùbá.

In Europe, two prominent institutions for the study of Yorùbá are the School of Oriental and Africa Studies (SOAS) in London and the Institut National des Langues et Civilisations Orientales (INALCO) in Paris. In America, the National African Language Resource Center (NALRC) identifies eighteen established Yorùbá language programs, and other centers report thirty-nine institutions offering some Yorùbá courses. The American Association of Teachers of Yorùbá (AATY) serves as the professional platform for Yorùbá educators in the United States. The formalization of the methodology for Yorùbá L2 teaching has developed and grown as a field. A dominant methodology is the goal-based approach, which focuses on the student and emphasizes the interrelationship between L2 pedagogy and knowledge about language, culture, learning strategies, and communication strategies.

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Akinloyè Ọjó

#### LAW: CUSTOMARY

Before colonial rule, customary law governed the Yorùbá people in southwestern Nigeria. Simply put, customary law refers to those customs generally accepted by a particular community as binding, the breach of which results in customary sanction. A rule of conduct is customarily recognized, adhered to, and applied by

the inhabitants of a particular community in their relationship with one another within or outside their particular community. This conduct has obtained the force of law, in that noncompliance with the rule or custom in question results in adjudication and possible sanction.

A custom is different from a customary law. According to Remigius Nwabueze, a custom is a rule of conduct. When it attains a binding or obligatory character, it becomes customary law. There are sanctions for breach of customary law. Sanction under customary law includes banishment, compensation, excommunication, restitution or restoration, corporal punishment, death penalty, ridicule and humiliation, and apology.

Some of the characteristics of customary law include that it is unwritten, flexible, and generally accepted. D. O. Ibekwu stated:

Regrettably enough, our own customary law is unwritten. It was handed down the ages, from generation to generation. Like a creed, it seems to live in the minds of people. This explains why so little was really known at the beginning about the vast body of laws which had always governed the affairs of our ancestors from time immemorial.

Because customary law is unwritten, it is part of the informal education of children from birth. Proof in the modern court of law is by expert witnesses grounded in customary law.

Customary law is flexible. It is a mirror or a reflection of acceptable usage. This was stated in the case of *Lewis v. Bánkólé* (1909). Customary law remains flexible, evolutionary, and capable of adapting to changing circumstances. In addition, it is a generally acceptable norm by the people subject to it, as illustrated in *Èshúgbàyí Elékódó v. Government of Nigeria* (1931). Assent is supported by sanction, and the sanction is enforceable. Parties to a dispute subject to customary law are usually not strangers to each other. There is usually a social, marital, or tribal tie that binds them. Changes in customary law usually evolve from usage and are not declared by a repeal or amendment.

See also Law: Modern