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Use of Children in the Conduct of Hostilities: A Review

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Introduction

The first decade of the twenty-first century has been predominantly plagued with armed conflicts, particularly non-international in character. Remarkably, the dimensions of warfare changed towards the latter half of the century when international armed conflict became fewer and became replaced by conflicts of internal nature. In internal conflicts, the battlefield is not clearly marked and people are often caught up in the conflict either as victims or participants. Children fall into one of these categories. Over the last decade it is estimated that about 2 million children have been killed in conflict situations, over 6 million have been seriously injured or permanently disabled, and over 20 million children have been displaced by war within and outside their countries (Watkin 2012: 42).

For as long as people have fought in war, children have been shaped by its consequences. Whether through direct engagement in battle or by being injured by a stray bullet, whether owing to an absent or disabled soldier-father pushing the family into poverty or through a breakdown in law and order leading to

widespread sexual violence, armed conflict defines both the childhood and the future of its child victim. History points to the recurring and varied presence of boys and girls in warfare. Over the centuries, children were taken as slaves for sexual or economic purposes by the victor, armed to defend their flocks from enemy groups and given to warriors to be their assistants (Harvey 2010: 45).

Children are probably the most vulnerable group in any population affected by armed conflict. Orphaned or otherwise abandoned, they often have no choice but to seek safety, food and shelter with organised armed groups or criminal gangs (Meltzer 2016: 227). Despite many international human rights and humanitarian provisions for the protection of children in armed conflict, the sobering and often shocking reality is that these children are still too often the victim of grave violation of their rights. Armed conflicts and conduct of hostilities in contemporary times is often accompanied with recruitment, abduction and use of children. These children are particularly exposed to violence and other dangers of war. As combatants, they may become legitimate

military targets themselves (Doek 2011). According to a United Nations Children Emergency Fund report, children's predicaments in situations of armed conflict range from loss of life, abuse, imprisonment, conscription, emotional trauma, educational disruption to torture, injury, and distortion of values, illness, malnutrition and disability (Hampson 2008).

During times of armed conflict, all civilians enjoy equal protection under international humanitarian law. Thus, states have the primary responsibility to uphold the rights of all persons within their jurisdiction. International humanitarian law provides broad protection for children, and more specifically, in the event of armed conflict, either international or non-international, children benefit from the general protection provided for civilians not taking part in the hostilities. Non-combatant civilians are guaranteed humane treatment and covered by the legal provisions on the conduct of hostilities. Given the peculiar vulnerability of children, the Geneva Conventions of 1949 (hereafter GCIII and GCIV) and their Additional Protocols of 1977 (API and APII) lay down a series of rules for their special protection. Children who take direct part in hostilities do not lose that special protection. The 1989 Convention on the rights of the child and its Optional Protocol, in particular, also set limits on children's participation in hostilities.

Despite the various treaties guaranteeing the specific protection to children, at least 65,000 children, worldwide, were released from military and armed groups in the past decade (Abbot 2000: 499). Reports also have it that an estimated 17,000 children have been recruited in South Sudan since 2013 (Human Rights Watch 2016). In Yemen, 1,500 cases of

child recruitment were reported in 2015 (Tock 2013: 158). And in Nigeria, according to a United Nations Report, Boko Haram recruited about 1,650 children to fight in 2016 (UN News Centre). Estimates suggest that recruitment by and use of children in armed groups in the Central African Republic numbered between 5,000 and 7,000, twenty four percent of them being girls. As at the end of August 2017, 10, 848 children have been associated with armed groups in the country since 2014 (European Union Commission 2017).

The thrust of this paper is to examine the use of children in the conduct of hostilities. In doing so, it exposes the nature of contemporary armed conflicts, different uses and abuse of children in the conduct of hostilities and the specific protection given to children in the conduct of hostilities. The paper addresses pertinent questions such as: Who is a child? Does international humanitarian law permit the use of children in the conduct of hostilities? Is there a legal regime permitting the use of children in hostilities? What can be done to prevent and end the use of children in the conduct of hostilities? What strategies can be employed to further strengthen the protection given to children in armed conflict?

Nature of contemporary armed conflict

In the past century, open warfare between states has given way to internal armed conflicts often with support from outside the state. The alarming numbers of children involved in these conflicts is partly due to the evolving nature of warfare. A century ago, most conflicts were between nations and ninety percent of casualties were soldiers. However, today, the trend has changed with almost all wars being

civil and ninety percent of victims being the civilian population (Tock 2013: 160).

Armed conflicts innately represent the struggle of organised armed forces over assertive armed rebel groups in relation to the control of human and non-human resources. While both aim at gaining supremacy and asserting their exercise of power, the adversely affected include not just the directly involved but even the remotely connected. One such group is 'children' or 'persons below the age of majority'. Being vulnerable and impressionistic, they become influenced by the immediate, unmindful of their long-term physical and psychological implications (Vedantan 2013).

International humanitarian law recognizes two types of armed conflicts: international and non-international or internal armed conflict. Non international armed conflict refers to armed conflict taking place within the territory of a state and in which no other states participate. An example is protracted armed violence between the armed forces of a state and those regarded as dissident, rebel or insurgent groups. In non-international armed conflicts, indiscriminate attacks are likely to be launched against towns and villages, and of course mostly the same weapons are used. These might also have indiscriminate effects or might aggravate the suffering of the victims by their wounding effect (International Committee of the Red Cross 2009).

Most non-international armed conflicts are fought not only by regular armies but also by militias and armed civilians with little discipline and with ill-defined chains of command. Such clashes are in fact often guerrilla wars without clear front lines. Fighting

is usually intermittent, with a wide range in intensity. Home-grown weapons, such as machetes and spears, maim many in armed conflicts, but imported machine-guns, grenades, mortars and armoured vehicles kill many more (Dinstein 2016). In addition, there is usually some level of external involvement, whether in the form of arms supply to the warring factions, provision of military advisers or direct combat support for a particular side. On the other hand, there has also been a geographical shift in the territories where armed conflicts take place. It has been found that a good number of armed conflict now occur in developing nations (Bueren 1994).

A feature of twentieth century armed conflicts is that civilians have in many instances become more involved as combatants, as well as being the primary victims. This is so because more civilians are now involved in combat due to the easy availability of small arms and light weapons, which are inexpensive, reliable and simple to operate. In addition, since the end of the cold war, arms manufacturers have been aggressively promoting sales to developing countries to compensate for the fall in arms purchases by most industrialised countries (Khalizad and Lesser 2013). There are increasing risks to children because many internal armed conflicts are perpetrated on a tribal or zonal basis with the result that any person outside that group is regarded as the enemy.

Who Is a Child?

Children's rights became formally and explicitly recognised by the international community with the adoption of the Convention on the Rights of the Child (CRC) in 1989. With

over 192 ratifications, the CRC has become the most widely ratified international treaty. To this end, the Convention defines a child as every human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier. The Blacks' Law dictionary defines a child as a person under the age of majority, at common law, a person who has not reached the age of 14 (Garner 2009). The African Charter on the Rights of the Child defines a child as any human being below the age of eighteen years. The Nigerian Child Rights Act (CRA) 2003 which is a domestication of the CRC also defines a child as any person below the age of eighteen years. From the various local and international legal instruments, it would appear that a child is generally a person below the age of eighteen years, unless otherwise stated.

Uses of Children in Hostilities

Historically, children participated in wars as drummer boys, foot soldiers or ship's boys, but not all of them fought or endangered their lives. The alarming trend today is that children are widely used as soldiers during prolonged periods of civil war. They are no longer recruited as a last resort when adult fighters are in short supply, they are sometimes recruited first. Many child soldiers have been deliberately recruited, others abducted and some coerced into fighting to protect their families. Boys as young as six have been picked from schools and indoctrinated into "small boys" units. Boys have been kidnapped from poor districts of cities or from schools to replenish military forces. To lure children to fight, they are given amulets or "magic"

charms, and brainwashed into believing that they are fearless warriors who are protected from harm. In other cases, poor parents have offered their children to serve in wars as a means of family survival. Invariably, recruited child soldiers come from impoverished and marginalised backgrounds (Robinson 2012: 2, Frostad 2013: 73). Children are also tortured and raped to extract information about peers or parents, or to punish parents or simply for entertainment. Girls are sometimes obliged to trade sexual favours for food, shelter or physical protection for themselves.

Below is the testimony of a child soldier who was abducted from her village in Uganda at the age of eight years.

They used me first as a babysitter but, when I turned 12, I had to start training as a fighter. I think I was about 13 when I got my first child.

A little later, I was shot twice in the same leg. I became weak, but still I had to walk, carry the child, carry the weapon and fight. (ICRC 2010).

Over the past few decades, the recruitment of children by armed groups especially in Africa has become a serious humanitarian problem. In many situations children carry arms and actively take part in the fighting. They are also used in supporting roles such as carrying supplies or providing military intelligence that puts them in great danger. The need to protect children against use and abuse becomes imperative, as the use of children in the conduct of hostilities has serious humanitarian, psychological and social implications (ICRC 2010).

Causes and Effects of Child Recruitment

The assertion of control by insurgents over states, cities and towns affords them easy access to children for use in their ranks either through recruitments or forcible conscription. Serious social inequalities, the social breakdown caused by war, separation from adult caregivers, lack of access to education, displacement are some of the reasons that may compel minors to enlist in armies (Udombana 2016: 61) Ideology may play a role in enticing children to participate in hostilities. When a cause is fervently valued in the community, or when known family members are already fighters, children may also be tempted by the power and status that accrue to weapon bearers. Avenging the death of a relative may also be a motive. Often, these factors are linked to each other and have a cumulative force (ICRC 2009).

Poverty could also be a major force behind the use of children in hostilities. The physical and emotional wounds inflicted on children in armed conflict often continue until adulthood. Former child soldiers often carry heavy burden of guilt and suffer anxiety about their future. They may also find it difficult to part with the notion that violence is a legitimate means to an end (Tock 2016: 159). According to a United Nations Report, the impact of armed conflict on children is an issue in which everyone shares responsibility and a degree of blame.

Legal Framework for the Protection of Children in the Conduct of Hostilities

Children protection in armed conflict was one of the earliest concerns of International law on the rights of the child; however, as at then, the standards of protection were minimal. The 1907 Hague Convention on Respecting the Laws and

Customs of War on Land attempted to include the principle of respect for family life but it failed to consider whether children separated from their families as a result of war could be given additional levels of protection. In 1938, the International Conference of the Red Cross in conjunction with International Committee of the Red Cross and International Union for Child Welfare explored the possibility of providing protection for children under a convention. This resulted in the draft convention for the Protection of Children in emergency and Armed Conflict. Further work on the draft convention was submitted by the Bolivian Red Cross to the preliminary Conference of the Red Cross Societies for the study of the Geneva Convention and this resolution amongst other things recommended that provisions relating to protection of children should be included in the Geneva Conventions on the protection of civilians (Hamilton and El-Hajj 1997: 14).

In 1974, the United Nations General Assembly adopted the Declaration on the Protection of Women and Children in Emergency and Armed Conflict. Although this declaration was not legally binding on parties to a conflict, it succeeded in drawing international attention to the plight of women and children as victims of inhuman acts and to the importance of increasing protection for these vulnerable groups in internal conflicts.

The Geneva Conventions

The Geneva Conventions (GC) on the protection of civilians 1949 incorporates 17 articles of specific concern to children. It affords general protection to children as civilians and special protection for children living in both occupied and unoccupied

territories. According to Bueren (2016: 819), though the efforts of the GC in regulating the conduct of hostilities and codifying particular provisions relating to children are expansive, there are still lapses in the provisions of the convention. Firstly, the GC failed to prescribe the minimum age for child participation in hostilities. It also failed to provide additional protection for children caught up in internal armed conflict which has become prevalent in recent times (Krill 1992: 347).

Additional Protocol 1

The Additional protocols I & II provide protection for children against the effect of hostilities. Specifically, it regulates the participation of children in hostilities. Protocol I widened the protection afforded to children in international conflicts, stating that they shall be the object of special respect and be protected from any form of indecent assault. Parties to the conflict must also provide them with the care and aid that they require. Protocol I set the minimum age for recruitment by armed forces and for the direct participation of children, marking the first time the issue of child soldiers have been addressed in a binding international document. However, age fifteen years and not eighteen years was set as the minimum age for participation and recruitment.

Additional Protocol I has been criticised for its low standards in protecting children from warfare. The Protocol requires States to "take all feasible measures" to protect children from warfare. Such low standard has been described as capable of allowing a state party considerable freedom to evade the general prohibition. In addition, no minimum age limit was attached to the term "children" in Article 77(2). This

omission leaves open a wide ambiguity that states could exploit to their advantage. The state parties to the Protocol were obliged only to ensure that children do not take a "direct" part in hostilities. Qualifying the nature of participation in this manner fosters ambiguity and invites subjective interpretation by states (Ekwe-Madubuike 2005: 41).

Furthermore, it is futile to protect children only in cases of direct participation. Recent evidence shows that children who start their military engagement in a supportive role usually become active combatants. Furthermore, permitting any degree of participation whatsoever undermines the principle at stake. Whether children participate directly or indirectly, they are in danger. Even low level involvement, such as a messenger or menial camp attendant, exposes the individual to attack by the enemy.

Additional Protocol II

Protocol II was the first binding international document to solely address the conduct of parties in non-international armed conflicts, developing the basic guarantees enshrined in Common Article 3. However, its provisions are fewer and far less restrictive on conduct of parties to the conflict than those in Additional Protocol I and its application is restricted to conflicts, which fulfil the criteria laid out in Article 1.

Article 4(3) of the Protocol provides that; Children shall be provided with the care and aid they require, and in particular:

- (a) they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care;

(b) all appropriate steps shall be taken to facilitate the reunion of families temporarily separated;

(c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;

(d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of subparagraph (c) and are captured;

(e) measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.

Although Additional Protocol II was intended to supplement the Common Article 3 provision in the four Geneva Conventions on "non-international" armed conflicts, it also applies to conflicts not covered in Protocol I. These are defined in Article 1(1) of Protocol II as conflicts between state armies and "organised armed groups" which operate under a responsible command structure and exercise sufficient control over a portion of a state's territory to enable them to carry out sustained military operations.

Protocol II contains similar provisions of the child protection provisions contained in Protocol I. Under Protocol II, children are entitled to be provided with the care and aid that they require. They are entitled to education, to

be reunited with their families where they have been temporarily separated and to be removed from conflict zones to safer areas in the country. Additional Protocol II recognised that children need protection from being recruited by both government and armed opposition groups. However, as with Additional Protocol I, the minimum age for recruitment and participation in hostilities was set at fifteen years.

Protocol II is binding on states as well as armed opposition groups because it was intended to expand the scope of protection for victims in internal armed conflicts; however, it has been observed that with regards to the Additional Protocols, their application is limited because fewer states are party to the protocols than to the GC. The limited applications and legitimacy of the Protocols render the lesser age of fifteen years a limited legitimacy.

African Charter on Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child is a regional treaty which addresses the issues of child soldiers. It was adopted by the then Organization of African Unity in 1990 and came into force in November 1999. It defines a "child" as anyone below eighteen years of age without exception. Article 22(2) of the Charter provides that States parties to the present charter shall take all necessary steps to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child. Article 22(3) provides for children caught up in armed conflict as well as in tension and strife. The inclusion of this provision affords protection to children involved in lower levels of hostilities. The

African Charter on Rights and Welfare of the Child further gave more protection to children because it undoubtedly appears couched in stronger language - "take all necessary steps" - than the CRC, which merely asks states to "take all feasible measures" (Ekwe- Mabuike 2005: 41, Muzima 2017: 14, Frostad 2013: 74).

Convention on the Rights of the Child

Four general principles underpin the Convention on the Rights of the Child namely; non-discrimination best interests of the child, the right to life, survival and development and the right for children to have their views heard and given due weight in all decisions affecting them.

Article 38 addresses the issue of protecting children in times of armed conflict. It provides that:

(1) State Parties undertake to respect and to ensure respect for the rules of

International humanitarian law applicable to them in armed conflicts which are relevant to the child.

(2) State Parties shall take all feasible measures to ensure that persons who have

not attained the age of 15 years do not take a part in hostilities.

(3) State Parties shall refrain from recruiting any person who has not attained the age

of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, states parties shall endeavor to give priority to those who are oldest.

Article 38(2) can hardly be said to have settled the problem of children participation in hostilities because it merely repeats the

provisions of article 77(2), with all the ambiguities and failings of that article. Article 38 has also been described as an anomaly in using a fifteen year age minimum for child soldiers while in all other respects the CRC's general definitions of a child is any person below the age of eighteen. However, states in favour of the eighteen years age definition are free to interpret Article 38(2) in light of Article 41 of the CRC, which provides that any conflict between the provisions of the Convention and obligations under municipal or international law must be settled in favour of whichever rule gives the child the greatest protection (Ekwe-Madubuike 2011: 41).

This provision gives a leeway to states to adopt the age limit they find agreeable to them. It probably influenced states such as Nigeria and Australia who adopted the upper limit of eighteen years after ratifying the Child Rights Convention. The limitation of the CRC as regards child protection is that it regulates the conduct of states whilst leaving out non-state actors. It also fails to impose an absolute duty on States to ensure the care and protection of children during hostilities.

International Labour Organization (ILO) Convention 182

The protection of children from recruitment is provided for by ILO Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour. This convention applies to all children under the age of eighteen years and includes a list of the worst forms of child labour. Forced or compulsory recruitment of children for use in armed conflict is listed in Article 2 of the convention. Recommendation 190 which

follows also provides that member states should make such recruitment practices a criminal offence.

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

On May 25, 2000, the United Nations General Assembly adopted by consensus two Protocols to the Convention on the Rights of the Child: the Protocol on the Involvement of Children in Armed Conflict (Children in Armed Conflict Protocol) and the Protocol on the Sale of Children, Child Pornography and Child Prostitution (Sale of Children Protocol). On 12 February 2002, the protocols entered into force. These instruments represent major advances in the international effort to strengthen and enforce norms for the protection of the most vulnerable children, who desperately need the world's attention. The Children in Armed Conflict Protocol deals realistically and reasonably with the difficult issues of minimum age for compulsory recruitment, voluntary recruitment, and participation in hostilities. The Protocol raises the age for military conscription to eighteen from fifteen years, as stipulated under existing international law; it also obliges state parties to raise the minimum age for voluntary recruitment to an age above the current fifteen-year international standard; and requires states parties to take all feasible measures to ensure that personnel in their national armed forces who are not yet eighteen do not take a direct part in hostilities (Dennis 2000:789). As at December 2016, 166 countries had ratified the Convention and domesticated its provisions.

The Optional protocol specifically prohibits non-state armed groups from recruiting and using persons under the age of eighteen years and state parties are obliged to criminalise such activities. The Optional Protocol has been said to contain a number of weaknesses that undermine the protection they seek to provide. Under Article 1, the deployment of children under eighteen years in hostilities is prohibited, and states are required to take "*all feasible measures*" to fulfil this obligation. The vague and inexact meaning of the wording used has allowed states to enter declarations giving different interpretations to the word "*feasible*" in order to weaken the obligation on them to ensure children under eighteen are not deployed. The Optional Protocol's entry into force represents a great achievement on behalf of children, but is not a sufficient response to the human rights abuses suffered by thousands of child soldiers each day (Harvey 2010: 28).

Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (The Paris Commitments and Principles (2007))

The Paris principles and guidelines on children associated with armed forces or armed groups (Paris Principles) and Paris commitments to protect children from unlawful recruitment or use by armed forces or armed groups (Paris Commitments) were formally endorsed by fifty-eight states at a meeting in France in February 2007. Their drafting followed a review of the "Cape Town Principles and Best Practice on the prevention of recruitment of children into the armed forces and on

demobilisation and social reintegration of child soldiers in Africa", which had been the guiding principles on child soldiers since their adoption in 1997.

The aim of the Paris Principles and Commitments is to combat the unlawful recruitment or use of children by armed forces or armed groups. Their specific objective is to prevent the occurrence of this phenomenon, to secure the release of children concerned, to support their social reintegration and to ensure that they are afforded the greatest protection possible. In adherence with the Paris Commitments, states agree to uphold certain basic principles which will allow them to achieve the set objectives. The Paris Principles give more detailed guidelines on the implementation of the Commitments.

Is There a Legal Regime permitting the Use of Children Participation in Hostilities?

According to Breen (2007:71), the existing problem of children participation in hostilities is reflected in the development of international humanitarian law and international human rights law. The fluctuating definitions of childhood and adulthood in these areas of the law have resulted in inconsistent standards of rights protection afforded to children. The deviation between childhood and adulthood, and the permissible age limit for conduct in hostilities are most apparent in the existence of the child soldier, as it has posed and continues to pose numerous problems, such as drafting and enforcement. These difficulties are paradoxical because age is the defining factor in the implementation of children's rights. Happold (2009: 25) asserts that the recent increase in the use of child soldiers can be attributed to a

change in society's perception of when childhood ends.

Participation of children in hostilities brings two main issues into limelight. Firstly, should children be recruited into armed forces? And secondly, should children be allowed to participate in armed conflict in one form or the other? The four GC 1949 are silent on the recruitment of children into the armed forces, and on their direct or indirect involvement in military operations, but the AP I & II provide that in both international and internal armed conflict, age of fifteen is set as the minimum age of recruitment respectively. However, when recruiting children aged fifteen and eighteen, the higher limit should be recruited first.

Various arguments have been canvassed for and against child recruitment at the age of eighteen years. On the one hand, those opposed to fixing the minimum age at eighteen fall broadly into two categories. One category consists of certain states that wish to be able to recruit at sixteen years or seventeen years but the lengthy training involved means that the child recruit will in most instances be eighteen before he is deployed. The other category consists of states that assert that children should be allowed to join armed forces whenever they so desire. They claim that children should be allowed to participate in the defence of their country (Hampson 2008). This is regarded as a more important and worthwhile cause and being a soldier irrespective of the age of recruitment is seen as marking the transition from childhood to becoming an adult. They seem to have forgotten that the defence of one's country is better carried out with maturity and sufficient knowledge.

On the other hand, those opposed to

recruiting children argue that childhood and adolescence are critical stages in a person's psychological development, and traumatic events during these periods can have lasting consequences (Hampson 2008). States wishing to recruit those under eighteen years of age should be called upon to consider at least two consequences of their actions. Firstly, it is possible that younger soldiers are, for a variety of reasons, more likely to break the rules setting limits on the conduct of hostilities. The state has an obligation to prevent foreseeable violations of the rules. The very fact of recruiting such soldiers may represent a breach of International Humanitarian Law, which will only be exacerbated by any violations these soldiers go on to commit. Secondly, if it is the case that child soldiers have more psycho-social problems of adaptation after the conflict than child victims; states may be storing up problems with which they do not have the resources to cope when they surface at a later date.

It should then be asked if the provisions of the various laws on children have been so permissive so as to encourage the use of children in hostilities. It appears the existing provisions in AP I is replete with exhortatory, rather than mandatory, language. It fails to address a variety of issues. What constitutes taking "a direct part in hostilities"? It clearly includes fighting but it is not clear whether a messenger, cook or deliverer of ammunition would be included. The Article refers to recruitment. It is not clear whether, as a matter of law it covers every means by which a person may join armed forces. In particular, where a child is kidnapped and compelled to join or, at the other extreme, where a child simply joins a group of soldiers without going through any formal procedure, it is open to question whether

recruitment in any meaningful sense has taken place. As a matter of policy, it may be desirable to give the term as wide a meaning as possible, so as to include any process as a result of which a child joins armed forces. The equivalent provision applicable in high intensity non-international armed conflicts is expressed in stronger language. "Children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities." There is no mention of children between the ages of fifteen and eighteen years.

International Responses to preventing Child Involvement in Hostilities

International agencies and organization have attempted to prevent the use of children in hostilities through different mechanisms. One such is monitoring and reporting mechanism. This mechanism was established by the Security Council Resolution 1612 of 2005 to provide the United Nations Security Council with timely and reliable information on the six grave violations against children (Freeland 2008: 20). By this mechanism, a list of parties that commits violations against children is identified and an action plan is drawn up between the UN and the listed party containing concrete time based mechanisms to end the violations. A successful completion of an action plan leads to de-listing of the party.

In 2014, for the first time ever, the International Criminal Court (ICC) released its appeal chambers' decision in the trial of Mr. Thomas Lubanga for enlisting and conscripting children under the age of 15 years and engaging the children fully in the conduct of hostilities. The purport of the action taken by the ICC was

to help further stigmatize the crime of enlisting children in hostilities, thereby strengthening the sense of accountability for such crimes (Yuvaraj 2016: 69, Kononenko 2016: 90). Also in 2014, United Nations Children's Funds launched a campaign "Children not soldiers" to bring about a global consensus that child soldiers should not be used in conflict. The campaign was designed to generate political will and international support to stem the tide of using children in hostilities. Through this campaign and overwhelming support from the international community thousands of children have been released and re-integrated into the society (United Nations 2016). Through the efforts of the International Committee of the Red Cross (ICRC), on June 30, 2015, the Sudan People's Liberation Movement-North, a non-state armed group signed the 'Geneva Call Deed of Commitment' for the protection of children.

Strengthening Compliance with Humanitarian Principles and Protection for Children involved in Hostilities

Accountability is key in response to violations against children. Investigation should be conducted as soon as cases of child recruitment are established and those responsible should be held accountable for acts committed by children during their association with the armed group. There is the need to engage and include non-state actors in developing compliance norms and strategies. The international community must strengthen its resolve to ensure respect for international humanitarian law to forestall grave violations against children and other victims. Better acceptance of the principles and norms of humanitarian law should be promoted.

Efforts should be strengthened to achieve universal ratification of the Optional Protocol to the CRC on involvement of children in armed conflicts coupled with criminalisation of child recruitment and use in conflict. This should be further reiterated in states national legislation.

Children formerly associated with armed forces and groups need to be reintegrated into society. The physical end of conflict does not necessarily put a close to the experience of children whose normal way of life has been violence and aggression. Children who have been recruited and used carry the scars of conflict and effective reintegration is vital so that they can live full lives and contribute to a peaceful society. Former child soldiers experience trauma and stigma that can make it difficult for them to go back to their communities to begin or resume their education. As a result, some may have a hard time finding their place in the society once their ordeal is over. Girls even face more difficulties to be accepted back into their families and communities as they are often stigmatised or have added challenges if they bring a child home with them. Such is the case with the Nigerian Chibok girls. Without adequate reintegration and assistance to help children find ways to become productive members of their communities, these boys and girls may grow up to be rebellious and aggressive, or may contribute to the reversal of peace and development efforts. Community-based reintegration services that provide psychosocial assistance to children ought to be designed to help them reclaim their lives through educational and vocational opportunities, taking into account the particular needs of girls.

Conclusion

Nations have been called upon to put an end to the use of children in hostilities through agreement to end the recruitment and use of children by government forces including actions calling on the authorities to criminalise the recruitment and use of children. The recommendation is to ensure accountability for violations of children's rights, integration of age-verification mechanisms in recruitment procedures, release all children identified in the ranks of security forces and children's reintegration into civilian life. It would be useful if the IHL provisions and those in the Convention on the Rights of the Child on child soldiers were brought into line with one another. This way, it would be possible to envisage the prosecution of a person who allowed a child under eighteen to join armed forces or participate in hostilities that is unlikely to meet the need. Those states currently unwilling to see the age limit raised to eighteen years need to be persuaded as to its desirability and, in addition, through the monitoring and reporting mechanism, international agencies and organisations could examine reasons why children want to join armed forces and/or participate in hostilities, with a view to diverting the energies of such children along other paths.

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