

A BLEAK FUTURE, A WASTED GENERATION: CHILD SOLDIER IN AFRICA, ISSUES OF CONCERN

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ABSTRACT

The intra and inter-ethnic conflicts in Africa generated mainly by the vestiges of colonialism which include resource control, border dispute, etc, has continued to be a source of set back to Africa's development. Its consequence is also the threat to the continent's hope and future, the African child, who is not only affected by these wars as the victim, but also exposed as a combatant. In the aftermath of wars, demobilization and. reintegration programmes of child soldiers, key to the rebuilding of the lives of these children, are almost non-existent in the continent, while few peace treaties recognize the existence of child soldiers, or make provisions for their rehabilitation and reintegration into society. Many former child soldiers do not have access to the educational programs, vocational training, family reunification, or even food and shelter that they need to successfully rejoin civilian society. As a result, many end up on the street, become involved in crime, or are drawn back into armed conflict.

This work examines the use of children as combatants in conflict in Africa especially sub-Saharan Africa; it investigates the root causes of this phenomenon; the consequences as well as prospects for curbing the practice. The paper argues that the phenomenon is entrenched by the lack of adequate and functional International Laws and treaties dealing with the issue. It also argues that until the phenomenon is seen as crime against humanity and the culprit-leaders tried and punishment, the problem will not abate.

Key words: Conflict, Soldiers, Protocol, Crimes, Juvenile, Development

INTRODUCTION

The failure of dialogue in the management of intra state conflicts has heightened the resort to arms in the resolution of conflicts the world over. In some instances, these armed conflicts have lingered for decades and with it the consequences of such on the human capital development and that of the states in conflict. The incidences of conflicts have led to the loss of human and material resources necessary for nation-building and development. This alarming rise in the incidences of intractable conflicts has raised the interest of scholars in conflict resolution and management.

What has received little attention however is the plight of the most vulnerable in conflicts, women and children even though a threat to the future of the society. More alarming is the place of these children not only as victims, but also as combatants in such conflicts. Though a global phenomenon, the problem is most critical in Africa and Asia, but armed groups in the Americas, Eurasia, and the Middle East also recruit children. Despite the entry into force, in 1999, of the African Charter on the Rights and Welfare of the Child, the only regional treaty in the world that prohibits the use of child soldiers, about half of the world's child soldiers are in Africa,¹ The charter forbids member states to recruit or use children (anyone under 18 years) in a participatory role in any acts of war or internal conflicts.

Child soldiering stands out as a “unique and severe manifestation of trafficking in persons that involves the recruitment of children through force, fraud, or coercion to be exploited for their labour or to be abused as sex slaves in conflict areas.”² This recruitment of children and their use in hostilities takes place in one form or another in at least 86 countries and territories worldwide.³ In 1998 Brett and McCallin⁴ estimated that there were about 300,000 child soldiers under the age of 15 involved in hostilities throughout the globe. In fact in more than 40 countries around the world, more than 300,000 children below the age of 18 years are engaged in combat with governments and armed groups. These minors participate in all aspects of contemporary warfare. The young combatants wield small and light weapons like the AK-47s and M-16s on the front lines of combat. They also serve as human mine detectors, participate in suicide missions, carry supplies, and act as spies, messengers or lookouts.⁵ In contemporary times, the employment of children as little as eight as soldiers has been reported in about 33 on-going or recent armed conflicts in almost every region of the world.⁶ This includes unlawful recruitment by armed groups, forcible recruitment by government forces, recruitment or use of children into militias or other groups associated with armed forces, their use as spies, as well as legal recruitment into peacetime armies.⁷

THE CHILD AND CHILD SOLDIER: A DEFINITION

The Charter of the United Nations, which recognized the inherent dignity and the equal and inalienable rights of all members of the human family, is the foundation of freedom, justice and peace in the world. By this charter, the child is recognized as a member and part of the human family. Article 1 of the Convention on the Rights of the Child defines a child as “every human being under the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.”⁸

By this definition, a child is considered as a human being who is incapable of taking care of himself as a result of his age and as such needs special care, protection and assistance from his family as the smallest unit of society and the general society. Consequently, the need to extend this care to the child was codified in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights, in articles 23 and 24 in particular, in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and

other international organizations which are concerned with the issue of children's welfare.⁹ It is within this definition, that any infringement on the rights of a child is frowned at. Child soldiering as an aspect of child labour is an example of one of such infringements. Hence, in 1999, the United States government ratified International Labour Organization Convention 182, which recognizes the "forced or compulsory recruitment of children for use in armed conflict" as one of the worst forms of child labour.¹⁰ The phenomenon of child soldiering is so fundamental to both local and international conflicts that the 1977 Protocols additional to the 1949 Geneva Conventions provide for both situations that:

The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavour to give priority to those who are oldest.¹¹

Even for non international conflict such as civil wars, the 1977 Protocols additional to the 1949 Geneva Conventions also provide that: "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."¹²

Further, government forces, paramilitary organizations, and rebel groups who recruit and utilize child soldiers may have relied on their own definition and criteria based on the leeway provided them in the 1977 Protocols additional to the Geneva Conventions in their recruitment policies in civil war exigencies. However, the Cape Town definition sees a child soldier as "any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers, and those accompanying such groups, other than purely as family members."¹³ This definition is favoured by the international community and promoted by human rights and humanitarian organizations as the operational definition. In all, the following international conventions protect children in hostile situations: the Four Geneva Conventions (1949), the Additional Protocols I and II to the Geneva Conventions of 1949 (1977), the Convention on the Rights of the Child (1989), local agreements (e.g. the African Charter on the Rights and Welfare of the Child 1990), the Convention 182 of the International Labour Organisation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000).¹⁴

CHILD SOLDIERING IN AFRICAN CONFLICTS

For Africa, the future is extremely bleak when analyzed in the context of the use of child soldiers. Over seventeen countries are engaged or have been engaged in the use of children as combatants both by the government forces and their militia as well as rebel groups especially in civil war situations. In sub-Saharan Africa, over "120,000 children, some no more than 7 or 8 years of age are currently fighting in armed conflicts across Africa; Angola, Burundi, Congo-Brazzaville, the Democratic Republic of Congo (DRC) Ethiopia, Liberia, Rwanda, Sierra Leone, Sudan and

Uganda.”¹⁵ In Liberia, recruitment of children as combatants dates to the beginning of hostilities in the Liberian conflict in 1989 when the then NPFL rebel leader Charles Taylor invaded Liberia from neighboring Côte d’Ivoire, in a conflict that was rooted in historical grievances.¹⁶ In that conflict, characterized by brutal ethnic killings and massive abuses against the civilian population, Taylor’s NPFL created Small Boys Units (SBUs) in the 1990s for the children combatants.¹⁷ It also became infamous for the abduction and use of boys in war; blazing the trail and creating a model tactics which was later adopted by other Liberian fighting factions as well as other fighting groups in West Africa.¹⁸

Apart from the thousands of Liberians who were killed, subjected to torture, beating, rape and women sexually assaulted, there was a massive displacement and dislocation of people and families inside and outside the country. So many children were disconnected to their parents thus, leading to their kidnap and abduction, while some others ran to the rebels under pressure for protection and to avoid abuse by the combatants.¹⁹ It is estimated that between 6,000 and 15,000 children took up arms from 1989 when the conflict began to 1997, when ceasefire was negotiated.²⁰

By July 2000, when hostilities resumed following the election of Taylor as the president of Liberia, the main opposition rebel group against Taylor’s government, the LURD that invaded the country from Guinea into northern Lofa County was to re-invent the phenomenon in the protracted conflict. They forcibly recruited adults and children to join their ranks drawing from Liberians in refugee camps in Guinea as well as from areas of newly captured territory by 2002. Government forces were not left out as they also conducted conscription raids within areas in and around the falling capital, Monrovia.²¹ Indeed, In June and July 2003, with the LURD assaults on Monrovia, the urge to protect themselves and their families as well as loot, pulled more children into soldiering. For some families, this phenomenon became a survival strategy as children became the only source of income, using their guns to steal food and other household goods.²²

The civil war in Sierra Leone is described as a consequence of economic mismanagement, a lack of political and economic transparency, corruption, social exclusion of young people and the crisis affecting the Sierra Leonean youth.²³ Brett & McCallan, have conservatively estimated that between 5,000 and 7,000 child soldiers fought on each side of the civil war in Sierra Leone.²⁴ While Peters and Richards²⁵ believe that half of all combatants in the RUF have been between the ages of 8 and 14 years. A large number of them were killed, injured and mutilated in the course of the civil war.

Like the Liberian Civil War, the Angolan conflict has a history that traced it back to the 1960s during the struggle for the control of the country by the three nationalist groups after independence from Portugal. By 1975, when the country was finally granted self rule, the Movement for the Popular Liberation of Angola (Movimento Popular de Libertação de Angola, MPLA), took over government at the capital, while the two remaining groups opposed the MPLA government thus, commencing a twenty seven years of civil war between the MPLA government and the

largest opposition group, the National Union for the Total Independence of Angola (União Nacional para a Independência Total de Angola, UNITA)²⁶ In that conflict interjected by periods of negotiated peace between the government and UNITA, both the government and UNITA forces forcibly recruited children as combatants especially from 1998 in the post election of President Dos Santos of the MPLA who defeated UNITA candidate Jonas Savimbi. Against treaty obligations, armed forces on both sides subjected their captive children to torture and ill treatment, hazardous duty, and in the case of girls, sexual violence until the final return of peace in 2002, following the death of Savimbi.²⁷

The exact number of children abducted or conscripted for soldiering in Angola varied depending on which definition of the concept was adopted as the operational definition. However, an estimated 6000²⁸ children alone were employed by UNITA from 1998 though it is believed by the international community using the Cape Town definition, that thousands more than that number were actually involved. In all, both the rebel and the government forces were believed to have used an estimated 7000 child soldiers.²⁹ While this number reflected the militarily active, child protection workers estimated the number on both sides of these combatants and those used in noncombatant roles like porters, cooks, spies, and wives to UNITA soldiers at 11000.³⁰ In the Angolan conflict just as in that of Sierra Leone, Ethiopia, and Uganda, almost a third of the child soldiers were reported to be girls.³¹ The use of girls also as child soldiers was common. However, they were used more for house chores such as cooks, porters, domestics and in areas that were dictated by exigencies. One particular documented practice was the forceful marriage of these underage girls to the UNITA commanders, as the practice of the girl soldiers were more associated with the rebel UNITA group than the government forces. An investigation by a child rights expert in Luanda quoted the number of underage girls married to UNITA commanders at between 5,000 and 8,000.³²

Generally, the child soldiers in both the Liberian and Angolan conflicts ranged between 8 to 17 years and the treatment of these child soldiers both in the government ranks and that of the various rebel groups .remained the same. Apart from the early chores of carrying supplies and munitions, serving as spies, etc, nearly in all the cases, their role involved both dangerous and more precarious activities that could not be managed by people of their age as suggested by some of the former child soldiers themselves;

There we learned to fire, to take cover and how to kill. We were made to crawl under barbed wire while they were shooting at us; we were forced to advance towards the gun fire. This was to make us brave. I was assigned around the Iron Gate area. Sometimes we were made to man checkpoints. Other times we would go out on the front. During the fighting, I was very afraid. I killed many people, I saw friends dying all around me, it was terrible.³³

I was taken away in 1999 when I was thirteen-years old. At first, I was used to transport arms, supplies, and other materials. Later, I was shown how to fight. We shot with AK-47s and other weapons. I was the youngest in my troop of about seventy, children and adults. We were on the front lines and I was sick, with bouts of malaria and often not enough to eat. I was in the troop only because they captured me in the first place. This wasn't my decision.³⁴

The scenario in Chad seemed more complex because of the political dynamics of the conflict in the eastern part of the country which had assumed an international dimension, brewing a dangerous cycle of proxy violence. Unlike Liberia, Sierra Leone and Angola which could be regarded purely as civil war, the Chadian conflict apart from the internal angle also involved an external concern, the Sudanese conflict. However, no matter the nomenclature of the conflict in Chad, the common trend, the use of child soldiers in conflict situation in Africa, has also manifested its presence there. The Chadian National Army (Armée Nationale Tchadienne, ANT) had been struggling to defeat a Chadian rebel insurgency. This effort which seemed an uphill task for a militarily inefficient and ill-equipped national army had forced it in the fall of 2006 to recruit children as a matter of military survival.³⁵ Three overlapping patterns of violence exacerbated the incidence of child soldiering in eastern Chad: internal armed conflict between the Chadian government and rebel groups; cross-border militia attacks against civilians; and communal violence.³⁶ Thus, the proliferation of armed groups along the Chad-Sudan border zone and even the border with the Central African Republic, had led to the commission of serious crimes against civilians in Chad that may amount to war crimes and crimes against humanity.

Consequently, in Chad the culprits were not only the main rebel group, but also ANT-integrated rebel forces namely, the Front Uni pour le Changement (United Front for Change) (FUC), after the 2006 peace with the ANT, village-level self-defense forces, and two Sudanese rebel movements: the Justice and Equality Movement (JEM) and the G-19 faction of the Sudanese Liberation Army (SLA) who are sympathetic to the Chadian government. Indeed, both the government forces and the rebels recruited children as young as eight to serve as fighters and in other such roles as guards, cooks, and lookouts on the front lines of the conflict. However, the extent and magnitude of recruitment of children soldiers in Chad seemed to be insignificant compared to cases in Liberia, Angola and Sierra Leone. Similarly, the use of girl soldiers either as combatants, wives or any other role seemed to be rare in Chad, though the possibility of this may not be completely ruled out amongst the Sudanese rebels.

Elsewhere, in Uganda the conflict like all other ones in Africa is historical. The division of the country along the south and the north by the British colonialists was almost a repetition of the scenario in Nigeria, a situation that has continued to deteriorate into uncountable intractable crisis. As a matter of common practice, the post-independent African leaders continued to perpetuate this division in the conduct of their domestic politics. In Uganda, the post-independence politics of the country engendered a resemblance of the colonial period that led to political belligerence based on regional and ethnic lines. This practice however, was deepened by the introduction of a religious angle to it. The current conflict stemmed from the complex religious traditions of the Acholi people who inhabit Uganda's northernmost districts, and in the deeply-rooted ethnic mistrust between the Acholi and the ethnic groups of southern Uganda.³⁷ The Lord's Resistance Army (LRA), the main rebel force against the government of President Yoweri Museveni, while dominated by the Acholi ethnic stock, had perpetuated more of the miseries and brutality on the north and on their own Acholi people and Land than the government's National Resistance Army, (NRA) which was later rechristened the Uganda People's Defense Force, or UPDF. In any case, the warring parties

employed child soldiers in the conflict that has continued till contemporary time. Like in the case of Chad, the involvement of Sudan in the provision of aid to the Lord's Resistance Army, a party to the conflict also made it complex. However, as a strategy for its survival, the Lord's Resistance Army, LRA had recruited child soldiers into its camp, using countless conscription methods which ranged from abduction, brainwash and other forms of terror to force the children into combats.

In the DR Congo, the conflict that commenced in 1996, affected more the children than even the adult civilian and belligerents. The children were the target of violence, especially in eastern Congo. The 2002 agreement and the subsequent transitional government of national unity installed in 2003 gave a little ray of hope for the amelioration of the suffering of the children. In 2006, parliamentary and presidential elections which confirmed Joseph Kabila as president were organized as a basis for peace in eastern Congo. Indeed, the Goma agreement which followed raised greater hope that civilians would be protected. However, this hope was dashed as armed conflict continued in several parts of eastern Congo, and civilians, including many children, were killed, forcibly recruited as soldiers, raped, and subjected to other forms of violence and exploitation.³⁸

In the DRC, it is estimated that over 3,000 children are currently "associated with non-state armed groups and some units of the Congolese army, primarily in North and South Kivu provinces".³⁹ In April 2008, a report to the UN Security Council by the UN Secretary General observed the recruitment of Congolese and Rwandan children by the CNDP, Mai Mai groups⁴⁰ and other foreign armed groups such as the Democratic Forces for the Liberation of Rwanda (FDLR), a Rwandan armed group based in eastern Congo, some of whose leaders were culpable in the genocide in Rwanda in 1994, continue to be reported in the Kivus.⁴¹ However, the child soldiers most of whom were demobilized returned to their ranks for lack of adequate support as well as continued recruitment pressure by army units and armed groups.⁴²

CRIMINAL RESPONSIBILITY OF CHILD SOLDIERS

There have been growing debates on Criminal responsibility of child soldiers regarding war crimes in the international community and amongst scholars. Some argue that children should not be held responsible rather that criminal responsibility lies in the hands of commanders. Their argument are premised on the fact that child soldiers are too young to fully understand the consequences of their actions and do not intend to commit such atrocities during war. They believe that child soldiers commit these atrocities because they are forced to by commanders who threaten them with punishments. Furthermore, child soldiers are often drugged by commanders before they go into combat, which has the effect of desensitizing them to their actions.⁴³ While agreeing with the above argument, Vesselin Popovski, and Karin Arts⁴⁴ concede that children can be held accountable in ways that serve both justice and the child's interests in the short and long terms. To them not holding the child soldiers responsible at all may encourage military commanders to delegate the 'dirtiest' orders to child soldiers. In that way, a decision not to prosecute child perpetrators would indirectly expose child soldiers to more risks rather than protecting them.

Yet others argue that it is unfair to have child soldiers be discharged of all criminal responsibility since some children are aware of the consequences of their actions and show a lack of remorse for their actions. They believe that in such cases, children should face consequences for their atrocities, for they will not only be accepted back into their homes and communities with more ease but will also achieve more personal growth.⁴⁵ Milla Emilia Vaha, believes that criminal responsibility of child soldiers should be reserved for older children, especially those actively involved in combat, whether in paramilitary or governmental groups, not those in supporting roles. She premised her argument on the fact that if soldiers are moral agents with certain specific responsibilities for their roles as soldiers and if older children at least can be considered as moral agents, then, older child soldiers should be considered morally responsible combatants as well.⁴⁶ Furthermore, some fear that if child soldiers are not held responsible for their actions, they will not learn from the atrocities they have committed, as they have been desensitized to violent acts through their time in combat.⁴⁷

These debates are as a result of the Lacunas in the various international guidelines on proper conduct for juvenile justice. These legislations provide no protocols on whether child soldiers should face criminal charges for atrocities committed during combat and for the appropriate age at which child soldiers should be held responsible for their actions⁴⁸during war. Presently, there are about five sources of international legislation on this issue, they include; UN Convention on the Rights of the Child (UNCRC, 1989), UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines, 1990), UN Minimum Rules for the Administration of Juvenile Justice (Beijing Rules,1985), UN Rules for the Protection of Juveniles Deprived of their Liberty (JDLs, 1990), UN Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules), and UN Resolution 1997/30 – Administration of Juvenile Justice (Vienna Guidelines, 1997)⁴⁹ The five sources of international legislation on juvenile justice all prescribed certain conditions and judicial guarantees that would ensure that children received fair trial and punishments proportional to their status but were not categorical or specific on child soldiers. For the avoidance of doubt, below are the main focuses of the Juvenile justice laws:⁵⁰

Beijing Rules (1985)

This was the first set of legislation to look at the impact of the juvenile system with a child-centered focus. The Beijing Rules provide a set of guidelines as to how juvenile systems should conduct themselves. In particular, they emphasize the importance of having fair and just trials that ensure that children are properly punished and not given a sentence that far outweighs their crime. Furthermore, the Beijing Rules stress the importance of reintegration efforts, including education and employment opportunities.

UNCRC (1989)

This is considered to be the most important piece of legislation regarding juvenile justice, for all members of the UN have ratified it except for the United States and Somalia. Articles 37 and 40 of the UNCRC are most closely concerned with this issue. Article 37 states that “No child shall be subjected to torture, cruel treatment or punishment, unlawful arrest, or deprivation of liberty. Both capital punishment and life imprisonment without the

possibility for release are prohibited for offenses committed by persons below 18 years.” Article 40 states that “A child in conflict with the law has the right to treatment which promotes the child's sense of dignity and worth, takes the child's age into account, and aims at his or her defense. Judicial proceedings and institutional placements shall be avoided wherever possible.”

Riyadh Guidelines (1990)

These guidelines suggest creating community-based interventions that will prevent children from coming into negative contact with the law. They also state that children should not be given harsh punishments

JDLs (1990)

This legislation details the guidelines under which children can be deprived of their liberty. It states that if confinement to institutions is unavoidable, children should be held for the shortest amount of time possible and all other alternatives should be suggested first. It also states specific guidelines to help determine the amount of time that children can be placed under confinement.

Vienna Guidelines (1997)

This legislation provides an overview of the way in which different countries handle their juvenile justice system. It also provides information on how countries are working toward implementing national programs for juvenile justice that follow international guidelines. It finally addresses the guidelines that countries need to follow in order to have a strongly functioning juvenile justice system, drawing from the rules established in the CRC, Riyadh Guidelines, Beijing Rules, and JDLs.

Under international law within which purview criminalities in international armed conflict and internal conflict fall, children under the age of 18 years are regarded as minors and as such cannot be responsible for their actions though they might be perpetrators of atrocities and crimes as soldiers during conflicts. Indeed, the adults who force or permit participation of children in hostilities and under whose superintendence the minors are considered liable for their recruitment and should therefore be held responsible for the outcome. However, it has been argued that child soldiers are responsible, like any soldier, for violations of international humanitarian law, for which they can be held accountable.⁵¹ In such event, despite the child's status, either as a prisoner of war or a civilian internee, in an international or in a non-international armed conflict, the imposition of the death penalty for children younger than 18 years at the time the offence is committed is prohibited.⁵² This position is confirmed by Article 37(a) of the Convention on the Rights of Children which provides that states parties to the convention shall ensure that: No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age⁵³

As these debates rage on, there seemed to be a growing difficulty in finding a balance between the two major extreme points of view. As the United Nations Under Secretary-General, Hans van Ginkel, observed: “How best to deal with those involved, warlord and child alike, is a matter of importance for all UN member states.”⁵⁴ However, closer to this balance seem to be Milla Emilia Vaha’s view that child soldiers’ criminal responsibility in war crimes should be restricted to combatant adolescent child soldiers, at least if it is agreed that they are also moral agents. Yet defining adolescence in this regard may stand as one of the most difficult problems in contemporary international law.

CRIMINALIZING THE PHENOMENON, THE ROLE OF TREATIES AND STATE RESPONSIBILITY

Presently, the continuous use of children in combat throughout Africa has continued to raise calls for stricter sanctions on the perpetrators of the crime, both on individual and collective level. In spite of the extant treaties which include amongst others; Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2 1990, experience has shown that warring groups and in particular, government forces have all failed in their treaty obligations. Previous international standards had allowed children as young as fifteen to be legally recruited and sent into war. The definition set out by the Convention on the Rights of the Child (which was ratified by every government except the United States and Somalia) had generally set the age of a child at eighteen, but lowered the age to fifteen as the minimum for recruitment and participation in armed conflict, thus creating a contradiction and leeway for the perpetrators to operate. Hence the introduction of the Optional Protocol to the Convention on the Rights of the Child (CRC-OP-AC) on the involvement of children in armed conflict helped to correct this anomaly.

The new Child Soldiers Protocol institutes eighteen as the minimum age for persons to be allowed in direct engagement in hostilities, for mandatory recruitment, and for any enlisting or use in hostilities by non-governmental armed groups. Thus, it is technically an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.⁵⁵ The protocol was adopted unanimously by the United Nations General Assembly on May 25, 2000. Consequently, it was opened for signature.⁵⁶ By April 2004, 115 countries had signed it, and 71 countries had ratified it. As at 2008, about two-thirds of the world’s states have ratified the Optional Protocol, while some others have prohibited the employment of child soldiers in domestic law or regulations.⁵⁷

In Angola, Liberia and Sierra Leone the end of conflicts in the last one and half decades also brought an end to the massive recruitment of children by armed groups there. Similarly, peace agreements in Burundi, Côte d’Ivoire, the DRC and Southern Sudan delivered significant reductions in such recruitment. Despite some examples of progress, the bigger picture has remained largely unaddressed: the recruitment of child soldiers by armed groups remains widespread. This is because there is a contradiction between what governments say and their actions. For example, the responsibility of governments extends beyond their official armed forces to militias and armed groups which they support or which act as proxy forces. In Sudan, for example, responsibility for stopping the widespread recruitment of children in hostilities by the government-backed Janjaweed militias and the government’s support for

armed groups in Chad rests squarely with the Sudanese authorities. Similarly, the Chadian government's backing for armed groups in Sudan also render these governments responsible for the recruitment and use of child soldiers by these groups.⁵⁸ Similarly, Article 37(a) of the Convention on the Rights of Children affirms that despite the culpability status of children in an international or in a non-international armed conflict, the imposition of the death penalty for those younger than 18 years at the time the offence is committed which suggest their treatment as adversaries is prohibited. However, in some countries such as Burundi, children, some as young as nine, have been detained on suspicion of collaboration with the National Liberation Forces (FNL) while in the Democratic Republic of Congo, child soldiers have been charged with desertion and sentenced to terms of imprisonment for defecting or escape from armed forces while others convicted of military offences remained in prison under sentence of death, in contravention of international law.⁵⁹

By 2008, out of the 120 states that have ratified the Protocol, almost two thirds committed themselves in their declarations to set the compulsory and minimum voluntary recruitment ages at 18 or higher. However, a number of these states continue to assert their need to target 16- and 17-year-olds for voluntary recruitment into their own forces.⁶⁰ Treaty obligations under the Optional Protocol require states to take all feasible measures to give durable protection to children under-18s. Durable protection here refers to changing the conditions that facilitate recruitment or make it virtually inevitable, as is the case in situations such as the Central African Republic, Chad and Somalia.⁶¹ With the renewed attention however, by the international community on these issues, it is expected that these would change with more responsibility of governments especially to their treaty obligations.

THE ROOT OF THE PHENOMENON

Overtime, the phenomenon of child soldiering is worsened by some factors which are internal but not peculiar to the continent. Most significantly, are poor social conditions which are still prevalent in many African countries at war in contemporary times. Experience has shown that children may be more susceptible to recruitment as soldiers because of such social conditions, "as street violence, extreme poverty and a lack of support structures."⁶² "Ineffective government, the absence of legal protections for children and lack of effective institutions to enforce them, poverty, discrimination, political and social exclusion, lack of access to education and vocational training and limited livelihood prospects set the conditions for recruitment."⁶³ Indeed, these conditions, hastened recruitment into armed forces or rebel groups as demonstrated in this work as means of protection and social status, and of survival amongst others.

Similarly, registration at birth remains one of the basic rights of every child and is the first of many essential measures that a state must take to build a framework of protection around children.⁶⁴ However, while some states may be committed to a stated intention to recruit only those above the age of 18, the absence of measures to determine the age of recruits usually undermine these commitments. In sub-Saharan Africa for example, birth and death registration is encumbered by illiteracy, poverty, lack of adequate health care facilities, lack of data storage facilities etc. Low birth registration therefore is most prevalent in regions with these kinds of social and economic

condition; war-affected and heavily indebted poor countries. It is precisely in those countries with such conditions as in sub-Saharan Africa that children are most at risk of recruitment and use by armed forces.

Similar to this is the dynamic nature of conflicts. Scholars have argued that the proportion of intra-state civil conflict compared to inter-state conflict has increased over the last century.⁶⁵ The proliferation of these situations where the authority and legitimacy of the state is questioned and loyalty fragmented owing to internal collective violence⁶⁶ prepare the ground for the entry of children into the ensuing conflicts. The participation of the children is made much easier when these civil wars tend to be fought not so much with expensive and grandiose technology but with more easily available small arms.⁶⁷ As de Berry observed, Small arms make the process of killing less expensive and on a much larger scale, even children can handle many of the modern light weapons of war.⁶⁸ Richards argues that the phenomenon of child soldiers is inextricably linked to a crisis of the state. Making a case for Sierra Leone, Richards records young men with bright future conscripted into the Revolutionary United Front (RUF) rebel movement.⁶⁹ A crisis of the state which is often ethnic conflicts over power and scarce resources therefore, exacerbates child soldiers not only because of the prevalence of civil conflicts but also, in failing to create and bolster education and employment opportunities for young people. This remains a push factor for children who are easily recruited by rebel movements and provided with comparable opportunity, protection, and gains by simply being members of these armed groups.⁷⁰ Jo Boyden has pointed out that within the context of violence in Uganda, for example, children's participation in conflict can be seen as an appropriate adaptive strategy-, "an extremely practical survival mechanism" given that the armies they join provide them with "food, shelter, companionship, clothing and security, with some protection from actual combat for the youngest recruits"⁷¹ Laying credence to this view is a fundamental feature of these civil wars, which is, the making of civilian communities into battlegrounds as a strategy of securing political control.⁷² Consequently, as the tide of civil war takes over people's lives and homes, young people are forcibly conscripted and abducted into armed groups.⁷³ Equally, some scholars argue that the practice of recruiting child soldiers have continued because children make for cheap and obedient fighters, and are easier, because of their youth and inexperience, to mould into effective and expendable combatants.⁷⁴ De Berry⁷⁵ identified two levels that appear to frame the phenomenon of child soldiers, namely; a crisis of the state as manifested in civil conflict and the local social relationships that will influence the life of a child during a time of conflict. These two levels perfectly categorize the root factor of child soldiering in Africa.

IMPACT OF THE PHENOMENON ON THE CHILD SOLDIERS

In all of these cases of child soldiering and many more in Africa, the effect of these conflicts on the children as soldiers are unquantifiable. It is nothing short of a human tragedy. Indeed, it violates the fundamental human rights of children and prevents them from attaining the highest standard of health, education, and development. In her statement to the Third Committee of the U.N. General Assembly, Graça Machel, who headed the 1996 United Nations Study on the Impact of Armed Conflict on Children captured it all as she stated: "War violates every right of the child, the right to life, the right to grow up in a family environment, the right to health, the right to survival and full development and the right to be nurtured and protected, among others."⁷⁶

The stigmatization of child soldiers on the ground of atrocities they were forced to commit against their own family or neighbours hinders their return to their home community. Child soldiers are subject to ill treatment and sexual exploitation. They are often forced to commit terrible atrocities, and beaten or killed if they try to escape. They are subjected to brutal initiation and punishment rituals, hard labour, cruel training regimes and torture. Many are given drugs and alcohol to agitate them and make it easier to break down their psychological barriers to fighting or committing atrocities. Consequently, a lot of these child soldiers report psycho-social disturbances ranging from nightmares and uncontrollable angry aggression to strongly anti-social behaviour and substance abuse, even after their return to civilian life.⁷⁷

Similarly, apart from the social wounds, deep physical and psychological trauma that may linger for life, the child soldier may also project an image of violence and fear which may hinder his assimilation after demobilization into his family and community back home.

In case studies of Ethiopia, and Uganda, the Coalition to Stop the Use of Child Soldiers estimated that girls constituted up to one-third of child soldiers in these countries. This is because in most of the armed conflicts in Africa, girls are recruited by coercion for example, Angola, Uganda and Sierra Leone and, although most girl soldiers are found in opposition groups, there are some government armed forces that recruit them. Their special needs are not always provided for in disarmament, demobilisation and reintegration (DDR) programmes. In UN Security Council Resolution 1325, adopted in 2001,⁷⁸ the particular needs of female child soldiers were emphasized. This resolution reaffirmed the imperative of special attention by the international community to women's particular vulnerability during war, given the appalling nature of systematic sexual abuse and the use of rape as a weapon of war in some modern conflicts.⁷⁹

The impact of this phenomenon on girls especially are more pronounced because they are the group often sexually exploited, raped or otherwise abused, subjected to human trafficking and prostitution, and forced to be 'wives' by other combatants. The consequences of this oftentimes are physical and psychological trauma, unwanted pregnancies, sexually transmitted diseases (including HIV/AIDS) and social stigmatization.⁸⁰

Besides, the effects of child recruitment in conflicts are not only on the children, but also on the society. Children's lost years of schooling reduce societies' human and economic development potential. Many child soldiers grow up physically and psychologically scarred and prone to violence, increasing the danger of future cycles of conflict and damaging the chances of peaceful, stable democracy that are demonstrably linked to human and social well-being.⁸¹

Conclusion

For the society, an uncontrollable monster that would threaten the future is not only being created, but also nurtured. Though recent years of campaigning have both strengthened the framework for protection of children from armed

conflict, and altered general perceptions around the practice, the child soldier, with the mastery of the art of killing, looting and getting his way by the force of the arm may not be prepared for any other job in the post war period if not well rehabilitated than armed robbery and all sorts of societal nuisance. Indeed, these children are easy prey for unscrupulous elements in the society especially as thugs to the politicians who have perfected violence and rigging to get to political power and as easy recruits for rebel groups and subversive movements.

Of more significance is the long-term consequence this has for durable peace, security and development as well as the obvious loss of a whole generation of human resources akin to the era of the Atlantic Slave trade. The lessons from the latter explained Africa's backwardness and underdevelopment for more than six centuries, which have affected her human capital development and the associated losses. If nothing more concrete is done to this menace, there are obvious and disturbing consequences for the future of a continent that employs majority of its children as soldiers; a violent society, adults that face serious psychosocial trauma, the breakdown of families, even further spread of HIV and sexually transmitted diseases, young adults that have no formal education or skills training, and unemployment. While it may not be in the interest of Africa and Africans to repeat the mistakes of history, it is also not in the interest of the rest of the world to still nurse Africa's self inflicted injury. It is instructive to note that the rest of the world may not continually wait for Africa to meet up with it. Therefore, the time has come for the continent to decide on whether to empower this generation or waste it. Their pasts cannot be changed, but their futures can. This should be the concern of Africans at home and in the Diaspora.

Endnotes

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