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## EDITORIAL DESK

The Journal of Contemporary Issues in Nigerian Economy stands as a beacon of scholarly excellence, drawing upon a diverse spectrum of researchers hailing from the expansive West African region and beyond. This volume showcases 14 meticulously researched articles curated from contributors in Nigeria and the United States of America. The genesis of these scholarly endives can be traced back to the auspicious conference convened at the Lagos State University Makanjuola Lecture Hall, held in December, 2023.

These articles, characterized by their depth and precision, underwent rigorous scrutiny during the conference, with over 90 participants actively engaging in critique. Subsequent to this extensive quality assurance regimen and plagiarism checks, only 14 articles successfully met the standards set forth by the esteemed guild of the editorial team, in strict adherence to international best practices.

It is with great pleasure that the Board of Editors announces the second edition of the publication schedule of the journal. Our heartfelt congratulations extend to the authors whose papers demonstrated exceptional merit and successfully navigated the rigorous selection criteria. To future researchers, we extend our encouragement to strive for greater heights in their scholarly pursuits.

The Board of Editors appreciates the Vice Chancellor, Prof. Ibiyemi Ibilola Olatunji Bello, mni NPOM for providing the enabling environment for the conference and her directives to the editorial team for strong quality assurance measures. We believe in your leadership and concerted efforts at ensuring high standards for the journal publication.

Prof. M. O. B. Mohammed, FNAEAP  
Editor in Chief

## CONTENTS

The Dark side of Capitalism: Unveiling the day Slavery Epidemic <b>Abdul-wasi Babatunde Moshood, Nurudeen Olalekan Orunbon &amp; Grace Oluranti Faduyile</b>	- 1-9
Human Trafficking as Modern Slavery in Africa <b>Goodnews OSAH PhD &amp; Kelechi OBIAKWATA</b>	-10-19
Managing Teaching Profession for Brighter Rewarding Future: Panacea for Contemporary Slavery Movement of Nigerian Professional Teachers in Diaspora <b>Taofeek Olawale SHITTU PhD, PROF. Bolanle Adeyemi OLA &amp; Zacheaus Adeniyi SASA</b>	-20-26
Financial Institutions Roles in Modern Slavery: The Case of Nigeria <b>Babatunde Joel TODOWEDE PhD &amp; Mubashiru Olayiwola MOHAMMED</b>	-27-35
Fundamental Human Rights Implications of African Children in Armed Conflict <b>Olayemi Jacob OGUNNIYI &amp; Ajibola Samsideen SHEKONI</b>	-36-43
Religion as a Panacea for Combating Modern-Day Slavery in Africa. <b>Rev. Fr. Ignatius OKOLIGWE</b>	-44-48
Mitigating Modern Day Slavery in Africa Through the Promotion of Ethical Behaviour and Discipline in Educational Institutions. <b>Sherifat Titilayo IBRAHEEM</b>	-49-57
The Leeway out of Modern Day Slavery: Entrepreneurship Skills and Student Self-Reliance Programmes in Nigeria. <b>Mubashiru Olayiwola MOHAMMED, Taofeek Olawale SHITTU (PhD), Taiwo Sunday DAIRO, Shedrack Okiki AJIBOYE</b>	-58-63
Domestic Servitude and Suicidal Behaviour among University Students in Lagos State: Counselling Interventions. <b>Muyideen Babatunde TAHIR (Ph.D), Enitan Omolara FALADE (Ph.D), Olawunmi Ayodeji BADEJO</b>	-64-69
Diaspora Remittance, A Roadmap to Human Capital Development in Nigeria <b>Chigozie Pearl UNEGBU PhD, Olufunmilayo OYELUDE PhD, Ikhianosimhe AKO PhD</b>	-70-77
Digital Technology Usage and Human Resource Management Practices in Eradication of Modern-Day Slavery in Educational Institutions <b>Olusola Omotayo AKINTOYE</b>	-78-85
Education and Contemporary Slavery: The Case of Nigeria. <b>Bolanle Saidat LAWAL &amp; Babatunde Joel TODOWEDE PhD</b>	-86-95
Education as a Tool to Combat Modern-Day Slavery in Africa. <b>Anthonia Nwakaego ADEREMI &amp; Mubashiru Olayiwola MOHAMMED</b>	-96-104
Japa Syndrome: Lecturers Perception on Modern Day Slavery and Achievement of Sustainable Development Goals in Lagos State, Nigeria. <b>Ilamina Rachel JACKRICH, Samuel Olusola OYEDOKUN (Ph.D), &amp; Adewale Philip ADEDOKUN (Ph.D)</b>	-105-114

## FUNDAMENTAL HUMAN RIGHTS IMPLICATIONS OF AFRICAN CHILDREN IN ARMED CONFLICT

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### **Abstract**

*The involvement of children in armed conflict is a gross violation of the latter's rights and a critical issue yet to be addressed by scholars, state and non-state actors. This paper argues that in armed conflict, children are increasingly brought before the justice system, either as victims, and witnesses or to stand trial as defendants. Africa is one of the most conflict-prone regions with the highest number of child combatants. Three out of 10 African children live in fragile, conflict-affected regions or countries, and an estimated 12 million children are internally displaced throughout the continent. An estimated 12.6 million primary-school aged children are out of school in conflict affected states in Sub-Saharan Africa, with South Sudan home to the highest proportion of out-of-school children in the world. Furthermore, in South Sudan alone, more than 750,000 children were internally displaced, and well over 320,000 registered as child refugees, hundreds were killed, and more than 12,000 recruited and used by the government including opposition forces as child soldiers in armed conflict in 2014 and 2015. The paper through historical method of enquiry examines the implications of the violations of children's rights in conflict situation. The paper concludes that children's rights are unethically violated during armed conflict. It recommends means by which violated children can access justice.*

**Keywords:** Armed conflict, Children, Human rights, Justice, Violation

### **Introduction**

Africa is one of the most conflict-prone regions with the highest number of child combatants. Three out of 10 African children live in fragile, conflict-affected regions or countries, and an estimated 12 million children are internally displaced throughout the continent. An estimated 12.6 million primary-school aged children are out of school in conflict affected states in Sub-Saharan Africa, with South Sudan home to the highest proportion of out-of-school children in the world (51% of primary and lower secondary school aged children). In South Sudan alone, 750,000 children were internally displaced, 320,000 registered as child refugees, hundreds were killed, and more than 12,000 recruited and used by the government and opposition forces as child soldiers in armed conflict in 2014 and 2015 (Machel, 2009).

Protecting all children's rights, with the plight of African children in conflict situations are characterized by six grave child rights violations: recruitment into armed forces; killing and maiming; sexual and gender-based violence; attacks against schools or hospitals; abduction; and denial of humanitarian access. The trauma associated with witnessing acts of violence can have lifelong consequences, especially in the prevailing absence of psychological care. Family separation is rife which only exacerbates rights violations for children concerned. Despite strong international, regional, and domestic legal frameworks protecting children during armed conflicts, there is inadequate political commitment to effectively protect children from conflict and crises.

Noted also are weaknesses in existing laws and implementation of them, as well as the non-ratification of international laws in some instance. Against this background and for proper

understanding, this paper sets out to examine ways of protecting the rights of African children in armed conflicts and it has ten sections. First section is the introduction; second section talks about armed conflict: an overview; section three looks at the terminology of armed conflict; section four discusses historical perspective on children and armed conflict; section five reflects on children as victims, witnesses and perpetrators of crimes; section six argument is on children who commit crime/child victims and witnesses during armed conflict; section seven deals with the impact of conflict on children; section eight explain understanding children's right and agency; section nine highlights the main stakeholders: who is accountable? While the last section of the paper gives the conclusion and recommendations.

### **Armed Conflicts: An Overview**

Armed conflict is an enduring global plague, displacing an increasing number of people within their countries and across borders. If armed conflict is a political act, quantifying and analyzing it is political as well. Many of the tools used to measure the impact of conflict (such as body counts and battlefield injuries) are established under a traditional notion of war – which wars occur between States. The term 'armed conflict' covers a much broader spectrum of violence than does 'war' and is marked by a high level of fluidity and fragmentation. Significant trends in armed conflict in the past years include the deliberate targeting of civilians, the multiplication of armed actors not limited to States, increased and easier access to small arms and light weapons, the prolonged duration of conflicts, especially where natural resources are concerned, the inability of external actors to force a termination of hostilities and the linking of armed groups to illegal trafficking and criminal network (IISS, 2002).

Today, fighting is rarely carried out between uniformed soldiers from two national armies. With the decrease in international warfare and the growth of internal conflicts and urban violence, conflict has moved into the informal sector. Combatants rarely have uniforms, rations and a standard kit. Frequently, it is extremely difficult to identify who is fighting for whom. This confusion is strategic, as it allows individuals and combat units to operate more freely and with less risk of sanctions since the command structures are harder to identify and 'prove' (UNCTOC, 2000). Governments are criticized for "outsourcing" one-sided violence and other 'dirty' tasks to loosely affiliated and less accountable actors who often prove to be particularly brutal in their treatment of civilians (Ekaterina, 2009).

The rise of 'auto-defence', or self-defence, militias that emerge as a community level response to actions of armed groups or State forces is another dimension of today's conflicts. Significantly, these self-defence militias are often responsible for enlisting children. Examples can be found in the militias in Côte d'Ivoire; the militia groups in areas where the Lord's Resistance Army is present in the Democratic Republic of Congo and the Kamajors in Sierra Leone (United Nations Report, 2009). In resource rich countries, "the exploitation, trafficking and illicit trade of natural resources have contributed to the outbreak, escalation or continuation of armed conflict (United Nations, 2007). External factors, such as regional diplomats and international peacekeepers, do not often have sufficient leverage to end the fighting. Moreover, perpetuating armed conflict may be financially advantageous to a handful of powerful individuals and groups, often supported by foreign business interests (Paul, 2004)

### **The Terminology of Armed Conflict**

The definition of war becomes complex when different perceptions of war and armed conflicts are brought together. There is no universally accepted definition of 'armed conflict'. One can speak of different manifestations of armed conflict, such as international conflict, internal

conflict, terrorism and urban violence. This section of the paper will clarify the key terms in current usage. *International warfare* is a conflict fought between two (or more) Nation-States and their armies. In the technical sense, it is a formal status produced by a declaration of war (Yoram, 2001). It has been the form of armed conflict that was the main concern for the international community as a whole for centuries.

The breakup of the Soviet Union led to a shift in the global power grid, with the United States assuming the lone position of global leader, without the balancing power of the Soviet Union. This event, along with other factors, encouraged different groups to achieve their own autonomy, creating a proliferation of internal conflicts in the 1990s that would become of interest to the rest of the world. The most common form of warfare in the 21st century is *internal conflict*, which is extremely varied in both cause and conduct. It is generated by the actual use of armed force, which must be comprehensive on the part of at least one party to the conflict (Human Security Centre, 2007). It is difficult to apply international humanitarian law in such settings, despite some clear guidance in Article 3 of the 1949 Geneva Conventions and the 1977 Additional Protocol II, which is specific to non-international armed conflicts (Tony, 2005).

According to Ekaterina (2009) one-sided violence is a growing trend. Attacks on camps of displaced persons, bombings of markets, and massacres of civilians are examples. This violence has been witnessed in Somalia. Its use is a conscious choice to harm civilians, although it can have other objectives beyond just injuring or killing civilians. Its use may be intended to terrorize the population. *Terrorism* as Richard (2007) argues is a form of irregular warfare that entails the threat or use of violence against non-combatants, either by State or non-State actors. Its documented use dates back to the first century, when religious groups used it to pursue their agenda and later, when certain States used terrorism against their enemies. The threat of international terrorism by rebel groups in Europe, Africa and Latin America, as well as nationalist groups across the globe, has been acute in the 1960s and 1970s (Global Report, 2008). There is no internationally agreed definition of terrorism (CIDCM, 2009).

### **A Historical Perspective on Children and Armed Conflict**

History points to the recurring and varied presence of boys and girls in warfare. Over the centuries, children had been 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 (Human Rights Watch, 2009). Children have played a variety of combat-related roles throughout history. Ancient texts and images document boys among the fighters or even as a group of fighters themselves (Ancient Egyptian Art).

Ancient Romans used youth as a central component of their military force (David, 2005). There has always been debate about when a child is old enough to participate fully in hostilities. For example, the philosopher Plutarch alluded to an age restriction of 16. In the 19th century, boys were active on the battlefields, often as musicians, such as the drummer boys of the Napoleonic Era or the bugle players in the American Civil War. In the 20th century, boys were groomed both to play military support roles, as the roots of the Boy Scout Movement in the Boer War and the creation of the Hitler Youth in World War II attest, and to fight as frontline soldiers, as described by George Orwell in Homage to Catalonia (Bhavani, 2001). In the Democratic Republic of the Congo, the situation for Congolese children has been indeed disturbing, as the unjust and barbaric war imposed on the country by three of its neighbours continued to affect every level of their development. (Luke, 2002; Carlos, 2017).

### **Children as Victims, Witnesses and Perpetrators of Crimes**

In armed conflict, children are at great risk – as children in conflict with the law or as victims or witnesses of crime. Regardless of the circumstances, armed conflict denies children their

fundamental rights of safety, privacy, education and health (CRC, 2009). These rights ought to be accorded to all children, regardless of their role in armed conflict (UNICEF, 2002). According to the UN Convention on the Rights of the Child, a child is any person under the age of 18; however, national laws may stipulate an earlier age (CRC, 1989). Many groups involved in armed conflict argue that their survival depends on children assuming traditional adult responsibilities and, in this way, children may be encouraged or forced to become active in armed conflict and crime at a much earlier age (CSUCS, 2016).

### **Children who Commit Crime/ Child Victims and Witnesses during Armed Conflict**

In the past, a number of derogatory terms, such as 'juvenile delinquent', have been used to refer to children who are alleged to have broken the law. More recently, neutral terms, which avoid negatively labeling children, are preferred. Accordingly, the term 'children in conflict with the law' is used to refer to anyone under 18 who comes into conflict with the justice system, as a result of being suspected or accused of breaking the law. In times of peace, most children in conflict with the law commit petty crimes. In some countries, there are actions that are against the law if they are carried out by children, but not by adults. These laws are usually designed to tell children how they should behave. They are called 'status offences' because it is the status as a child that makes it illegal (UNICEF, 2002).

In other cases, the revenge motive is directed against police or armed forces that have abused children. While many children are forced or manipulated into committing criminal acts during armed conflict, other children make an intentional choice to become active in armed conflict. One way to understand the factors that lead children to choose to commit crimes in armed conflict is to consider push and pull factors (Daya, 2002). Push factors are those that allow children to escape something negative in their lives by joining an armed force or group and becoming involved in crime. Pull factors are positive rewards or incentives for becoming active in criminal activity (UNICEF, 2002). Most literature on children in armed conflict concentrates on protecting children from exploitation.

As a result, there has been a tendency to underestimate the importance of pull factors (Michael, 2007). Children, especially as they mature towards adulthood, make calculated decisions during armed conflict about how to access shelter, food, medicine and the best ways to keep themselves and their family members safe. Sometimes, the best, or the only, way to do this is to become active in armed forces or armed groups and to carry out crime (Mats, 2004). Children may see involvement in crime during armed conflict as a way to escape from a variety of negatives in their lives – abuse, boredom, physical insecurity, extreme poverty and the humiliation associated with personal or family victimization and shame (Michael, 2007).

Poverty is widely regarded as a root cause of many armed conflicts and it can amplify the impact of many other factors. Poverty increases children's sense of powerlessness, boosting the appeal of criminal activity. Poverty keeps many poor children out of school because, in many countries, school fees are required. Although poverty does not by itself cause children to commit crime, when combined with the other pressures discussed here, it can be an important contributing factor. Children are also involved in violent crime, either as a way to strike back at enemies or to terrorize areas that the armed group seeks to control (SCUK, 2006).

Given that children are still developing physically and emotionally, they are susceptible to victimization that might not happen to adults (Nadiat, 2008). Children who face added challenges due to special needs or severe victimization are even more vulnerable and deserve specialized support. It is now well established that children can be further victimized through police interrogation and court procedures, which do not always grant children the same assistance provided to adults (Nadiat & Terry, 2008)

### **The Impact of Conflict on Children**

The impact of armed conflict on children can be substantial and have long lasting repercussions on their physical, emotional and mental wellbeing. In some cases, warfare rages on and off throughout childhood, with girls and boys reaching adulthood never having known peace in their homeland. The denial of humanitarian access to children in conflict areas is often a great concern, as demonstrated in Somalia, Libya, Mali, Congo DR, Liberia, Sierra Leone, and Sudan. When denied humanitarian assistance, children are deprived of their right to survival and development, food, water and medication (IRC, 2015).

Conflict-related targeting of educational facilities (staff and infrastructure) has increased significantly since 2004, resulting in closures of schools and even the collapse of education systems (Brendan, 2007). Over 50% of all primary school-aged children who are not in school live in a 'fragile state'. Fighting disrupts a child's education, sometimes forever, as children struggle to find a way to attend the limited schooling options available during a crisis or to return to school at an appropriate level when it reopens (Terre, 2006).

### **The Main Stakeholders: Who is Accountable?**

During armed conflict, a child is surrounded by many actors, each of them playing a role in shaping and protecting the child. This section briefly outlines some major stakeholders responsible for the protection of children in conflict situation. The major stakeholders are at the family and community levels, national levels, international level such as United Nations General Assembly, UN Security Council, UN Secretary-General, UN Special Representative of the Secretary-General for Children and Armed Conflict.

Security Council Working Group on Children and Armed Conflict, Group of Friends of Children and Armed Conflict, United Nations Children's Fund (UNICEF), Office of the UN High Commissioner for Refugees (UNHCR), UN Department of Peacekeeping Operations (DPKO), UN Department of Political Affairs (DPA), UN Office for the Coordination of Humanitarian Affairs (OCHA), World Health Organization (WHO), World Food Programme (WFP).

### **Conclusion**

It is crystal clear that children are among the most vulnerable in all societies and must continue to be a focus of all international efforts. There is need for rehabilitation projects for child soldiers who had been involved in armed conflict in Africa. These projects should involve supported activities such as trauma counseling services, unaccompanied children's centers, child soldier demobilization and reintegration programmes, and community resettlement projects.

### **Recommendation**

This paper proffers the following measures necessary for the protection of children's fundamental rights:

There is need for regional human rights bodies, African governments, regional economic communities, and the international community to urgently elevate the Child Protection Agenda for children affected by conflict and to prioritize the protection of life and wellbeing of African children, specifically:

1. African Union to increase the realization of Agenda 2063 that envisions a peaceful and prosperous continent.
2. Regional Economic Communities to increase the collaboration amongst Member States and other AU human rights' frameworks to help strengthen preventative and responsive action towards conflict, and to condemn and prosecute sexual and gender based violence against girls, irrespective of the perpetrators. This also necessitates strengthening case

referral mechanisms and creating awareness of their existence.

3. African Governments to enforce inclusive social and protective systems that respond to every child's needs, whether in war or in peace. Emergency preparedness and resourcing for child-focused. Expenditure must be a priority.
4. There is need for the inclusion of children in Truth and Reconciliation Commissions. These processes do not only document abuses, but also provide an opportunity for children to tell their stories and participate in peace building and reconciliation. Truth and reconciliation processes can also acknowledge the huge impact that conflict has had on children (and other victims) and reinforce the importance of their role in society.

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