

# Breaking the Risk of Conflict Trap: Way forward for Limiting Child Soldiers' Phenomenon

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## Abstract

The recruitment and use of children in armed conflicts or child soldier phenomenon has inflicted much pain and suffering to thousands of children in many countries during recent decades. This article examines the pathway to protect children from predatory recruitment as well as the prevention of those who are already recruited from becoming trapped into further violence, generically termed as ‘conflict trap.’ In pursuance, the current law shall be applied as an instrument of social engineering to bring about the desired change towards the protection of child soldiers alongside the use of art and science of persuasion in promoting the ideas. Therefore, to accomplish the above desired social change, this article proposes three objectives: firstly, to explain the law in plain terms and present it as a valuable instrument designed to protect children in armed conflict situations; secondly, to enumerate the serious psycho-social impact to the mental health of the child, and the ensuing disruption of the cognitive and affective development of the child, that are often irreversible; thirdly, to present reintegration program that has transformed former child soldiers into international figures like Ishmael Beah. It is premised that these three objectives, if implemented in society, would be successful strategies in imputing the desired social change, which is to rally support for the elimination of child soldiering, thus diminishing some incentives for conflict perpetuation. Therefore, these strategies would help to prevent the recruitment and use of children in armed conflicts and in the long term will aid in the breaking away from conflict trap. As child soldiers in previous conflicts will be ready to resume fighting, limiting the impact of conflict traps becomes imperative to preserve a conflict free society.

**Keywords:** conflict trap, child soldiers, international legal framework, mental health, cognitive and affective development, reintegration program.

## 1. Introduction

### 1.1 Background of the Problem

The phenomenon of recruitment and use of children in armed conflict, known as “child soldiers,” is indeed a relevant area of research in the face of increasing armed conflicts. Actors to conflicts have found the use of child soldiers as the feasible solution to meet their immediate needs, little realizing the enormous dire consequences to the child, family, society, and the nation.

To bring child soldiering under control, international treaties containing specific Articles prohibiting the recruitment and use of children were adopted. The specific articles drawn from different treaties constitute the legal basis for regulating the recruitment and use of children in armed conflicts is referred to as the international legal framework (ILF).<sup>1</sup>

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<sup>1</sup> The international legal framework includes specific Articles drawn from: Additional Protocol I to the Geneva Convention 1949, Additional Protocol II to the Geneva Convention 1949, Convention on the Rights of the Child 1989. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. 25 May 2000, and the Rome Statute 1998.

The International Child Soldier Index, Carleton University, Pearson Resource Centre provides empirical evidence of the use of child soldiers.<sup>2</sup> Providing further evidence, it is reported that in 2017 there were more than 3,000 cases of recruitment by armed groups in Democratic Republic of Congo. At least 19,000 were under-18 and were believed to have participated in the conflict in South Sudan. In Central African Republic (CAR), since current conflict started in 2012, more than 14,000 children have been recruited.<sup>3</sup> Nevertheless, most authors maintain that there are approximately 300,000 child soldiers worldwide, which figure is traced back to Grace Machel's publication "The Impact of War on Children" of 2001.<sup>4</sup>

According to UN Secretary – General's Report for 2022, the highest numbers of grave violations were verified in the Democratic Republic of the Congo, Israel and the State of Palestine, Somalia, the Syrian Arab Republic, Ukraine, Afghanistan and Yemen. Total violations verified were 27, 180, the highest numbers of violations being killing (2,985) and maiming (5,655) of 8,631 children; followed by the recruitment and use of 7,622 children and the abduction of 3,985.<sup>5</sup> These children could have contributed to the development and progress of their society had they been given the same opportunity as those in conflict free, politically stable states. Unfortunately, today the recruited children are "just foot soldiers and tomorrow's organizers of conflict," having fallen into the conflict trap to continue their journey in war culture.

The complexity of the child soldier problem is clearly visible, yet it has not generated the degree of emotional attention and pragmatic urgency of corresponding magnitude. Much of the ongoing activity relating to child soldiers is confined to academics, NGOs, and activists. There is a big gap in terms of the involvement of States' policy makers, administrators, community leaders and everyone else who relates to child soldiers due to their lack of action. Perhaps, the "bystander" based violence prevention program could inspire the public and those in power to stop the recruitment of children.<sup>6</sup>

The misery and dire consequences of child soldiering does not end with the first recruitment. It is more likely to make the child soldiers become prey to the imploding phenomenon of "conflict trap" which has far-fetched implications.<sup>7</sup> Conflict trap instigates conditions that increase the chances of war breaking out again. The social process of existing war can lead to further violence, influence behavior and attitudes of the youths, and even ideology and reignite ancestral grievances. Children in conflict zones face the risk of recruitment as well as re-recruitment into the forces, either voluntary or coercion. Therefore, it is argued that children should not just be protected from initial recruitment but also fortified against becoming victims of conflict trap like process, expanding the concept per se.<sup>8</sup>

One possible counter measure to the conflict trap is the de-escalation of conflicts which means denying the procurement of child soldiers.<sup>9</sup> This is indeed a complex and formidable task to be deliberated by the policy makers and the state sovereign. Nevertheless, within context, the aim is to explore the possible pathway to protect children from recruitment and re-recruitment and prevent them drifting from victimhood to villain. The protection implied is inclusive, available to those who are taking part and to those who have taken part in hostiles.<sup>10</sup>

<sup>2</sup>The International Child Soldier Index, Carleton University, Pearson Resource Centre Index <https://carleton.ca/landonpearsoncentre/wp-content/uploads/Child-Soldier-Index-.pdf>

<sup>3</sup> Child Soldiers International Annual Report 2017-18.

<sup>4</sup> Glenn Kessler (2016) The Washington Post, The zombie claim that 300,000 children are used as child soldiers <https://www.washingtonpost.com/news/fact-checker/wp/2016/01/22/the-zombie-claim-that-300000-children-are-used-as-child-soldiers>

<sup>5</sup> UN Secretary General- Security Council, Children and armed conflict Report of the Secretary-General.(5 June 2023). A/77/895-S/2023/363. <https://documents.un.org/doc/undoc/gen/n23/144/96/pdf/n2314496.pdf?token=yoMGj2PMZsubzMgwxC&fe=true>

<sup>6</sup> "Bystanders" are defined as people who are present immediately before, during and/or after a violent event, but are not a perpetrator nor the intended victim. Bystander-based violence prevention programs seek to prevent or mitigate violent events by empowering bystanders to intervene on acts of violence and social norms that promulgate violence. See: Bush, Heather M., Samuel C. Bell, and Ann L. Coker, Measurement of bystander actions in violence intervention evaluation: Opportunities and Challenges, *CUTT Epidemiol Rep* 2019, 6(2): 208-214

<sup>7</sup> Hegre, Haavard and Strand, Havard and Gates, Scott and Nygard, Havard Mogleiv, (2011) The Conflict Trap APSA 2011 Annual Meeting Paper, Available at SSRN: <https://ssrn.com/abstract=1900679> (Armed conflict creates conditions that increase the chances of war breaking out again. This 'conflict trap' works through several channels: Conflicts (1) polarize populations and create deep resentments and build up the organizational capacity for future warfare, (2) undermine democratic political institutions, and (3) exacerbate the conditions that favor insurgency by increasing poverty, causing capital flight, destabilizing neighboring countries etc).

<sup>8</sup> Wood, Elisabeth. (2008) The Social Process of Civil War: The Wartime Transformation of Social Networks, *Annual Review of Political Science*, 11, 539-561.

<sup>9</sup> Collier, Paul; Elliott, V. L.; Hegre, Håvard; Hoeffler, Anke; Reynal-Querol, Marta; Sambanis, Nicholas. 2003. *Breaking the Conflict Trap: Civil War and Development Policy*. A World Bank policy research report; © Washington, DC: World Bank and Oxford University Press. <http://hdl.handle.net/10986/13938> License: CC BY 3.0 IGO."

<sup>10</sup> Paris Principles on the Involvement of Children in Armed Conflict 2007.

Inevitably, need to redirect focus on the law regulating recruitment of child soldiers. Past researchers, some of which are discussed in the 'Review of Literature' section below, have opined that the continued recruitment and use of children in armed conflicts is due to the insufficiency of the implementation and enforcement of the legal framework. Appropriately, every effort shall be made to address this gap. This will require vigorous promotion and dissemination of the legal framework. The art and science of interpretation and implementation should be on the model of law as tool of social engineering towards achieving the desired social good. Where feasible, domestic legislation to strengthen the protection of children from armed conflicts should be explored.

Conflicts manifest negative health-related consequences that are devastating to the child and the nation needs to be brought to society to generate public awareness. Impediments in the domain of cognitive and affective development of the child too must be highlighted.

It is explained that previous exposure to child soldiering "may increase both the willingness and opportunity to resume fighting in the post-conflict period. However, disarmament, demobilization and reintegration programs could decrease the recurrence."<sup>11</sup> Therefore, the role of reintegration and rehabilitation programs needs to be promoted to garner the much-warranted support.

Child soldiers refers to those taking part or have taken part in hostilities. Hence the protectionism aspired in this study is inclusive – protection before the conflict and prevention from further trapping into violence after recruitment. In both situations, the three proposed measures can be implemented to accomplish the desired goal. Some innovative strategies could be explored to specifically tackle the intricate problem of child soldiers who are freed from armed groups and who are vulnerable to re-recruitment by armed groups to serve as hired soldiers. The measures prescribed herein will not only protect children from recruitment but also from re-recruitment that can lead to more conflicts.

### *1.2 Statement of Problem*

The recruitment and use of children in armed conflicts has been a serious human right - humanitarian issue since the 70s during which the effects of decolonization<sup>12</sup> and Cold War<sup>13</sup> were felt most. There is a plethora of academic contributions on this subject matter inspiring more research, some of it is included in the 'Literature Review' section in this paper.

Yet, a feature that often remains underexplored is the social process of war which can transform the child soldiers' ideology, attitude and behavior making them vulnerable for re-recruitment for instigating a fresh conflict or prolong the existing conflict, labelled as "conflict trap." Child soldiers are also vulnerable to the socialization process including re-recruitment, radicalization, and criminalization. It is imperative that this issue is underscored to generate the necessary awareness and emotional response towards rejecting child soldiers.

The inclusive protectionism of child soldiers as conceived in this study, is oriented in an action plan consisting of three objectives. To begin with, the salient features of the international legal framework are promoted and presented as an instrument of social engineering to bring about realization of the desired social goal. If the need arises, states need to enact legislation to address the issues arising from the conflict trap.

Next, knowledge of the detrimental consequences of child soldiering needs to be brought to the society. The general psychological impediments arising from being a child soldier, a clear cause-effect relationship on how such impediments could be obstructive towards the child's optimum development would be highlighted. Besides, the devastating effects on the cognitive and affective domains too would be orchestrated. Intuitively, it is expected to develop intrinsic inhibition to the practice of child soldiers in view of the dangers arising thereof.

The strengths and benefits of the sponsored reintegration and rehabilitation programmed would also be discussed to provide assurance of the future return to the mainstream of the society.

Hence, by adopting this approach, it is possible to bring about positive change among the parents, teachers,

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<sup>11</sup> Haer R, Böhmelt T. (2015). Child soldiers as time bombs? Adolescents' participation in rebel groups and the recurrence of armed conflict, *European Journal of International Relations*, 22 (2) <https://doi.org/10.1177/1354066115581910> <https://journals.sagepub.com/doi/abs/10.1177/1354066115581910>

<sup>12</sup> Office of the Historian Decolonization of Asia and Africa – 1945 - 1960 <https://history.state.gov/milestones/1945-1952/asia-and-africa#~:text=Between%201945%20and%201960%2C%20three,from%20their%20European%20colonial%20rulers.&text=There%20was%20no%20one%20process,only%20after%20a%20protracted%20revolution.> Between 1945 and 1960, three dozen new states in Asia and Africa achieved autonomy or outright independence from their European colonial rulers. In some areas, it was peaceful, and orderly. In many others, independence was achieved only after a protracted revolution PAC Art.7 (1).

<sup>13</sup> The Westport Library, Cold War. <https://westportlibrary.libguides.com/ColdWar>. Between 1946 AND 1991 the United States, the Soviet Union, and their allies were locked in a long, tense conflict known as the Cold War

administrators, and the military leaders who would have been negligent on this issue. Breaking away from conflict trap for child soldiers in an inclusive process that needs implementation of the law and persuasion on the basis of facts and scientific evidence. Motivation through former child soldiers who are now successful citizens would act as catalyst as well.

### 1.3 Literature Review

Literature in this area of study is often pursued under the caption of child soldiers, focusing on specific areas like the analysis of the ILF, the survey of causes and consequences, and the exploration of reintegration programs.

The article by Hamilton<sup>14</sup> examines the international humanitarian law and international human rights law in relation to children's rights with the view of identifying gaps in the laws designed to offer protection for children. The main challenge today, according to the author, is to meet the challenges of a new war. Breen<sup>15</sup> reiterates that, the distinct levels of age categories provided for different situations has caused confusion. Waschefort<sup>16</sup> argues that "there is a very big gap between the existence of normative standards and strength of these normative standards" [...] "The standards are weak because the content of the norms fails to provide extensive protection";<sup>17</sup> and the other factor is the "bad drafting, or language that are weak" which complicates the application of the law. International laws are said to be inadequate and insufficient to manage the emerging threats arising from new wars. As pointed out by Kruper,<sup>18</sup> international laws, specifically humanitarian law does not necessarily keep up with changes in warfare, concurrently not able to prevent political power overruling UN and its laws. Put it differently, 'realpolitik' outweighs moral imperatives which the law is designed to protect.<sup>19</sup>

Additionally, Anwo outlines three main shortcomings in Article 77 of AP I: (1) division of minors into an under 18 and under 15 age group; (2) the use of the term "all feasible measures" rather than the more forceful term "all necessary measures"; and (3) limiting prohibition to those taking "direct part."<sup>20</sup> Similar issues relating to the need to raise the minimum cut-off age for recruitment to 18 years from 15 years, the discrepancy in the use of term voluntary and forced recruitment; interpretation of the terms direct part and indirect part; and the need to use more forceful language are discussed by authors including Margariti, S., Vite, S., and Hammerberg.<sup>21</sup>

Nevertheless, as Jaap Doek states that the international legal framework and its key international standards 'provide adequate tools for the protection of children in armed conflict- at least on paper'. It is further reiterated that full implementation is necessary for realizing the benefits of the law, and not just see the law on paper.<sup>22</sup>

Singer<sup>23</sup>, in his article 'Caution: Children at war,' having defined child soldier, traces the past, present, and future of the child soldier discourse has warned that the child soldier problem is evolving into a serious threat to global peace and security and needs to be addressed on a global front. Wessel<sup>24</sup> draws upon over 400 field interviews from Africa, Europe, Asia, and South America and has provided another comprehensive text where he highlights the dire consequences that the world would face if the child soldier issue went unchecked. Cohn and G.S. Goodwin<sup>25</sup> work

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<sup>14</sup> Hamilton, Carolyn, and Tabatha Abu El-Haj. (1997). *Armed Conflict: The Protection of children under international law*, The International Journal of Children's Rights, 5, 1-46. © 1997 Kluwer Academic Publishers, Netherlands.

<sup>15</sup> Breen, Claire. (2007). When Is a child Not a Child? Child Soldiers in International Law. *Human Rights Review*; 8(2):71-103.

<sup>16</sup> Waschefort, C.A. (2015). *International Law and Child soldiers*, Hart Publishing Oxford.

<sup>17</sup> The author is referring to 15 years minimum age limit, voluntary recruitment and the type of participation which still expose children to exploitation.

<sup>18</sup> Kruper, J. (2005). *Military Training and Children in Armed Conflict: Law, Policy and Practice*, Martinus Nijhoff.

<sup>19</sup> Callaway, Anthony Leonard. (2009). A century of Child Soldiers. A critical review of their impact on land forces. Retrieved from King's Research Portal at <https://www.kclpure.kcl.ac.uk/portal/>

<sup>20</sup> Anwo, Joel Olasunkanmi, Olugbemi Fayula. (2007) Child Soldiers Phenomenon and the Response of International Law, 7, ISIL Y.B. Int'l Human. & Refugees L. 88

<sup>21</sup> Margariti. (2011). The Deficiencies of the International Legal Framework in the Protection of Children from Recruitment and Use in Hostilities, *UL Human Rights Review*, 4, 90-109; Vite, Sylvain. (2011). Protecting Children during Armed Conflict: International Humanitarian Law. *5 Hum.Rts. Int'l Legal Discourse*, 14; Hammerberg, Thomas. (1990). The UN Convention on the Rights of the Child – And How to Make it Work, *Human Rights Quarterly*, Vol.12, No 1, 97-105.

<sup>22</sup> Doek, Jaap. (2011). The international legal framework for the protection of children in armed conflict. *Disarmament forum*. Retrieved from [http://www.operationspaix.net/DATA/DOCUMENT/6360~v~The\\_International\\_Legal\\_Framework\\_for\\_the\\_Protection\\_of\\_Children\\_in\\_Armed\\_Conflict.pdf](http://www.operationspaix.net/DATA/DOCUMENT/6360~v~The_International_Legal_Framework_for_the_Protection_of_Children_in_Armed_Conflict.pdf)

<sup>23</sup> Singer, P.W. (2002). *Caution: Children at war*, Parameters. Winter.

<sup>24</sup> Wessels, Michael. (2000). How We Can Prevent Child Soldiering, *Peace Review* 12(3), 407-413.

<sup>25</sup> Cohn, I., and G.S. Goodwin-Gill. (2003). *Child Soldiers: The role of children in armed conflict*, Clarendon Press, Oxford.

covers a wide range of issues from the reasons for recruitment, prevention of recruitment, consequences of participation and to the measures needed to protect child soldiers.

Immersing a child into violence can result in serious developmental problems. A study conducted in Uganda on former child soldiers' reports that 33 percent had post-traumatic stress disorder (PTSD) and 36 percent of the total sample of 330 had major depressive disorders. Overall, 61 percent had behavioral and emotional problem above the standard clinical cut-off point.<sup>26</sup> In another study undertaken in Sierra Leone it has been reported that children who killed or hurt people during conflicts exhibit greater levels of depression, anxiety and hostility.<sup>27</sup>

Another study in Uganda on the consequences of child soldiering reported that the participation of children has both economic and educational impacts: "schooling falls by nearly a year, skilled employment halves, and earnings drop by a third".<sup>28</sup> Child exposed to continuous violence, as in the case of child soldiering, prevents the optimum growth of an individual child to develop into a productive youth as well as contribute to the development of the society.<sup>29</sup> This practice, more specifically in third world countries, further impoverishes society while thwarting progress and development of the nation.

Another sphere of literature that is found to be relevant includes articles on "conflict trap" and instrumentalism. Collier's article provides an excellent description of the concept of "conflict trap" that is so vital in the discussion on child soldiers. Accordingly, war obstructs development, while development can prevent social and economic disasters. This vicious cycle of war related violence puts countries under constant threat of war and countries become caught in a conflict trap. The international community could do more to prevent conflict trap rejuvenation. Intriguingly, it is often stated that: "*let them fight it out among themselves*" and that "*nothing can be done*" because *civil war is driven by ancestral ethnic and religious hatreds*"<sup>30</sup>

Another concept cutting across this essay is "instrumentalism". Tamanaha explains two core ideas, the rule of law and legal instrumentalism which predominate the US legal front. Legal instrumentalism is described as a means to an end or an instrument for the social good or an instrument to direct social change.<sup>31</sup> Hence, law can be used to bring about the aspired social change to reject the practice of recruitment of children in armed conflict. Dror has asserted that law is "one of the more important devices used to initiate and control directed social change."<sup>32</sup> Obiamaka has reiterated the use of law as a tool of social engineering to develop policies and action plan for the protection of children.<sup>33</sup>

CRC, which incorporates the fundamental ruling for the protection of children in armed conflicts has received universal ratification (196/197) confirming the acceptance of the standards and overall drafting. States are not constrained from making domestic laws that are more protective. Hence, as recurrently stressed in literature, the lack of implementation is the root cause for the uncontrolled recruitment of child soldiers. Appropriately, this article proposes methods to improve implementation among other areas that have been identified.

## 2. Research Method

The aim of this article is to interpret and present the ILF in the most attractive and assimilative form with the view that the law would become internalized creating awareness of the dangers to personal health of the child and the threat of engulfing the state into further wars leading to devastation of nations.

In this perspective, this study has deliberated three general areas: first, the presentation of the legal framework;

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<sup>26</sup> Klasen, F., Oettingen, G., Daniels, J., & Adam, H. (2010). Multiple Trauma and mental health informer Uganda Child Soldiers: Journal of Traumatic Stress. 23(5), 573-581. Di:10.1002/jts.20557.

<sup>27</sup> Betancourt, T.S., Bensova, I.I., Marie & Williamson, J. (2011). Sierra Leone's Child Soldiers: War exposures and mental health problems by Gender Journal of Adolescent Health. 49(1), 21-29, doi:10.1016/j.jadohealth.2010.09.021

<sup>28</sup> Blattman, Christopher and Annan, Jeannie. (2010). The Consequences of Child soldiering, The Review of Economics and Statistics, 92 (4), 882-898

<sup>29</sup> Akbariavaz, K., & Tehrani, P. (2020). The role of international law in protection against attacks on children's education rights in armed conflict. Journal of Politics and Law, 13(3), 90-108. Roos Haer (2019) Children and armed conflict: looking at the future and learning from the past, Third World Quarterly, 40:1, 74-91, DOI: 10.1080/01436597.2018.1552131

<sup>30</sup> Collier, Paul; Elliott, V. L.; Hegre, Håvard; Hoeffler, Anke; Reynal-Querol, Marta; Sambanis, Nicholas. 2003. Breaking the Conflict Trap: Civil War and Development Policy. A World Bank policy research report; © Washington, DC: World Bank and Oxford University Press. <http://hdl.handle.net/10986/13938> License: CC BY 3.0 IGO."

<sup>31</sup> Brian Z. Tamanaha, How an Instrumental View of Law Corrodes the Rule of Law, 56 DePaul L. Rev. 469 (2007) Available at: <https://via.library.depaul.edu/law-review/vol56/iss2/12>.

<sup>32</sup> Dror. Y (1968-59). Law and Social Change, Tulane Law Review, 33, 787.

<sup>33</sup> Obiamaka, U. (2021). Advocating the Prevention of Violence against Children in Nigeria, Nnamdi Azikiwe University Journal of International Law and Jurisprudence, 12 (1), 90-98.

second, the iteration of consequences of exposing child soldiers to violence and militarized living conditions and the effects of child soldiering to the cognitive and affective domains; and third, the role reintegration programs in rehabilitating former child soldiers.

The first area which involves analysis of treaties engages the ‘doctrinal method’ or the ‘black-letter approach’, the dominant form of methodology in legal research. The legal framework is analyzed to appraise qualitatively whether the law fulfills the purpose and objective for which it is adopted.<sup>34</sup> The purpose of doctrinal approach is to gather, organize and describe the law, provide commentary on the sources of law used, in this case how sufficiently is the doctrine of child protection is accomplished.<sup>35</sup> The salient features of the legal framework can be highlighted to persuade compliance. For example, the choice of the minimum cur-off age of under 15 and under 18 as the upper limit could be understood and adhered to without resistance. The neutrality and functionality of the law could be better understood without being influenced by adverse comments on the law.

However, in answering a difficult question relating to the application of the law, for example, why not set straight - 18 as the absolute recruitment age instead of the current minimum age of under 15, factors such as the demography, culture, socio-economic capacity, and military necessities must be taken into consideration. Secondary sources including case studies, NGO Reports and scholarly reports need to be consulted as well. This entails the use of sociological methods leading to a hybrid approach of law and sociology.

By analyzing data on the age of active child soldiers in conflict zones it would be possible to decide whether increasing the age limit would be helpful to control the recruitment of child soldiers. Additionally, statistics on the availability of birth registration facility in a particular state and the method of determining the age of the child will be useful in making a decision whether any change to the recruitment age would be productive. Through this process of evaluating the law against the sociological background, the interpretation and application of the law can be justified and implemented without having to change the law as suggested by some authors. Law operates in society and the sociological factors guide its interpretation.

The second and third objectives relating to the consequences of child soldiering and reintegration, respectively, shall be mainly descriptive with reference to reports by relevant agencies, scientific studies, and program evaluation reports and biography.

To meet the purpose of this study, law need to be promoted as an instrument to serve the social good, which is to protect the best interest of the child and protect the public, and social interests of the society.<sup>36</sup> Dror has asserted that law is “one of the more important devices used to initiate and control directed social change.”<sup>37</sup> To succeed in protecting children from recruitment and further avoid the risk of falling into the conflict trap, the phenomenon of child soldiers must be understood in the correct perspective. The law serves the social good and must be supported.

### 3. Breaking away from Conflict trap

Intuitively, everyone is aware that children should not be exposed to armed conflicts as “historical evidence shows that conflict causes enormous suffering and has substantial economic and social cost.” These effects persist in the aftermath of conflicts “making it difficult for the affected population to escape the conflict trap.” Nevertheless, in the context of this study relating to child soldiers, the danger faced by the children includes re-recruitment, radicalisation into ideology, involved in insurgency, banditry, and similar criminal activities. The issue of conflict trap, often not given much emphasis, is underscored in this study to highlight this collateral damage arising to children and the need to take cognizance.<sup>38</sup>

Therefore, while addressing the protection of children from recruitment, it is imperative to consider the risk of re-recruitment as well as their vulnerability to conflict trap. This could give new vigour to the global efforts to eradicate the phenomenon of child soldiers. Nevertheless, these are interrelated and are essentially pivoted in the implementation and enforcement of the legal framework. However, from historical evidence, this process of

<sup>34</sup> Chynoweth, P. (2009). A Legal Scholarship: A discipline in Transition. *International Journal of Law in the Environment*, 01 (01).

<sup>35</sup> The main sources of law are: Article 77 (2) of the Additional Protocol I, Article 4 (3) Additional Protocol II to the Geneva Convention; Article 38(2) of the Convention on the Rights of Child and Article 4 (3) (c) xxiv of the Optional Protocol RCR and Article 8 of the Rome Statute.

<sup>36</sup> Brian Z. Tamanaha, How an Instrumental View of Law Corrodes the Rule of Law, 56 *DePaul L. Rev.* 469 (2007) Available at: <https://via.library.depaul.edu/law-review/vol56/iss2/12>.

<sup>37</sup> Dror. Y (1968-59). *Law and Social Change*, Tulane Law Review, 33, 787.

<sup>38</sup> Rohner, Dominic. (2022). "Conflict, Civil Wars and Human Development," *Cahiers de Recherches Economiques du Département d'économie* 22.08, Université de Lausanne, Faculté des HEC, Département d'économie.

implementation is the most challenging and is the cause of the continued recruitment or re-recruitment of children. In order to further energise the implementation process, the enormous threat arising from children falling into the victim trap is conflated alongside other dire consequences of child soldiering. To reinforce the obligation to protect child soldiers who are freed, the interview with the Sabrina Cajoly, coordinator of the Working Group for the Protection of Children explains the position of child soldiers.

In 2016, more than 2100 children who came out of armed groups were still waiting for reintegration. Alongside, many more “vulnerable” children affected by conflict by way of the Paris Principle who should benefit from the same support as others for whom such integration is inclusive. More than 4500 children from armed are still waiting for complete reintegration, because of a lack of funds. This verifies the inclusiveness of protecting even child soldiers who are freed or left the forces who are eligible for States’ assistance.<sup>39</sup>

Another novel step is the advocacy of the social engineering theory to spur the implementation. The concept of law as an instrument of social engineering to bring about the desired social change shall be advocated in presenting the law. Alongside, knowledge relating to the serious consequences to the health, physical, mental, and social development of the child would be presented in the manner to instigate the discard of child soldiering practice. Children should be assured of societal support through the sponsored reintegration and rehabilitation programme to enable them to return to the mainstream of the society. It is believed that this integrated approach can protect children from recruitment and minimise their vulnerability to conflict trap. The vision is reflected in the slogan “Children, Not Soldiers.” Blocking the recruitment of child soldiers and preventing their subsequent use for continuing the conflict are correlative. Breaking away as conceptualised in the context of this article is pivoted on the pragmatic implementation and enforcement of international legal framework alongside the art and science of persuasion for change of heart and mind. Hence, it is appropriate to begin with the analysis of the international legal framework.

### *3.1 International Legal Framework*

ILF that is being applied to prohibit the recruitment and use of children in armed conflicts constitutes specific article drawn from (IHL), (IHRL), and (ICL) treaties.<sup>40</sup> The concept of ‘triad’, embedded in many traditions, is also apparent within ILF that possibly could impute triple engine strength.

Interpretive guidelines of the Vienna Convention of the law of Treaties (VCLT), particularly, Articles 31, 32 and 33 provide the relevant guidance in interpreting treaty law.<sup>41</sup> At first level of interpretation, the ordinary meaning of the terms govern unless it is found to be ambiguous, obscure, absurd or unreasonable. Only then, the supplementary means of interpretation would be applicable thereafter. The discussion below has focused on the fundamentals of the law, adherence of which could make a world of difference in the recruitment of children. The section shall begin with the discussion of the relevant treaty articles from the fields of IHL, IHRL and ICL.

#### *3.1.1 International Humanitarian Law*

##### *3.1.1.1 Additional Protocol I*

Founded on the principles of humanity, impartiality, and neutrality, IHL seeks to limit the effect of armed conflict. While restricting the means and methods of war, IHL pursues the noble humanitarian task of protecting persons who are not or no longer participating in hostilities.<sup>42</sup>

The principles of humanitarian law are contained in the Four Geneva Conventions of 1949 (GC 1949) and have been adopted universally. However, provisions specific to protection of children in armed conflicts are contained in the Protocols supplementary to the Fourth Geneva Conventions 1949. The first Additional Protocol (AP I) is applicable in international armed conflicts while the Second Additional Protocol (AP II) is applicable in internal

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<sup>39</sup> UNICEF. (2017). Press Release, 6 questions about the issue of child soldiers in DRC. For the International Day Against the Use of Child Soldiers, Sabrina Cajoly, coordinator of the Working Group for the Protection of Children, answers six questions about children in the forces and armed groups in the DRC(10 Feb 2017 by JUSTINE MOUNET)

<sup>40</sup> Note 1 above.

<sup>41</sup> VCLT Article 31(1). A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.

<sup>42</sup> American Red Cross (2011). Summary of the Geneva Conventions of 1949 and Their Additional Protocols [https://www.redcross.org/content/dam/redcross/atg/PDF\\_s/International\\_Services/International\\_Humanitarian\\_Law/IHL\\_Summary\\_GenevaConv.pdf](https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_Summary_GenevaConv.pdf)

armed conflicts.<sup>43</sup>

Additional Protocol I prevent the recruitment of under 15 children in armed conflicts in pursuance of the customary international norm that entitles children to protection from all forms of cruelty - Article 77 (1).<sup>44</sup> Article 77 (2) has two parts embedded with specific elements of protectionism. The First part imposes the burden of responsibility to refrain from recruiting children under the age of 15 years and abstain from permitting them from taking direct part in hostilities [*“to take all feasible measures in order that children who have not attained the age of fifteen years do not take direct part in hostilities”* and *“... they shall refrain from recruiting them into their armed forces.”*]. This is the minimum standard required and is assessed by the drafters as optimally relevant and adequate. The second part offers an option applicable in view of satisfying local value system, which is over and above the minimum standard. This allows the recruitment of children between 15 years and under 18 years applying the priority rule [*“ in recruiting among those persons who have attained the age of fifteen years but who have not attained the age of 18 years, the Parties to the conflict shall endeavor to give priority to those who are oldest.”*]<sup>45</sup> In essence, recruitment of under 15 children and their direct participation is prohibited: in recruiting children between 15 years and under 18 years priority be given to the oldest.

Two key parameters of the law on child protection are: – Recruitment and Use. Inevitably, without recruitment there could be no participation (use of child) and eventually no threat to the safety of the children. Hence, both parameters are underscored in the law to safeguard a child’s best interest. The under 15 age group is the most sensitive and transitional age level of entry for recruitment which requires special care.

There are plausible reasons that lend support for the choice of 15 years as the minimum cut-off age. Firstly, the Geneva Convention IV has referred to the age of 15 years indicating that this is a customarily accepted norm when referring to a child under similar vulnerable situations. For example, in article 51 and 14 of GC IV has applied the age of fifteen years.<sup>46</sup> Next, the 1973 Minimum Age Convention also refers to the age limit of 14 and 15 in respect of their protection and rights.<sup>47</sup> Third, the exploration of cultural relativism arguments and theories of developmental psychology indicate a spectrum of age level emphasizing two distinct characters - vulnerable and of innocence, requiring special care. Besides, there is no discrete age level fixed for the end of childhood or the beginning of adulthood, while there is no definitive opposition for the application of the age of 15 years. Fourth, proximate social-political factors such as poverty, feeble social institutions, political instability, and demographic consideration, justify the use of 15 years as minimum cut-off age. It is also pertinent to note that the percentage of population under 15 years is considerably large influencing the choice of 15 years. For example, during 2021 children younger than 15 years constituted a large 42 percent of the inhabitants in the Sub-Saharan Africa.<sup>48</sup> For these reasons, it is submitted that the evidence in favour of the under 15 age limit abounds, and its role in protecting children should be acknowledged and implemented for common social good.

Simultaneously, it needs to be pointed out that the demand for a “straight-18”, by NGOs, is not denied totally in AP I but a compromise has been reached. Parties are given the freedom to recruit those between the age of 15 years and under 18 but recruit the oldest first - Article 77 (2). Further, in Article 51, the GC IV has recognized the

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<sup>43</sup> The First Protocol Additional to Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 and The Second Protocol Additional to Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol II), 8 June 1977

<sup>44</sup> Carolyn Hamilton and Tabatha Abu El – Haj. (1997) Armed Conflict: The Protection of children under International Law. The International Journal of Children’s Rights, 5, 1- 46: The author refers this as ‘a certain democratization of protection’.

<sup>45</sup> Article 77(2) Text: *“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.”*

<sup>46</sup> Art. 14 Text: *“Hospital and safety zones may be established for the wounded, sick, and aged, children under 15, expectant mothers and mothers of children under seven; ART. 24. — The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources...”*

<sup>47</sup> Minimum Age Convention 1973 Text: *“The minimum age may not be less than the age of completion of compulsory schooling and, in any case, less than fifteen years, that it may initially be at fourteen years., ism a state economy and educational facilities are....sufficiently developed (ARTICLE 2).*

<sup>48</sup> Saifaddin Galal (2023). Distribution of the population of Sub-Saharan Africa from 2010 to 2021, by age group, <https://www.statista.com/statistics/1225664/age-distribution-of-the-population-of-sub-saharan-africa/> (In 2021, around 55 percent of the total population of Sub-Saharan Africa was aged 15 to 64 years. Moreover, children younger than 15 years constituted a large 42 percent of the inhabitants. Overall, Africa has a youthful population. Only three percent of the individuals in the Sub-Saharan region were aged 65 years and older. As of 2021, Niger, Uganda, Mali, and Angola had a median age below 16 years, the lowest on the continent.



applicability of 18 years but probably preferred to retain the time-tested customary norm of under 15.<sup>49</sup> The threatening changes that were infiltrating the armed conflicts, mainly due to the spillover of the Cold-War consequences, could have acted as inhibitory factors for avoiding drastic changes to the existing norms. The perusal of the *travaux préparatoires*<sup>50</sup> would provide further explanation for the choice of the drafting committee of AP I.

On the issue of “*take direct part*” mentioned in the article, the debate on the interpretation remains unsettled. It is opined that in international wars prohibiting “taking direct part” was necessary to protect children from overt injury and fatality. It could be seen as a precautionary measure to protect children. Under the new war culture where the use of IEDs, suicide bombing, and ambush culture prevail, any form of participation should be prohibited as ruled in the Lubanga’s case, hence the difference between direct part and indirect part has become irrelevant too. The law needs to be presented as a means to promote social good that requires evolving interpretation of the law towards the development of the appropriate attitude and behavior. Adaptability is a notable feature of AP I.

Additional issues frequently raised in literature such as “*take all feasible measures*” and “*refrain from*” are merely procedural or technical concerns that do not dilute the substantive law. In fact, the African Charter of 1990 has defined child means every human being below the age of 18 years (Article 2) and incorporated that States Parties..... shall take “*all necessary measures*” instead of “feasible measures” in Article 22 (2).<sup>51</sup> Yet, despite 45 countries having ratified this Charter, there is no significant decline in the recruitment of child soldiers in the member countries.<sup>52</sup> The Charter also recognizes the importance of incorporating cultural values and economic realities of the African states in the implementation of the Charter which have been taken into consideration in the above interpretation.

AP I is dedicated to endowing special protection to children in armed conflicts and has defined the parameters and perimeters of the protectionism intended in the law. The purpose and objectives are reflected well in the terms and conditions spelt out. There is insufficient implementation as well as promotion of the law by academics. Moving on along the same track, the second Additional Protocol (AP II) which connects to internal armed conflicts is discussed below.

### 3.1.1.2 Additional Protocol II

Additional Protocol II was adopted alongside AP I, is applicable to internal armed conflicts. Article 4 (3) (c) of AP II spells out the most important and relevant rules, in non-hesitant terms. Both the government armed forces and the non-government armed groups are prohibited to recruit and allow the participation of children under the age of 15 years in armed conflicts.<sup>53</sup> Perhaps, Kaldor’s interpretation of “New Wars” would have had some bearing on this matter. Kaldor makes a distinction between Old Wars and New Wars. New Wars is described “*as a modern type of violent conflict, characterized as a mixture of war, organized crime and violation of human rights, as opposed to classical, or ‘Clausewitzian’ wars.*”<sup>54</sup> In the backdrop of the evolving New Wars, it is posited that the tone and contents of Article 4 (3) (c) of AP II is indeed appropriate and protective, despite the status quo criticisms in literature. Taking into consideration the framework of new wars – political and military aims of parties, the character of leadership, the allied powers- the strict liability approach seems most apt to protect children. Theories of war have greatly steered the design of AP II and provides the optimum protection.

Even in the matter of plain interpretation of the law, without indulging in the more complex explanations, the law is explicit in offering the necessary protection. Two Additional Protocols discussed above display legal elements that are competent in protecting children, the best that any law can offer. IHL does not stand alone but interacts

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<sup>49</sup> ART. 51. — The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted. The Occupying Power may not compel protected persons to work unless they are over eighteen years of age,

<sup>50</sup> Travaux préparatoires (TP) is shorthand for the documents used during the negotiation and drafting of a treaty. Vienna Convention on the Law... <https://libguides.bodleian.ox.ac.uk/law-treaties/tp>

<sup>51</sup> The African Charter on the Rights and Welfare of the Child 1990. (came into force in 1999)

<sup>52</sup> ANPPCAN News. June 15, 2021). The African Charter on the Rights and Welfare of the Child (ACRWC) has been ratified or acceded to by 53 African Union member states. Retrieved: <https://www.anppcan.org/the-african-charter-on-the-rights-and-welfare-of-the-child-acrwc/>

<sup>53</sup> Article 4 (3) (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.

<sup>54</sup> Kaldor, M. (2012). *New and Old Wars, Organize Violence in a global era*, (3<sup>rd</sup> Ed.) Polity Press. [*Clausewitzian strategic theory starts with the assumption that all wars in history share certain common characteristics; for example, the nature of war itself does not really change, whereas warfare, the ways in which wars are fought, goes through a constant process of change. Source: https://www.militarystrategymagazine.com/article/an-introduction-to-clausewitzian-strategic-theory-general-theory-strategy-and-their-relevance-for-today/*]

with international human rights law (IHRL) to create a more reliable protection mechanism as shown below.

### 3.1.2 International Human Rights Law

#### 3.1.2.1 Convention on the Rights of Child (CRC)

Of the 54 articles of the Convention on the Rights of Child, Article 38 is the most relevant to the protection of children in armed conflict. Article 38 (1) ameliorates human rights law by transposing the values of humanitarian law. This move also echoes the complementarity between the different branches of international law. The domain of protection is brought under the human rights category imposing the mandatory state obligation. However, Articles 38 (2) and 38 (3) are the most operative clauses and are in fact the repeat of the provision in Article 77 (2) of the Additional Protocol I.

Article 38 (2) stipulates that “*State Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.*” Article 38(2)<sup>55</sup> entrusts the State parties with the obligation to protect children under the age of 15 years from taking direct part in hostilities. Further, putting the burden upon the official sovereign body, rather than on the parties to the conflict as in the humanitarian law, it strengthens the issue of accountability.

Article 38 (3)<sup>56</sup> obligates States to refrain from the recruitment of person who have not attained the age of 15 years; and in recruiting persons between the ages of 15 years and under 18, priority be given to the oldest. This article is a repeat of Article 77 (2) of AP I, reaffirming the prohibition of recruitment and use of children under the age of 15 years in hostilities. Apparently, in response to the demand for straight – 18 by many NGOs, recruitment from 15 years to under 18 years is allowed under this Article but the oldest must be selected first. Being similar in content to Article 77 (2) of AP I, the arguments cited above for AP I do apply here.

The incorporation of Article 77 (2) into CRC facilitates the application of IHL during peace time and vice – versa. CRC also eliminates the distinction between conflicts as international, internal or may be internationalised which enables easy and prompt application of the relevant law. It provides for a structured monitoring mechanism of the Convention, especially on children and armed conflict; it accelerated the adoption of OPAC; and above all it strengthens the element of protection in conflicts as a component of human rights.

#### 3.1.2.2 Optional Protocol to CRC (OPAC)

In consultation with several high commanding international instruments – UN Charter, ILO Convention No 182, ICRC and Red Crescent, Rome Statute and CRC, the present Optional Protocol was adopted on 25 May 2000 and came into force in 2002.

Articles (1), (2) and (3) underscore the obligations of States Parties to ensure that: those in the state armed forces who are under 18 shall not take a direct part in hostilities - Article (1); and those who are under 18 are not recruited compulsorily into the armed forces - Article (2). Both Articles impose restriction on the state armed forces. It appears like a significant leap in the standards from CRC or API but on scrutiny the aggregate gain is minimal but morally and politically can be considered as a great leap forward. It imputes great feeling of achievement for the straight-18 advocates. While imposing restrictions on compulsory recruitment, voluntary recruitment is allowed for States Parties in Article (3), limiting it for those persons over the minimum age set in Article 38 (3) of CRC, which permits suitable domestic legislation. Several safeguards and precautionary measures are attached to ensure children’s safety.

However, the thrust of OPAC is found in Article (4) which imposes strict prohibitions upon armed groups. Under Article 4 (1) armed groups should not under any circumstances recruit or use persons under the age of 18 years in hostilities. Raising the recruitment age to 18 years is indeed a great leap for the straight – 18 advocates, though criticized as discriminatory. In view of the theory of war, the conduct of autonomous armed groups and their warfare tactics are unpredictable and dangerous. Consequently, higher threshold for armed groups is seen fit. Article 4 (2), by suggesting the criminalization of recruitment and use of children in armed conflicts, has taken the lead towards ending impunity. As a step forward to prevent child recruitment, Article 4 imposes a strict rule upon armed groups in particular. who pose the greatest threat to children’s safety.

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<sup>55</sup> Article 38(2) – “States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities”.

<sup>56</sup> Article 38 (3): States Parties shall refrain from recruiting any person who has not attained the age of fifteen years 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, States Parties shall endeavour to give priority to those who are oldest.

In summarizing the discussion on IHL and IHRL above, it is submitted that the two Additional Protocols and CRC have set the minimum attainable threshold for the protection of children globally, at under 15 years. Whereas the standard set by OPAC for armed groups at 18 years must be seen as the maximum, though AP I and CRC contain provisions that permit recruitment of children between 15 years and under 18, without distinction between armed forces and armed groups. However, OPAC has made the straight-18 demand come true, at least partially. This has increased the ratification of OPAC to 173 member states as of 28 October 2023.<sup>57</sup>

Yet, the real, and meaningful contribution of OPAC is that it has underscored the urgent need for the States Parties to act, not in the interest of the state leaders or political interest, but to preserve the human rights of the “child citizens” as well. This includes the need for commitment towards energizing the legal, administrative, implementation and enforcement of OPAC. As envisaged in Article 6 of the OPAC, the social good embedded in ILF needs intensive promotion and aggressive implementation. This requires supplementary action plans including the implementation of effective DDR programs for former child soldiers and the integrated participation in the monitoring mechanism.

### 3.1.3 International Criminal Law

#### 3.1.3.1 Rome Statute

Rome Statute has codified the crime of child recruitment in armed conflicts. Article 8 (2)(b)(xxvi) is applicable in international conflict while Article 8(2) (e) (vii) is applicable for non-international conflicts. Under these provisions ‘*conscripting or enlisting children under the age of fifteen years to participate actively in hostilities*’ is classified as a war crime. The prosecution of leaders in Sierra Leone and DRC for the crime of child recruitment indeed provides a stern warning to anyone in violation of the international law relating to enlistment and conscripting children under the age of 15 years, and that they will be indicted and imprisoned, ending impunity.<sup>58</sup> These cases as well other ICC cases send a clear message globally that the use of child soldiers is not acceptable, and that perpetrators must be held accountable. Then, the question arises, “Why nations that are persistently committing this war crime have refused to punish the perpetrators?”. The country leaders themselves are the perpetrators in many situations. Inevitably, the perpetrators cannot self prosecute themselves. Some states and individuals avoid the law for self interest such as for desire of diamonds, minerals, territory and others. This makes the law appear insufficient in dealing with justice relating to the war crime of child recruitment. Nevertheless, ICC provides the most effective link between the law and the process of seeking justice. Its values are universal in deterring child recruitment, requiring support from the public.

#### 3.1.4 Results of Analysis of the Legal Framework

The legal framework protects children from recruitment by prohibiting children under 15 years in any capacity, if recruited it will be unlawful. For economic, social, cultural, military necessity, political-power balance as well as realpolitik strategies, parties to the conflict violate this basic rule claiming it is voluntary, means of survival for children, and other reasons. This may seem that there is no possibility of protecting children from conflict traps or even from recruitment simpliciter. Here, some suggestions are put forward. Treaties allow liberty for states to fix the standards as the situation allows, for example as in Article 3 (1) of the OPAC. This provides one solution provided states are acting in the state interest and not in the interest of the dictatorial leadership. The other alternative is to seek assistance from UN agencies as the situation demands. De-escalation of the conflicts while increasing focus on development would provide long term benefits. What remains a reasonable assumption is that the law should be viewed as a means to protect children and not obliterated. As stated under the Paris Principal, child soldier includes a child who is taking or has taken a direct part in hostilities and hence the protection should be extended to both categories of children.

The fundamental rules relating to the protection of children by preventing recruitment are summarized here. Additional Protocol I and Additional Protocol II and CRC set the minimum age of recruitment at under 15 years. Meanwhile AP I and CRC allow recruitment above 15 years to under 18 as well. Taking direct part in hostilities is prohibited in API and CRC. Moreover OPAC directs that children under 18 should not take direct part in

<sup>57</sup> At present, 173 countries have ratified the Optional Protocol on the involvement of children in armed conflict. There are 17 countries that have neither signed nor ratified the protocol and 7 countries that have signed but are yet to ratify. (Status as on 28/10/23) accessed on 29/10/23. <https://childrenandarmedconflict.un.org/tools-for-action/opac/>

<sup>58</sup> Special Court of Sierra Leone, Prosecutor v. Sam Hinga Norman, 31 May 2004, No. SCSL-2004-14-AR72(E) (Mr. Norman was charged before the Special Court of Sierra Leone for crimes under Article 4(c) of the Court’s Statute giving the Court the power to prosecute persons for conscripting or enlisting children under the age of 15 years into armed forces or groups, using them to participate actively in hostilities that had been committed since 30 November 1996.) and - *the Prosecutor v. Thomas Lubanga Dyilo* – concentrated on the enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities as child soldiers.

hostilities or be compulsorily recruited in armed forces (OPAC Article 1 and 2 respectively); Non-State armed groups should not recruit or use in hostilities children under age 18 years (OPAC Article 4); Under the Rome Statute, conscripting, and enlisting children under the age of 15 years is a war crime that must be punished (Article 8). These principles are morally and legally value loaded. The underlying accumulative benefit, and the wisdom encapsulating the law must be orchestrated to energize the law that thus far lacks the intensity required. Efforts to change the hearts and minds of public regards child soldiers must be revolutionized for better protection. In this context, the art and science of persuasion seem more appropriate.

### 3.2 Role of Media Creations

Most media products use images of child soldiers holding AK 47 rifles taller than them, draw cartoons, write books and articles, in producing documentation and films depicting the plight of those children to bring attention to this issue. Such products can create awareness but often play the role of a vehicle to generate alarm or showcase their misery. Shows tagged with key word child soldiers include Guantanamo's Child: Omar Khadr (2015). Kony 2012 (2012), Blood Diamond (2006), Beasts of No Nation (2015), and First They Killed My Father (2017).

The producer of "Kony 2012," a 30-minute YouTube film on the Ugandan warlord Joseph Kony claimed that it was intended to harness *social* action to end the use of child soldiers and restore peace and prosperity, which never materialized. Kony is still not arrested. In fact, the Blood Diamond produced in 2006 depicts the distressing way in which these child soldiers are treated. Yet, children in Sierra Leone continued to be oppressed by the greedy diamond diggers. Media creators more often use films to serve as an alarm or highlight the misery of child soldiers.<sup>59</sup>

Fully aware of the limitations of the media as vehicles for attracting support for the eradication of child soldiers, it currently is one of the most influential channels of communication where the message can be delivered in the blink of an eye. Other innovative media creations need to be explored to create a more permanent effect upon the viewers. Additionally, the media creators should reinvest part of their profit towards programs that advocate the eradication of child soldiers. In this respect, Kony 12 failed the cause but benefited the makers of the video.

The standard operating procedures (SOP) applied during the COVID-19 pandemic, where the media played a key role in reaching the masses, shows proof of how the public still would adhere to the rules if it could be shown that adherence is the only means for survival. In other words, the 'emotions' must be triggered to capture the attention of the public to generate enthusiasm for eliminating child soldiers.

In the case of child soldiers, by triggering the emotions, relating to the organic destruction consequential to the exposure to violence is highlighted. Its effect on mental health, cognitive, and affective development will be explored. The incredible value of the law which has been dealt with, will go alongside to harness compliance. This section will begin with the consequences for mental health, followed by cognitive and affective development.

Stories are a forceful means of sending messages and thoughts through the established communication channels. Narratives based on real life experiences of famous former child soldiers are discussed at length under the section reintegration and rehabilitation which could serve as a source of inspiration. Nevertheless, in line with the trajectory of this article, the disruptive and destructive effects of child soldiering is brought to the attention and knowledge to the society to garner support. The impact of child soldiering on the mental health, cognitive development, and affective development will be projected here.

#### 3.2.1 Display of Misery and Harm to Mental Health

To serve as archetypes in storytelling, the mask or role given to child soldiers is reproduced to draw the wanted attention. The following excerpts from the children's stories have been lightly edited for clarity but are otherwise unchanged.

*"After my abduction, we marched ....We came across a car which we ambushed, and later we came to a homestead and found a family with a father who was drunk. ....we cannot spare him. So, they clubbed him to death, then dragged him to a hut and burned it. As we went, we burned many houses....This looting and killing continued as we marched."*<sup>60</sup>

*"I was injured: my skin and my chest and arms were burned during an attack. Many children were killed, and others lost legs from bombs. Marching, looting, marching, looting, killing. For many children, the clearest memories from this period are of exhaustion and the apparently aimless marching. And, of course,*

<sup>59</sup> Trabosh, VictoriaH. (2022). The Wicked Problem" of Child Soldier Media: Towards an Activist Anthropology of Film. Master's Thesis, Harvard University Division of Continuing Education.

<sup>60</sup> Easy Prey: Child Soldiers in Liberia (Human Rights Watch Report, September 8, 1994.)

*of the atrocities they witnessed and were forced to take”.*

*“There were initiation procedures ... they were forced to kill or rape someone or perform some other atrocity, like throwing someone down a well, or into a river. This was to demonstrate that they were brave enough to be soldiers.” (HR Watch 1993 Liberia).*

In the life of a child soldier, children are forced to witness or execute brutal acts such as delimiting, killing executions, beheading, rape, and mutilations of fellow humans. They become confused of their role in society: child or soldier, victim or criminal, God fearing or atheist. It is said that such breakdown in the dichotomy can result in psychological problems ranging from Post-Traumatic Stress Disorder (PTSD), depression, anxiety, and other forms of psychological distress.<sup>61</sup> Some of these impairments may be irreversible resulting in disruptive and abnormal behavior later in life.

The most problematic disorder is PTSD. This is a serious condition that can develop after a person has experienced or witnessed a traumatic or terrifying event in which there was serious physical harm or threat.<sup>62</sup> Normally, those with PTSD symptoms for longer than one month cannot function as well as before the event that triggered the condition. The symptoms include reliving, avoiding, increased arousal, excessive emotions, and negative cognition.<sup>63</sup> These psychological conditions can pose serious behavioral conditions such as excessive aggression, reliving the cruel pattern of life of the bushes, and similar anti-social conduct.

Studies show that the intensity of PTSD symptoms may vary from minor to serious manifestations. Further, it is opined that direct correlation between recruitment and psychological impairment related to witnessing or experiencing violence is clearly discernable from studies.<sup>64</sup> Neuroimaging studies in PTSD have reported heightened amygdala<sup>65</sup> reactivity among those with PTSD undergoing stress – reactivity paradigms. Amygdala helps to perceive and respond to danger while neural connections between amygdala and prefrontal region of the brain helps to control negative emotions and aggression.<sup>66</sup> These adaptations within the body could be impediments for normal behavior patterns in life later.

Consequently, child soldiers who experience such psychological impairment are likely to encounter problems in going back to school or following vocational training or even enrolling in rehabilitation and reintegration programs. They may face difficulty in finding employment due to the lack of training and skill. It has been opined that exposure to horrific situations during childhood can lead to permanently scarred children<sup>67</sup> or they could turn out to be a “lost generation.”<sup>68</sup>

The French Foreign minister speaking at a child soldiering conference in 2007 had warned that child soldiers are “a little time bomb that threatens stability and growth”; they are lost children, lost for peace and lost for the development of their countries, he added.<sup>69</sup> The geopolitical developments in respect of peace and security during the last decades could be used to assess the validity of these comments and undertake necessary steps.

Therefore, it is pertinent to point out that predatory recruitment of children reduces the child’s opportunity for optimal development. Child soldiering reduces the ability of the child to function with full potential and commitment. On the contrary, the way of life endured during the tenure as child soldier relives and dwells in the child. The child soldier is conditioned physically and mentally to respond with aggression and violent behavior. He is more vulnerable to crimes against humanity and is more likely to be captured by the “conflict trap.”

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<sup>61</sup> D’ Alessandra, Federica. (2017). The Psychological Consequences of Becoming a Child Soldier: Post Traumatic Stress Disorder, Major Depressions, and Other Forms of Impairment.

<sup>62</sup> WebMed. (August 31, 2022) Post Traumatic Stress Disorder (PTSD) <https://www.webmd.com/mental-health/post-traumatic-stress-disorder>

<sup>63</sup> Ibid

<sup>64</sup> Ibid.

<sup>65</sup> Amygdala is the integrative center for emotions, emotional behavior, and motivations.

<sup>66</sup> Gibson, K. R. (2002). Evolution of human intelligence: The roles of brain size and mental construction. *Brain Behavior and Evolution*, 59, 10–20.

<sup>67</sup> Pearn, J. (2003). Children and war, *Journal of Pediatrics and child health*, 39, 166-172.

<sup>68</sup> UNICEF (1996). *The State of the World’s Children*, Oxford University Press.

<sup>69</sup> BBC. (2007). Child Soldiers Are a Time Bomb [Electronic Version]. BBC News. Retrieved 05/02/2007 from <http://news.bbc.co.uk/go/pr/fr/-/2/hi/europe/6330503.stm>.: Blattman, C. and Annan J. (2007). *Consequences of Child soldiering*, University of Sussex, Falmer, Brighton.

Being former combatants, they face a life of crime and banditry.<sup>70</sup> They remain alienated and are ‘at war’ in their mind.<sup>71</sup> It is postulated that under such conditions the practice of democracy and rebuilding of civil society will be impasse. It is most likely to result in the “conflict trap.”<sup>72</sup>

Therefore, by preventing recruitment, the precious gifts of God must be nurtured to grow up into a generation of responsible and productive youth. Devastating as it is, the international community has not done enough to avert it to eradicate the recruitment of children into the military. As observed by Collier, can we let them fight it out or de-escalate conflict by cutting off the supply of child soldiers? <sup>73</sup> Being victims of child soldiering exploitation, their cognitive and affective developments are seriously impaired. The discussion below addresses these areas.

### 3.2.2 Consequences on the Cognitive Development

Scholarship in learning and child development has identified three domains of learning – Psychomotor, Cognitive and Affective.<sup>74</sup> The term cognitive refers to intellectual activity such as thinking, reasoning, or remembering. Important principles relating to cognitive development as contained in learning theories are highlighted to facilitate better understanding this issue. The affective domain includes the feelings, emotions, and attitudes of the individual.

Piaget, who is best known for his stages of cognitive development, is of the view that learning is based on schemas which are mental representations of the world or objects around the child. The schemas constitute building blocks of intelligent learning that is constructed through the process of assimilation and accommodation. In the case of child soldiers, their schema is built on violence, atrocities, ambushing, desecration, and other repulsive behaviors inherent in a military camp surrounding. This would lead to assimilation of negative constructs that would eventually distort the cognitive development of the child, particularly in assimilating democratic values, rule of law, the importance for harmonious and peaceful living in the globalized society.

Vygotsky’s cognitive development theory<sup>75</sup> as opposed to Piaget’s stage theory<sup>76</sup> postulates that social interactions are fundamental to cognitive development.<sup>77</sup> Furthermore, cognitive abilities are socially guided and constructed as children are not passive learners.<sup>78</sup> This brings about change in the prefrontal cortex of the brain resulting in the interconnectivity among brain regions and increase in dopamine levels.<sup>79</sup>

The prefrontal cortex part of the brain, which is responsible for executive functions or goal directed behavior, undergoes the most change during the teens. <sup>80</sup> This period of brain “reconstruction” is critical for teens. During this “use it or lose it” period, if the child is not reading, or during science or solving problems, the synapses for these activities could be lost for forever.<sup>81</sup>

On the same line of reasoning, exposing children to holding guns, shooting at fellow humans, decimating the captured, executing enemies, and partaking in suicidal bombings helps to develop connections related to violence and brutality. This explains why the experiences that are given to children and young people between their 9th and 18th year are so important<sup>82</sup>. In the same tone, child soldiers who are exposed to gun and kill culture as inherent in their life are likely to face difficulties in adapting to the way of life of a democratic civic society.

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<sup>70</sup> Spear, Joanna. (2006) “Disarmament, Demobilization, Reinsertion and Reintegration in Africa,” in *Ending Africa's Wars: Progressing to Peace*, Oliver Furley and Roy May, ed. London: Ashgate Publishing Ltd., pp. 63–80.

<sup>71</sup> Richards, P., S. Archibald, K. Bah and J. Vincent. 2003. *Where Have All the Young People Gone? Transitioning Ex-Combatants toward Community Reconstruction after the War in Sierra Leone*. Unpublished report, 30/11/2003.

<sup>72</sup> Collier, Paul. 2003. *Breaking the conflict trap: Civil war and development policy*. Washington, DC: *World Bank (Where development fails, countries are at high risk of becoming caught in a conflict trap in which war wrecks the economy and increases the risk of further war.)*

<sup>73</sup> Ibid.

<sup>74</sup> Davenport University Learning Outcomes Guide. (In 1956, Dr. Benjamin Bloom created a system to classify learning objectives, known as Bloom’s Taxonomy). <https://davenport.libguides.com/learningoutcomes/domains>

<sup>75</sup> Vygotsky, L. (1978). *Mind in Society*. Cambridge, MA: Harvard U

<sup>76</sup> Piaget, J. and Inhelder, B. (2000). *The psychology of the child*. 2nd Ed. New York: Basic Books.

<sup>77</sup> Flavell, J., Miller, P. and Miller, S. (2002). *Cognitive development*. 4th ed. Englewood Cliffs, N.J.: Prentice-Hall.

<sup>78</sup> Ibid

<sup>79</sup> Lerner, R., D’Souza, L., Buckingham, M., Warren, D., Champine, R. and Greenman, K. (2015). *Childhood and Adolescence: Developmental Assets*. *International Encyclopedia of the Social & Behavioral Sciences*, 3, pp.445-450

<sup>80</sup> Giedd, J., Snell, J. W., Lange, N., Rajapakse, J. C., Kaysen, D., Vaituzis, A. C., Vauss, Y. C., Hamburger, S. D., Kozuch, P. L., & Rapoport, J. L. (1996). Quantitative magnetic resonance imaging of human brain development: Ages 4-18. *Cerebral Cortex*, 6, 551-560. doi:10.1093/cercor/6.4.551

<sup>81</sup> Feinstein, S. G. (2009). *Secrets of the teenage brain: Research-based strategies for reaching and teaching today’s adolescents* (2nd Ed.). Thousand Oaks, CA: Corwin Press.

<sup>82</sup> Fuller, A. (2005). *Into the mystery of the adolescent mind*. *Byronchild*, 16, 14-22. Retrieved from <http://www.kindredcommun>

The change in brain connectivity due to the reasons explained, could be irreversible while affecting the potential of the youth for self-development and contribute to the progress of the society.

### 3.2.3 Consequences on the Affective Development

The development of the affective domain that involves feelings, emotions, values, appreciation, and attitudes is also seriously influenced during child soldiering. Environmental factors are said to impact children's malleability, vulnerability, cognitive and moral development. Consequently, child soldiers are likely to be impacted by the political ideology, race – religion values, geopolitical agenda, and other traditions of the armed group that they belong to. The assimilation and characterization of values that are oriented towards ideology or identity will be manifested in their future functioning within society.

The situation in states where conflicts have continued for decades has favored the development of inappropriate values and attitudes towards the eradication of child soldiers. The affective development has detrimental consequences.

From the developmental perspective, adults rely on their prefrontal cortex to react to input, whereas adolescents, when confronted with decisions would rely more on the amygdala; they will revert to emotions and instinct.<sup>83</sup> Jensen aptly states, “*It is not that they don't have a frontal lobe. And they can use it, but they are going to access it much more slowly.*”<sup>84</sup> This further explains why continuous exposure to horrendous war culture can lead to the shaping of a lost generation – anxious to engage in violence to achieve their targets rather than the use of peace measure. So far, the series of developmental impairments that could arise from the participation of children as soldiers has been discussed. These impairments, while preventing normal functioning in society, instigate the child soldiers to continue their hostile way of life in propagating more conflict. Next, the general consequences arising from child soldiering are discussed.

Research suggests that forced recruitment leads to greater political participation. There is a doubling of being a community leader or holding a political job.<sup>85</sup> Military training, indoctrination, time away from school and work can impact on the exogenous behavior observed, invoking the paradigm “*violence experienced is violence perpetrated.*” Another view suggests that resilience rather than traumatization is the norm.<sup>86</sup> Yet, the recent development as reported in the media and case studies tilts the balance of probabilities to the argument that violence perpetuates more violence. The narrative on the developmental consequences to a child is most likely to make the reader feel “frozen”, but that is the reality. Those who have endured this pain can be helped through reintegration and rehabilitation programs to be explored here.

### 3.3 Reintegration and Rehabilitation

From the discussion above, it is discernable that children who are associated with armed groups, become susceptible to psychological impairments including PTSD, depression, hostile behavior, aggressive and emotional reactions. Alongside, cognitive and affective development is impeded resulting in being irrational thinking youth and potential leaders. Forced recruitment interferes with the developmental cycle of the child for about two to three years, taking the child to a retarded state in respect of the mental, cognitive, and affective domain. This creates the need for external intervention – reintegration and rehabilitation. Therefore, the cure for the resulting psycho-social impediments is the reintegration - rehabilitation program that have been provided under Article 39 of the CRC and implemented in many countries.

#### 3.3.1 Reintegration Program

While CRC Article 38 reiterates the prohibition of recruitment of under 15 children in armed conflicts, Article 39 urges “*States Parties to take all appropriate measures to promote physical and psychological recovery and social integration of child victims.*” Accordingly, reintegration programs are implemented in many countries. Reintegration is part of a larger process called DDR, signifying disarmament, demobilization, and reintegration.<sup>87</sup> The disarmament process includes the collection and control and disposal of arms, ammunition and weapons including the development of management program. Demobilization is the formal and controlled discharge of

<sup>83</sup> Yurgelun-Todd, D. A., Killgore, W. D., & Young, A. D. (2002). Sex differences in cerebral tissue volume and cognitive performance during adolescence. *Psychological Reports*, 91(3), 743-757. doi:10.2466/pr0.2002.91.3.743

<sup>84</sup> Jensen, F. (2010). The teen brain: It's just not grown up yet/Interviewer: Richard Knox. National Public Radio. Retrieved from <http://www.npr.org/>.

<sup>85</sup> Blattman, C (2008) From Violence to Voting: War and political participation in Uganda, Center for Global Development & Yale University

<sup>86</sup> Blattman, C. and J. Annan. 2007. “The Consequences of Child Soldiering,” HiCN Working Paper #22, <http://www.hicn.org/papers/wp22.pdf>.

<sup>87</sup> Article 39 of CRC

active combatants from armed forces or groups.

DDR is an important intervention that can reverse the psychological and social impairments developed during their tenure as child soldiers. Studies have reiterated the importance of the reintegration phase of the program. The reintegration program must incorporate provisions for emotional, physical and sexual health. Other findings show that the returned children suffer stigmatization and rejection by their siblings, peers and communities.<sup>88</sup> Three components are highlighted in the reintegration program: family reunification, psychological support and education and economic opportunity.<sup>89</sup> Honwana calls for a bottom-up approach that entails greater community participation. Local rituals are effective in dealing with psychological and emotional distress. DDR programs exploit the available means in distancing recruitment.<sup>90</sup>

The power of education and its ability to equip children with critical thinking skills while empowering them for employment with vocational skills makes them stand on their own feet. Community leaders entrusted with such responsibilities must undertake to promote DDR program as widely as possible with full dedication. Nevertheless, these reintegration programs have produced heroes from former child soldiers. Their testimony can create ripples among former child soldiers and give fresh hope for those who have viewed life as gloomy and meaningless.

#### *a) Stories of former child soldiers*

Stories from former child soldiers can motivate as well give hope to thousands of child soldiers. For example, Ishmael Beah's profile is exemplary. After living as a soldier for two years, Beah was rescued by UNICEF and sent to a rehabilitation center. He attended school and graduated subsequently. He went on to author a book "A long Way Gone: Memoirs of a Boy Soldier". Beah is now a UN ambassador for children affected by war. His advice for former child soldiers is that there are so many options for former child soldiers to lead a normal life.<sup>91</sup>

Ricky Anywar Richard was bound into the Lord's Resistance Army (LRA) of northern Uganda. He managed to escape and succeeded in getting a college degree. Subsequently, he set up Friends of Orphans (FRO), an organization that works to reintegrate former child soldiers. Ricky was awarded the "World of Children Humanitarian Award".

After five years as a child soldier, Emmanuel Jal, from South Sudan was rescued and he completed his education and works to share his story and is an advocate for voluntary organizations. Former child soldier, Kuech Deng Atem, 28, used humour to assist people to get over the emotional wounds sustained through years of war. Benjamin Mawel is a former child soldier who, since 2011, has been the owner of one of South Sudan's leading engineering companies.

#### *b) Adverse Consequences on the Developmental Goals*

The United Nations Millennium Declaration (MDG) signed in September 2000, commits world leaders to combat poverty, hunger, disease, illiteracy, environmental degradation, and discrimination against women. Despicably, conflicts around the world derailed such programs including MDG.<sup>92</sup> While the Sustainable Development Goals (SDG), launched in 2015 by the UN, incorporates the blueprint to achieve a better and more sustainable future for all. This includes, among others, the eradication of recruitment and use of children in armed conflicts by 2025.<sup>93</sup> Yet, as the target year is nearing, it is reported that by the end of 2021 more than 450 million children were living in conflict zone. This is a record highest in 20 years.<sup>94</sup> As this sentence is being written, Reuters report states that

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<sup>88</sup> Chrobok, V. and A.S Akutu. (2006). Returning home. Children's perspectives on reintegration: A Case study of children abducted by the Lord's Resistance Army in Tesco, eastern Uganda. Coalition to Stop the Use of Child Soldiers.

<sup>89</sup> Verhey, B. (2001) Child soldiers: Preventing, demobilising and reintegration. World Bank Working Papers. Series No. 23.

<sup>90</sup> Honwana, A. (2001). Children of War: Understanding war and war cleansing in Mozambique and Angola in S. Chesterman (Ed) Civilians in war, Lynne Rienner Publisher, London.

<sup>91</sup> Lydia Caswell. (Feb 15, 2014). 3 Extraordinary Former Child Soldiers, CNN, Gariwo, Friends of Orphans, Huffington Post, Emmanuel Jal, GUA Africa <https://borgenproject.org/three-extraordinary-former-child-soldiers/>

<sup>92</sup> In 2000, the Millennium Declaration identified fundamental values essential to international relations (A/RES/55/2). The Millennium Development Goals set targets for realizing these values around the world by 2015 and served as the focus for UN work throughout the period: <https://research.un.org/en/docs/dev/2000-2015>

<sup>93</sup> UN Sustainable Development Goals: Target 8.7 - Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms. <https://www.unodc.org/roseap/en/sustainable-development-goals.html#:~:text=Target%208.7%20%2D%20Take%20immediate%20and%20labour%20in%20all%20its%20forms.>

<sup>94</sup> UN OHCHR. (15 July 2022). Children Affected by Armed Conflict and Violence. <https://www.ohchr.org/en/speeches/2022/07/children-affected-armed-conflict-and-violence#:~:text=At%20the%20end%20of%20last,conflict%2C%20violence%20and%20other%20crises.>



conflict and escalating violence haven uprooted a record 6.9 million people in DRC.<sup>95</sup> International law faces inevitable challenges in meeting its obligations. Action plans to eradicate child soldiering have not permeated the length and breadth of society. The concept must be a living plan and not just attractive on paper.

#### 4. Discussion and Conclusion

There is a synergy of legal framework to regulate the recruitment and use of children in armed conflict. Experts from three areas of international law have overseen the drafting of these treaty articles, meaning, it could not have been done any better. Nevertheless, the recurring explanation given for the lagging in the control of child recruitment is the lack of implementation and enforcement. Intriguingly, the State role and the limitations in implementing the law is rarely discussed. It need to be pointed out that States are free to legislate their own laws in accordance with international norms which may contain higher standards to ensure better protection. Enforcement of international law is the responsibility of States who should be held accountable. States should be able to explain the reasons for any breakdown in the enforcement of the law and not arbitrarily claim that the law is insufficient.

One of the basic short-coming in realising the objectives of the international law governing the recruitment and use of children in armed conflicts is the lack of sufficient promotion and dissemination of the law. The value of the law and its intrinsic potential for the protection of children and the society has not been taken to the public effectively, resulting in poor public support for this cause.

For example, a study by a Harvard scholar shows that “*while a film about child soldiers can have a powerful, immediate impact, it may not create action.*”<sup>96</sup> Similarly, self appointed activist too make more gains from their media creations for themselves than for the cause per se as in the case of Kony 12 video. Literary works embarked on the analysis of the legal framework are more inclined to criticise areas such as the standards, the semantic flaws, and the lack of or weakness of definitions of some key terms. Rarely is there emphasis on the value of the law as an instrument to effect social change.

To gloss this systemic ‘crack’ in the process of making the law reach the public, this article strives to present the values of the law in a simple and compacted mode. To this end, logical explanation on the choice of standards, such as the minimum cut-off age of 15 years, alongside the compromise in allowing 15 years to under 18 years recruitment, the strict prohibition on the recruitment and use of under 18 children for the armed groups should be put forward to convince the public. The international legal framework is profoundly inbuilt with ways and means to protect children.

To strengthen the emotional connection to the distress experienced by child soldiers, realtime oppression endured by the children is presented in their own words. Then, the retarding consequences on the mental health, cognitive and affective domains are profoundly demonstrated using narratives from professional works. Awareness on the serious health and developmental consequences must be brought to the attention of the public as it happened during the Covid-19 pandemic. To provide hope and opportunity for former child soldiers to return to the main stream of the society, the importance, and procedures of the reintegration programmes are discussed. It is note worthy that Article 39 of the CRC has ingeniously incorporated this provision reflecting the value of the law. A short exposure to the Developmental Goals (MDG) is intended to further motivate former child soldiers. Stories from former child soldier as source of inspiration and role model are included.

It is the ardent supposition that children can be protected from being recruited by armed forces and armed groups, as well as prevented from falling into the conflict trap through subsequent re-recruitment by putting the above proposal into practice.

In conclusion, to protect the succeeding generations from the “scourge of war” armed conflicts must be de-esclated or prevented altogether. One of the steps would be to eradicate the recruitment and use of children in hostilities. To achieve this end, law must be promoted and disseminated widely. To create awareness and bring about the change of hearts and minds the law should be engineered to bring about the desired social change. By displaying the immeasurable harm and misery arising from child soldiering, support for the eradication of child soldiers should flow spontaneously. Testimony of former child soldiers would serve as a great source of inspiration. In view of the perennial problems, Optional Protocol to CRC (OPAC) had in advance reminded the States Parties that they are required to “take all necessary legal, administrative, and other measures to ensure the effective implementation and enforcement of the provision and promote and publicize the regulation” - Article 6 (1) and (2).

<sup>95</sup> Reuters (October 31, 2023) Conflict uproots record 6.9million people in Congo - IOM

<sup>96</sup> Trabosh, VictoriaH. (2022). *The Wicked Problem* of Child Soldier Media: Towards an Activist Anthropology of Film. Master’s Thesis, Harvard University Division of Continuing Education.

The most critical word holding the key to the resolution of the child soldier issue is “*Recruitment*”. Stop it, and all other variables will fall in place. Finally, one area of research that could be undertaken is to explore the risk endured by those child soldiers who have left the armed groups or freed from militia in being used as recruits for building the private military company (*PMC*).

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