

Child Soldiering In South Sudan: A Threat to Peace and Stability in East Africa

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ABSTRACT: Since the period of political decolonization, Africa as a continent has witnessed inter and intra state conflicts and wars. Among its regions, the Eastern and Central part has experienced varying degrees of fragility and instability culminating in series of conflicts and civil wars. A common feature of the civil wars fought in this area is the constant use of children as soldiers. This study examines the impact of the use of child soldiers in South Sudan on peace and stability in East Africa. The study also evaluated the actions of African Union (AU) against the use of child soldiers within the period of 2013 to 2018. Using the ex-post facto research design, we adopted the Documentary method of data collection and analyzed data qualitatively using content analysis. We applied the Socio-cultural theory in our analysis. The study found that the use of child soldiers in South Sudan undermined peace and stability in East Africa, leading to increase in South Sudan refugees, proliferation of Small Arms and Light Weapons (SALWs), terrorism and violence among Eastern African states. We also found that AU has not been assertive in its interventions against the use of child soldiers in South Sudan, given the non-ratification of 'African Charter on the Right and Welfare of the child (ACRWC)' stand of South Sudan. We recommended that sanctions and disciplinary measures be taken against South Sudan government and individuals, who recruit and equip children, militarize schools and engage children in battle. We also recommend that the South Sudan government be compelled through economic and political mechanism to ratify the African Charter on the Right and Welfare of the Child (ACRWC).

KEYWORDS: Child Soldier, Peace and Stability, South Sudan, African Union, East Africa.

Date of Submission: 10-06-2020

Date of Acceptance: 28-06-2020

I. INTRODUCTION

Within the past ten to fifteen years, the issue of Children's participation in armed political Conflict has captured the attention of the world. Sixty percent of Wars fought since 1991 are frequently fought within states, as major targets are children and women and other civilians, in what most authors term the "New Wars" (Blattman and Annan, 2010). More than 21 countries of the world have intensely experienced the use of children as soldiers; prominent among them are African and Asian countries. Fourteen (14) countries, where children were widely used by armed groups in 2016 include- Afghanistan, Colombia, Central Africa Republic, Democratic Republic of Congo, Iraq, Mali, Myanmar, Nigeria, Philippines, Somalia, South Sudan, Sudan, Syria and Yemen and Six Countries where state armed forces were using children in hostilities- Afghanistan, Myanmar, Somalia, Sudan, South Sudan, and Syria (UN Annual report on the use of Child Soldiers, 2017).

Thousands of Children are being recruited as Soldiers in South Sudan by the Sudan People's Liberation Army (SPLA), Opposition Forces, Local Defense Groups and Insurgent Groups in the recent civil war that has plagued the state. Not less than 19,000 children are estimated to be recruited by both government forces and other armed groups in South Sudan (Child Soldier Initiative, 2018). Children have constantly been recruited throughout the country in areas like Unity, Jonglei, Lakes and Warrap states, the Greater Upper Nile, Greater Bahr el Ghazal and Greater Equatorial regions. These children are, most times, forcibly recruited. More so, they are compelled due to harsh conditions in differing states in the country as well as in UN protection Civilian sites. In the hands of these armed groups and regular forces, these children are made to experience and carry out criminal actions (Bureau of International Labor Affairs, 2016).

So many actions have been taken, nationally and internationally to restrict the usage of children as soldiers in South Sudan. The degree of success recorded can be attributed to the effective cooperation among governments, international governmental and non-governmental organizations. Actions have been carried out by these institutions in line with treaties like- the Four Geneva Convention (1949), the Addition Protocols I and II to the Geneva Convention of 1949 (1977), the Convention on the Right of the Child (1989), the Local Agreements (e.g. the African Charter on the Rights and Welfare of the Child- 1990), the Convention 182 of the International Labor Organization (1999), the Optional Protocol to the Convention on the Rights of the Child

(2002). In South Sudan, the South Sudan Act (2018), the Transitional Constitution of South Sudan (2012), South Sudan SPLA Act (2009), the International Covenant on Economic, Social and Cultural Rights are all policies enacted against Child Soldiering in South Sudan.

It is saddening however, to note that despite the above restricting policies and measures carried out, child soldiering is still a paramount action, practiced in South Sudan and in other countries at large. Failure behind the above policies is as a result of the non-disciplinary measures and capacity available to international organizations and states. This act has created a lot of havoc, individually, nationally and internationally affecting the world's peace and stability. The regularity of conflicts in Africa has become one of the distinct characteristics of the continent. Africa as a continent has not witnessed peace and stability since its decolonization periods in the 1960s. It has been highly susceptible to inter and intra state conflicts and wars. With subsequent war events unfolding, many have been made to believe that Africa is a home of wars and instability (Ajayi, 2005). According to the Fragile State Index of 2018, four of the most fragile states in the world lie in this part of Africa. Most of these states in their periods of instability have witnessed the constant use of children as soldiers.

South Sudan a country described as extremely fragile, has experienced a wide range of political instability with the steady recruitment of Child Soldiers. Child Soldiering in South Sudan has negatively affected the lives of individual persons, the practicing states and the international system. According to Janssen (2018), the proportion of civilian casualties has continuously increased in South Sudan. The UN has described South Sudan as one of the World's most dangerous place for aid workers, immigrants and people to live in. Aside, the high level of mortality, crimes against humanity like hunting humans, mutilation and mass rape have been perpetrated by children, specifically adolescents, voluntarily and involuntarily under the guidance of armed groups. These actions have created loss of moral and health ethics in the life of children in South Sudan. Child soldiers subsequently have suffered from traumatic experiences that keeps them mentally incapacitated. This trauma is caused as a result of their experience, perpetrated acts, torture, separation from family, insufficient adult care, inadequate shelter etc.

These experiences have hampered children's healthy development and analytical skill in South Sudan (UNICEF, 2002, Janssen 2018). Blattman and Annan (2010) analyzed the effect of child soldiering on the Economy and Political Structure of a state. In South Sudan child soldiers are denied good healthcare and education. The child's stay in the school has been disrupted by abduction by armed groups, dislodgment, non-availability of teachers, long and risky walk to school and parental poverty. Child soldiers have lost their educational years to combat; this has reduced their functional capability for future generations and limited their level of political and economic participation. Availability of literature on how child soldiering affects international peace and stability is limited. However, to curtail the recruitment of Children as soldiers in South Sudan, numerous actions have been undertaken by the United Nations. Most of these actions are enforced by international sub-groupings like- United Nations Children Emergency Fund (UNICEF), or an agency established specifically for South Sudan- United Nations Mission in South Sudan (UNMISS), etc.

Despite the various measures carried out to limit and stop the usage of children as soldiers by both the international community and national agencies in South Sudan, little success has been recorded. "*We are not seeing any progression*" were the words of Virginia Gamba, the UN Special representative for children and Armed Conflict in the state capital Juba. She said despite the release of about 900 child soldiers, about 1,200 minors in the year 2018 were still recruited by unspecified groups in South Sudan. This study, therefore, examines how child soldiering in South Sudan has affected peace and stability in East Africa between 2013 and 2018; and the actions taken by African Union (AU) against child soldiering in South Sudan between 2013 and 2018.

II. LITERATURE REVIEW

The consequential existence of Child Soldiering

Scholars have written on the consequence or effect of Child Soldiering, as children have, increasingly, become victims and perpetrators of warfare (Redress, 2006). The proportion of Civilian casualties in conflict zones has continuously increased in the twentieth century. With an estimate of more than 90% casualties, about half of the victims are children (UNICEF, 2002). More than two million people have died as a result of directly from armed conflict, with over Six (6) million children being seriously injured, and about 8000-10000 children killed by landmines every year. Collier (2003) specifies, according to World Bank report, that the mortality rate of children below the age of five (5) has significantly increased with the existence of war actions.

Child soldiers subsequently have suffered from traumatic experiences that keep them mentally incapacitated. This trauma is caused as a result of their experience, perpetrated acts, torture, separation from family, insufficient adult care, abduction, inadequate shelter, etc. These experiences hamper children's healthy development and analytical skill even after the war actions has ceased. Schauer and Elbert (2010), outlined the symptoms of Post-Traumatic Stress Disorder (PTSD) on victims to include:

- Steady recurrence or recollection of the event, that most times contains images, thoughts or distressing dreams (i.e. nightmares), acting as if the traumatic past images were real and currently taking place.
- Persistent avoidance of stimuli that has some sense of connection to the traumatic event.
- Persistent symptom of alertness, heightened arousal, shortened sense of the future, recklessness, risk-taking behavior, hyper activity, withdrawal, defiance, aggression and also numerous psychometric complaints (Schauer and Elbet; 2010). They usually experience such in their dreams, while eating, when awake etc. (it comes with serious sweating, raised heartbeat and concentration difficulty). In its unusual form, phenomenon or symptoms like derealization and depersonalization that resemble psychosis have been noted.

Despite the large existence of materials on the Psychological impact of Child Soldiering in the world, Blattman and Annan (2010) in his work “The Consequences of Child Soldiering” deviates a little sighting the economic and political effect of child soldiering in a state. To him he believes that:

- Abductees lost their educational years to combat. Hence, reducing the functional capability of future generations economic wise.
- Abductees subsequently earn less than their non-abducted peers. This otherwise, limits the economic growth of the said state.
- Socialization difficulty treats showcases in abductees, hence, limiting their level of political and economic participation in affairs of mother states. Abductees are not much likely to vote and actively participate in their community economic and political life.

The Human Right Watch (2015) narrated some of the traumatic experiences of these children. A 16-year-old boy told Human Right that in 2004, he fought alongside a Commissioner by name Taker Riek from Bentiu in South Sudan, where he said he witnessed the death of civilians by the Darfur rebel group [the Justice and Equality Movement (JEM)]. In narrating his ordeal, he highlights how he witnessed an armed group he term’s the ‘tora boras’ setting houses on fire and the government armed force stealing cows. In a recent recount, a 17 years old boy said he and five other boys were recruited in Kuel village, Mayom County, by Pualjang’s deputy Manyout. He stated that at least two children of about 14 years were killed during a fight. Another 17 years old boy when he was recruited in Mayom County said that his brother within the same age as him was killed while trying to avoid being recruited. These among many are some of the traumatic experiences of child soldiers in South Sudan (Human Right Watch, 2015).

African Union Restrictive measures against child soldiering in South Sudan

So many actions have been taken to restrict the usage of children as soldiers. The degree of success achieved can be attributed to the effective cooperation among government, United Nations Agencies, Non-Governmental Organization, etc. In his work “*The Problem of Child Soldier*” Druba (2002) states international conventions that protects children in hostilities to be; the Four Geneva Convention (1949), the Additional Protocols I and II to the Geneva Convention of 1949 (1977), the Convention on the Right of the Child (1989), the Local agreements (example the African Charter on the Rights and Welfare of the Child 1990), the Convention 182 of the International Labour Organization concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999), the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict(2002). The Geneva Conventions applies to conflicts of an international nature, except Article 3. It specifies the legal position of war time prisoners, combatants, civilians, who fall into the arms of enemies. Seventeen provisions of the Convention are made to protect the interest of children, for example, children who lay down their arms are entitled to the protection given to all non-participants, and they are not in any way to be forced to participate in hostilities against their own country. It is as well prohibited to change their personal status or to hinder their basic needs even as it concerns their food and medical care. The Additional Protocol I and II to the Geneva Conventions of 1949 (1977) specifies the right of children, who are caught up in international and local armed conflict.

The Convention of the right of the child (1989), as a right treaty sets out the civil, political, economic, social, health and cultural rights of children. It as well defines a child as anyone who falls below the age of 18 years. The Optional Protocol to the Right of the Child (2002), prohibits the conscription of children below 18 into the military, as well as ensures that military recruits are not lesser than 16 years, and prevents recruits from 17 years and below from taking a direct part in hostilities. The year November 1999 saw the enactment of the first regional treaty that promotes the right of children come into existence, with the name Africa charter on the Rights and Welfare of the Child. It was the first among regional/ local organizations to establish 18, as the minimum age for the recruitment and participation of young people in conflicts.

In line with Druba, UNICEF (2003) also specifies some of the resolutions made by the United Nations Security Council that seeks to protect the right of children. They include- resolution 1261 (1999), resolution

1314 (2000), resolution 1379 (2001), and resolution 1460 (2003). According to UNICEF, Resolution 1261 adopted in the year 1999 out-rightly condemns the abduction and recruitment of children in armed conflict. Resolution 1314 aided the signing and ratification of the Optional Protocol to the Convention on the rights of the Child, on the involvement of Children in Armed Conflict. Resolution 1379 provided a measure, where the Security Council requested that the Secretary General prepare a list, containing names of culprits, who aid the recruitment of children. These culprits as parties in line with resolution 1460 were to be adequately dealt with, by the committee, using differing tactics. Further restrictive measures were carried out by the International Labour Organization, in Convention No. 182, adopted in June 1999 and enforced in Nov. 2000. It prohibits and demands immediate action for the elimination of the worst forms of Child Labor (UNICEF, 2003).

The arrest and prosecution of the former Liberian Warlord- President Charles Taylor and the Congolese Warlord Thomas Lubanga Dyilo in March 2006, by the International Conventions and Customary International Law protecting children in conflict zones, for war crimes against children (Francis, 2007), has shown to a reasonable extent that the international Organizations, are determined to defend its already established treaties.

According to the Human Right Watch (2015) South Sudan became the 168th country to agree to the UN treaty that commits to end the recruitment and use of children in armed forces. South Sudan Child Act (2008) and the Transitional Constitution of South Sudan (2012) define a child as anyone below the age of 18. The South Sudan Child Act (2008) protects children and demands that they do not provide service to any armed group or armed force. It as well provides the minimum year for conscription or voluntary recruitment into these groups to be eighteen years. An imprisonment for a term not exceeding ten year or with a fine or both is to be awarded to law offenders. The Child Act also states that every child has the right to be freely educated at primary level and hence, should not be denied the chance of doing so.

Accordingly, under the South Sudan SPLA Act (2009), an individual has to be 18 years and above to be eligible to be a member of any military force. To further protect the above mentioned right of children, as stated by South Sudan Child Act (2008), the office of the Legal Adviser of the Ministry of Defense in September 2014 suggested that the government set out punishment for child recruiters and military occupation of hospitals and schools.

The parliament of South Sudan on November 20, 2013, ratified the Convention on the Right of the Child (CRC) and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. Under the Optional Protocol, government must be certain that children below the age of eighteen are not in any way recruited in the armed force, and any who is already in the armed force are not made to partake in direct hostilities. South Sudan Parliament has also approved that the state would ratify the African Charter on the Rights and Welfare of the Child, but hasn't yet ratified the charter at the African Union.

In the International Convention on Economic, Social and Cultural Rights and in the Convention on the Rights of the Child (CRC) the right of South Sudanese children to education is specified. To promote education for children in warring areas, the United Nations Security Council in 2015, encouraged all states "*to take concrete measures*" to restrict the military usage of schools in conflict driving areas. In line with this, South Sudan endorsed the Safe Schools Declaration, an international political commitment on June 23. The declaration aids the prevention of attacks on schools and military use of schools.

The United Nations Mission in South Sudan (UNMISS) is a mechanism of the United Nations to oversee and protect human rights in South Sudan. It was transformed from the United Nations Mission in Sudan to the United Nations mission in South Sudan, when the Republic of South Sudan seceded from Sudan. It was previously mandated to consolidate peace and security, and promote conditions for development in the new State- South Sudan. With the outbreak of the Civil crises on December 2013, the mandate of UNMISS was expanded to include the protection of civilians, monitoring of Human Rights, support the delivery of humanitarian assistance and oversee the implementation of the agreement of cessation of hostilities reached by the warring parties in early 2014 (Child Soldiers Initiative, 2018). In May 2016, UNICEF and UNMISS with the conduct of series of workshop, identified a total of 25 Child Soldiers at SPLA barracks that were registered for demobilization and reunified 1,170 unaccompanied, or missing children with their families (Bureau of International Labor Affairs, 2016).

Literature reviewed so far analyzed the effect of child soldiering in individual lives as well as in South Sudan. However, none has addressed the effect that child soldiering in South Sudan has had on international peace and stability in East Africa. Also, to curb child soldiering in South Sudan in line with enacted protocols, literature was cited on the efforts of international organizations like the United Nations (UN) in restricting the constant usage of children as soldiers in South Sudan. However, none addressed, systematically, the role of the African union in combating child soldiering in South Sudan.

III. METHODOLOGY

Theoretical Framework

This study adopted the Socio-Cultural theory propounded by Lev Vygotsky in the 1970's. The theory describes learning as a social process. Lev points that social interaction plays an important role in cognition development. He narrates further that learning takes place in two (2) levels- first through interaction with people and then the level where that which is learnt is integrated in the individual's mental structure. According to him a child's social world is guided by language, this language (symbols, systems, practices) get internalized and controls their behavior. As they get older, they use the language acquired to spread cultural values. Perplexed by problems in the society Vygotsky decided to come up with a different explanation as to why people behave the way they do. He believed that other factors, besides biological instincts, causes humans to act the way they do.

Basic Assumption

- Learning takes place through social interaction.
- The language learnt by children is overtime transmitted back into the society as cultural values or norms.

The first assumption holds that learning takes place through social interaction. Children abducted as soldiers in South Sudan are faced with communicating with bandits, militants or their fellow combatants. Socializing with these set of persons makes them inculcate or learn brutal and violent cultural values.

The second assumption holds that behaviors learnt by these children are transmitted back into the society affecting societal peace and stability. Children recruited as soldiers in South Sudan are made voluntarily and involuntarily to carry out actions that affects the cultural norms of South Sudan and the African community. The UN and Human Right Watch (2017) describes South Sudan as one of the World's most dangerous place for aid workers, immigrants and people to live in. It is quite unfortunate that the reason behind their report is as a result of the number of killings perpetrated by child soldiers in South Sudan. The Human Right Watch (2017) said that at least 83 aid workers had been killed since the conflict began, with 16 alone in 2017. In addition, Janssen (2018) says since December 2017, a total of 22 aid workers have been abducted. In April alone, 3 humanitarian staff were killed and 13 abducted, of which most of these activities were perpetrated by children.

Methods of Data Collection and Analysis

Documentary method is a means of collecting data by reviewing existing documents. It deals with the analysis of documents that contains information about the phenomenon we intend to study (Bailey, 1994). Having established the ground that documentary method shall be used, the resource material shall include: Journal articles, Government Official Documents, Book Chapters, Textbooks, Internet Materials, Magazines and Unpublished Works. We also analyzed qualitatively using the Content Analysis method. Content analyses involves making inferences by identifying specific characteristics of messages systematically and objectively. Systematically meaning it follows a given procedure that gives opportunity to other researchers to obtain the same result (Nwanolue, Ezeibe, Aniche, Iwuoha, 2018).

Child soldiering in South Sudan and International Peace and Stability in East Africa

East Africa consists of countries within the eastern part of Africa. It is the geographical area encompassing the seven member states of the Inter-governmental Authority on Development (IGAD). They include: Kenya, Somalia, Uganda, Sudan (South Sudan), Eritrea, Djibouti, Ethiopia and most times Tanzania. However, for proper analyses data would be specifically collected from the neighboring states of South Sudan, which include: Sudan, Kenya, Ethiopia and Uganda. We also included Central African Republic (CAR), and Democratic Republic of Congo (DRC), as a result of the boundary they share with South Sudan. The country came into existence in the year July 27, 2011, becoming the fifty fourth (54th) country to join the African Union, and the one hundred and ninety third (193rd) country to come into existence in the world.

South Sudan has been described as a very fragile state, plagued with weak governance, limited administrative capacity, chronic humanitarian crises, persistent social tensions, violence and civil war. Ottaway and Sadany (2012) in their work "From Conflict to Conflict", enumerated the four types of conflict that plague South Sudan. First is the conflict between North and Southern Sudan over oil. Second is conflict on the scramble for territories along the border between the North and South. Third, is the conflict that takes place within South Sudan, where the authority of Juba, the capital city, is being contested. And finally, is the series of violence taking place in form of insurgent groups, who seek to fight for their interest, or fight against marginalization in the hands of the government. Much of the violence is caused by the struggle for land, water, grazing right and oil.

Lauren (2016) points that what led to the most recent crisis in South Sudan is the existence of underlying tension and mistrust among South Sudan Key Political leaders- President Salva Kiir and the Vice

President Richard Machar. The constant accusations done by former Vice President Machar and key Sudanese leaders against the governance of President Kiir made President Kiir on July 2013 to reshuffle the Cabinet, evicting the vice president and other key officials. In December 2013, political tension among South Sudan's leaders sprung forth, with a press conference organized by the SPLM where grievances were publicly aired. Fighting broke out among members of the presidential guard, specifically between the Dinkas and Nuers. The fighting spread to the military headquarters, after which it spread to areas in Juba, Jonglei etc. The dispute was not originally ethnically motivated, but overtime it became so. Within the first days of the attack, series of attacks were made on Machar's ethnic sect- the Nuer in Juba. A reprisal took place by the Nuer against the Dinka's (Kiir's ethnic group). Machar with the support of senior commanding officers, declared a rebellion against Kiir and his government. The conflict has ever since triggered mass displacement, poverty and underdevelopment (Lauren, 2016). The political or ethnic disagreement has led to the emergence of armed groups, who has in one way or the other sought to promote their cause, some in support of Kiir regime while some in opposition (Romeo 2018). These armed groups have constantly recruited children voluntarily and involuntarily

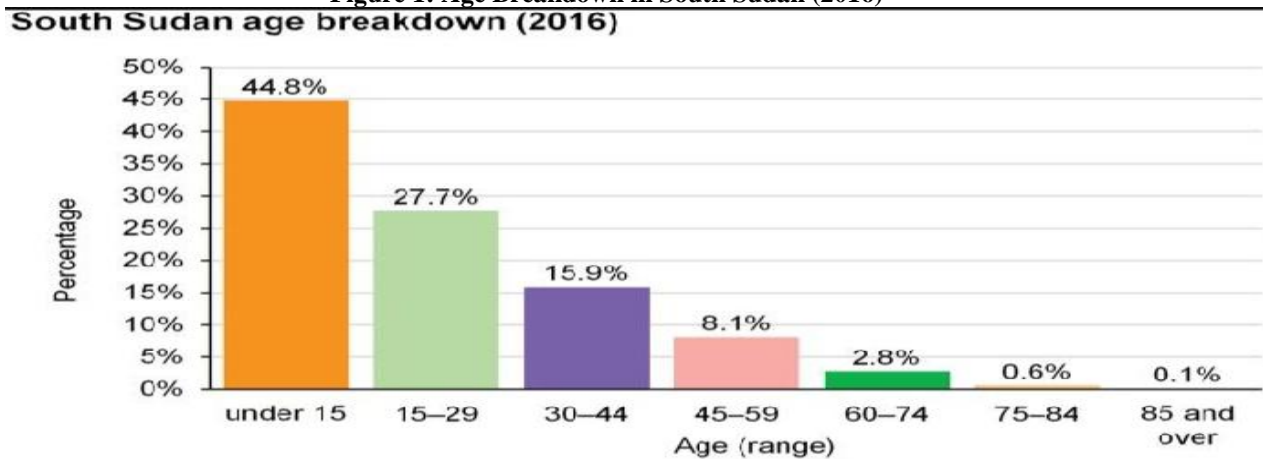
Recruitment of children by armed force/groups in South Sudan and the high rate of refugees in East Africa

Ever since the 1983 Sudan North-South war, child soldiers in their thousands have been used by the rebel groups in the South, SPLA inclusive, which later became South Sudan's military force after the 2005 peace agreement. Following the inability to gain raw data on the number of children used in South Sudan, a lot of estimates have been provided by researching organizations and persons. According to Child Soldier Initiative (2018) not less than 19,000 children are believed to be recruited by both governmental forces and other indigenous armed groups. These children are most times forcibly or voluntarily recruited. They are most times compelled to, due to harsh conditions in differing states in the country, as well as in UN protection Civilian sites. In the hands of these armed groups these children are made to experience and carry out criminal actions. More than 17,000 children have been estimated to be recruited by both government and opposition forces, since the conflict began in December 2013. Children have constantly been recruited throughout the country, in areas like Unity, Jongei, Lakes and Warrap states and in the Greater Upper Nile, Greater Bahr el Ghazal and Greater Equatorial regions. In 2015, the SPLA-IO recruited an estimated 400 South Sudanese children from Kharasana refugee camp (Bureau of International Labor Affairs, 2016). The UN recognized 159 incidents of recruitment affecting 2,596 children in 2015 and 169 incidents that affected 1,022 children in 2016. In 2016, 61 percent of the affected victims were attributed to the SPDF and government armed forces (Romeo, 2018). Since 2013, UNICEF and partners documented:

- Two Thousand three hundred and forty-two (2,342) children killed/ maimed
- Three thousand and ninety (3,090) children abducted
- One thousand one hundred and thirty (1,130) children sexually assaulted
- Three hundred and three (303) incidents of attack on or military use of schools or hospitals (UNICEF, 2016).

The recruitment of child soldiers in South Sudan has sustained the crisis in South Sudan. Singer (2005) held that the increase in the recruit of children as soldiers by armed forces, especially in Africa and Asia countries is as a result of the high proportion of young people in poor countries. This is an aftermath of the death of older ones, caused by the protracted war and deadly virus, such as AIDS. South Sudan before its independence had been plagued with a civil war of more than twenty years, this war saw to the death of young men. Children make approximately 50% of the population of South Sudan, hence, to facilitate the cause of armed groups in South Sudan these children are recruited.

Figure 1: Age Breakdown in South Sudan (2016)



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Source: Encyclopædia Britannica (2016). Retrieved from global-4-1vs-odra.opera-mini.net/hn14-06-04/3475/1/1/1tkc5271xoqv6wx6oq4ge8/age-breakdown-bar-graph-south-sudan.jpg

From the graph above persons below Eighteen years of age make about fifty (50) percent of the population. For the cause of armed groups to be established, children who make up half of the population are recruited. These children according to Dudenhoefer (2016) are more willing to fight for peculiar reasons, such as revenging the death of loved ones, seeking forms of reward etc., hence, enforcing high level of brutality and violence. The use of these children as soldiers in South Sudan has sustained the civil war in the state and contributed to the failure of resolutions. The sustenance of the civil war has led to the displacement of persons. In 2017 over two third of the world’s refugee population came from just five countries, they include- Syria, Afghanistan, South Sudan, Myanmar, and Somalia (UNHCR, 2018). South Sudan records the third highest refugee crisis the world and the first in Africa. Unfortunately, the six neighboring states of South Sudan are the major host countries of persons fleeing from South Sudan, they include- Uganda, Kenya, Sudan, Ethiopia, Democratic Republic of Congo (DRC), Central African Republic (CAR).

Table 1: Major Host Countries of South Sudan

Host Countries	2013-2014	2015	2016	2017	2018
Ethiopia	193,944	340,000	338,821	418,892	485,000
Kenya	44,282	75,000	87,141	111,040	140,000
Sudan	109,970	196,000	297,168	805,258	1,007,000
Uganda	129,913	210,000	640,008	1,057,809	1,380,000
DRC	24,750	49,500	66,672	87,019	87,019
CAR	1,650	2,700	4,932	2,057	2,057

Source: UNHCR (2014, 2015, 2016, 2017 and 2018) “South Sudan Regional Refugee Response Plan”

Uganda, Sudan, Ethiopia, Kenya, DRC, and CAR are the major host countries of South Sudan refugees (UNHCR, 2018). However, according to the Failed state index four of the world’s most fragile states lie in this part of Africa. Somalia tops the list followed by Chad, Sudan takes the third place. Democratic Republic of Congo (DRC) ranks number four, nearby Central African Republic (CAR) ranks eighth place, with Kenya at 16, Ethiopia at 20, and Uganda at 21. Apart from Chad and Somalia all these states are major hosts of South Sudan refugees (Angelo and Mc Guinness in Odigbo, 2018). According to the 2019 Fragile States Index the five most fragile states are; Yemen, Somalia, South Sudan, Syria and Democratic Republic of Congo (DRC). Others include, Central African Republic (CAR), Chad, Sudan and Afghanistan. The infiltration of refugees into these failed/fragile states individually strains the economic/political capability of each state and the region as a whole in maintaining peace and stability. With insufficient fund possessed by these individual host communities and humanitarian agencies, the need for food and shelter by refugees leads to competition over scarce resources, which eventually leads to conflict that hamper peace and stability. Using Kenya as a case study the security problems in host communities of this state are caused as a result of the massive influx of South Sudanese refugees (Anomat, Imana and Ocha, 2017). The increase of South Sudan refugees in Eastern states of Africa, places more pressure on scarce resources and hence, competition among refugees and members of host communities, some of these resources includes; water, wood and land (Girma, 2016). The insufficient allocation and provision of facilities, suitable for both refugee camps and host communities, such as educational, sport and

transportation facilities simultaneously lead to struggle over these limited resources (Anomat, Imana and Ocha, 2017). Also, the difference in religious, cultural, language and tribal attributes also contribute to a higher rate of conflict and turbulence in these societies (Cheludo, 2015).

Arming children in South Sudan and the proliferation of SALWs in East Africa

According to the 2014 report by the Bureau of Community Security and Small Arms Control (BCSSAC) there are approximately 1.9- 3.2 million illicit arms in circulation in South Sudan. In 2016 it was estimated that there were over 601,000 arms in circulation in South Sudan, a figure lower than the previous national Small Arms Survey's estimate in 2009, which was 720,000 (Saferworld, 2018).

Aside the historical conflict of South Sudan in Sudan, and its military diplomatic relation with arms exporting countries like Ukraine, China, Iran, some scholars blame the proliferation and possession of SALW by civilians in South Sudan on the rebel groups in neighboring states, who provide arms to South Sudan rebel factions (National small Arms assessment in South Sudan, 2017, Weareiguacu, 2017). Some of these rebel groups include the Lord Resistance Army (LRA) of Uganda, Chadian rebel groups, Libya's militants, Eritrea and Ethiopia armed groups. The inability of government to pay soldiers salary and the economic hardships has also led soldiers to sell their arms to civilians, hence, the free flow and access to arms in South Sudan. It is also argued that the porous nature of South Sudan borders has led to the circulation of arms from Sudan, Central African Republic (CAR), Democratic Republic of Congo (DRC), Kenya, Ethiopia and Uganda (Opongo, 2018). The phenomenon of child soldiers in South Sudan has fuelled the steady request for more arms flow into the state by the armed force and armed groups. These Small Arms and Light Weapons are characterized or recognized by their low cost, availability, simplicity, durability and portability (Karp, 2000 and Kaldor 1999). Their simplicity and portability has made it possible for children in South Sudan to be equipped. These arms characterized by their simplicity and portability have illegally found themselves in neighboring North Eastern states of Africa. This is predominantly as a result of the porous borders shared by these countries with South Sudan. These porous borders aid the high influx of armed South Sudan refugees, armed nomads or traders into North-Eastern states (Opongo, 2018). Concrete evidence of the existence of these illegal arms in these states are difficult to come by, however in 2017 Small Arms Survey presented a report on the availability of SALW in the hands of civilians in North-East states.

Table 2: SALW among civilians in East Africa

North-East States	Estimate of civilian held firearms
CAR	94,000
Ethiopia	377,000
DRC	946,000
Kenya	750,000
Sudan	2,768,000
Uganda	331,000

Source: Small Arms Survey (2018)

The prevalence of these arms has enhanced and sustained conflicts in individual states of East Africa. Gramizzi (2014) argued that the level of conflict and violence inherent in a state indirectly describes the level of illegal arms in circulation. He further classified the North Eastern states based on the level of conflict they experienced:

- Longstanding war affected countries- DRC, South Sudan and Sudan
- Countries affected by low-intensity conflicts or in post-crisis phase- Ethiopia
- Stable and relatively peaceful countries facing armed violence challenges and security threats: Kenya, Uganda.

The free flow, circulation and illegal acquisition of SALWs further undermines sustainable peace agreements, frustrates efforts in preventing armed conflict, and hinders the provision of humanitarian assistance to already conflict inflicted societies, therefore increasing humanitarian crisis (Africa Union Report, 2012; Stahl, 2006).

Militarization of schools in South Sudan and the increase of terrorism in East Africa.

The South Sudan conflict which further escalated armed groups, has led to the occupation of schools their premises by both state and non-state armed actors. OCHA reported that state and non-state armed groups occupied a total of 131 schools for varying period of time, between December 2013 and the end of November 2015. A survey carried out in 2016 by Education Cluster Survey found that 161 schools had been used by military troops within unspecified periods. This includes Ninety-two (92) schools in Greater Upper Nile region, forty-six (46) schools in Greater Equatorial region, and Twenty-three (23) schools in Greater Bahr el Ghazal region (Global Coalition to protect education from attack, 2018).

The militarization of schools has increased the number of Out of School Children in South Sudan. In South Sudan there are approximately 2.2 million Out of School Children (OOSC), a number which is expected to grow if measures are not taken. South Sudan records the highest rate of OOSC in the world. Global Coalition to protect Education from attack in 2018 compiled reports from Non-Government Organization (NGO), United Nations (UN), British Broadcasting Corporation (BBC), United Nations Mission in South Sudan (UNMISS), Education Cluster, that says that in 2013, 413 children were abducted from schools in Unity State, towns of Bentiu and Rubkona. In 2014 more than 100 students were abducted in Bentiu town and Unity state, while in the year 2015 at least 36 children were recruited from the village of Waushilluk, Upper Nile State. The militarization of schools has aided the recruitment of children in South Sudan and has made it possible for armed groups to function and terrorist groups to network for stronger effect in East Africa. The Lord Resistance Army a terrorist organization led by Joseph Kony from Uganda, majorly operates in northern Uganda, South Sudan, CAR, and DRC. It has over the years been capable of networking with South Sudan rebels having its headquarters in South Sudan. Despite being militarily muddled, the organization is still kept alive by affiliating with armed groups in South Sudan (Human Right Watch, 2015). The sustenance of the civil war in South Sudan with the help of child soldiers has also strengthened the effectiveness of the Ethiopian Unity Patriots Front, a terrorist group from Ethiopia (Arensen, 2015). By affiliating with the Kiir government or armed groups, the group has subsequently become more active in East Africa (Nyamile, 2014).

Engagement of Children in Battle in South Sudan and Escalation of Conflict in East Africa.

The use of children in combats has been a peculiar thing among South Sudan armed groups. Children recruited are given different roles by the commanding officers, while the younger ones are given menial roles, the older ones are sent into battle. The use of children in combats has been documented by the Human Right Watch (2015) from page 29-51. It should however, be stated that children are compelled to partake in these battles with the forced or voluntary intake of hard drugs. Gaining freedom by escaping into neighboring states, these children not rehabilitated endanger the peaceful existence and stability of the host states. As described by Emmanuel Jal, a former child soldier now a renowned philanthropic singer, after four years of fighting in the Sudan war at the age of eight, according to him “Violence was fun, it is excitement.....” (TED.com, 2015). Child soldiers fleeing with such ideology and are not being rehabilitated are serious threats to their host countries, contributing to violence and aggravating conflicts in these countries. In CAR as many as 10,000 children were engaged in the battle between the Muslim “Seleka” coalition of armed groups and the Christian “Anti-Baleka” militias from 2012-2016. The constant usage of children in battle in South Sudan has also impacted on the use of children in battle in DRC from 2016 till date, in the conflict between Kamuina Nsapu and the Armed Forces of the Democratic Republic of the Congo (FARDC) (Fohlen, 2019).

African Union Actions against Child Soldiering in South Sudan

The African Charter on the Rights and Welfare of the Child (ACRWC) is the only regional human rights treaty that covers civil, political, economic, social and cultural rights of children. ACRWC was adopted by the Organization of African Union which later became African Union in 1990. It was entered into force in the year 1999. Like the UN Convention on the Rights of the Child (CRC), the ACRWC gives a narration of the rights to be enjoyed by children in Africa. This charter originated because members of the AU believed it was necessary to define the rights of children in the continent based on Africa’s cultural values. As of 2018, the ACRWC had been ratified by 48 out of 54 states of the AU and signed but not ratified by 6 states, these non-ratifying states include; Central Democratic Republic (CAR), Democratic Republic of Congo (DRC), Sahrawi Arab Democratic Republic, Somalia, South Sudan and Tunisia (African Union Report, 2019).

Among other rights articulated in the charter for the benefit of children, the charter expressly prohibited the recruitment of children as soldiers in Article 22^a. It states “*Children should not be recruited as soldiers.....*”. The inability of the South Sudan government to ratify the Charter has made it quite impossible for the AU Committee to intervene conveniently against the continuous recruitment of children as soldiers by armed groups/ force in South Sudan. Consequent to this limitation, more than 17,000 children have been estimated to be recruited by both government and opposition forces since the conflict began in December 2013.

Table 3: Estimated Number of child soldiers recruited in South Sudan from 2013 to 2018

Years	2013-2014	2015	2016	2017-2018
Total number of children recruited	9,000	2,596	1,300	3000

Source: Author Compilation (2019). Retrieved from https://www.unicef.org/media/media_73457.html, <https://www.theguardian.com/global-development/2019/sep/18/rise-in-recruitment-of-child-soldiers-raises-fresh-fears-over-south-sudan>, and <https://apnews.com/c5092F293f88464e9f7c/c68b/6d/96d>.

The inability of South Sudan to ratify the AUCRWC has made it difficult for African Union to actively intervene against the continuous recruitment of children as soldiers in South Sudan.

African Charter on the Right and Welfare of the Child (ACRWC) and the Armament of Children with SALWs in South Sudan.

Globally it is estimated that there are over Eight Hundred and Seventy-Five (875) million Small Arms in circulation, either privately possessed or stockpiled. Of these weapons 200 million is adjudged to be in the hands of government and state militaries, while 26 million rests in the hands of law enforcement agencies. About two-third of the number of the weapons are believed to be in the hands of civilians and non-state actors, of which 100 million is reported to be in Africa (Africa Union Report, 2012; Stahl, 2006). With the known fact that the free flow, circulation and illegal acquisition of SALWs encourages child soldiering, undermines sustainable peace agreements, frustrates efforts in preventing armed conflict, and hinders the provision of humanitarian assistance to societies already affected by conflict, the AU as a regional organization established means to end the illegal acquisition and proliferation of SALWs. Among these measures is the establishment of the AU Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of SALW (2013). Its specific objective includes-

- To promote peace by educating and carrying out public awareness programmes on the consequences of illicit proliferation, circulation and trafficking of SALW.
- To strengthen the capacity of AU member states and regional bodies in enforcing restrictive measures against the illicit flow and use of SALW.
- To promote corporation, coordination and exchange of information between relevant organs in the national, regional, and continental level.
- Acquire and enhance international cooperation in the fight against the proliferation of SALWs in Africa (African Union, 2018).

The AU-Regions Standing Committee on SALW (AU-SALW Committee), the implementing organ of the Strategy, collectively works hand-in-hand through various means with national, regional and international institutions with similar ambition, the committee sees to the implementation, coordination and facilitation of the declarations made in AU Strategy on the control of illicit proliferation, circulation and trafficking of SALWs. Though AU does not have a programme document in SALW, most of its initiatives are supported by the UN. Some of them include-

- The assembling of a Ministerial-Level meeting on Physical Security and Stockpile Management (PSSM) supported by the G7 and AU.
- Rendering support to national governments to establish national small arms commissions.
- Promoting to ratify international instruments such as the Arms Trade Treaty (ATT).
- And providing support for the execution of the UN Security Council Resolution 1540 (2004), which strives to prevent the movement and production of weapons of mass destruction. (UNOAU, 2019).

It is however not encouraging that despite the various measures carried out by the AU against the free flow and illicit acquisition of SALW, South Sudan has been a dumping ground for SALW, to the extent of it being acquired and used sporadically by children recruited as soldiers. In 2016, it was estimated that there were over 601,000 arms in circulation in South Sudan (Saferworld, 2018). Despite the strategy carried out by AU, the proliferation of these SALWs has been on the increase in South Sudan. Other than limiting the free flow of these arms in Africa, AU in promoting the rights of children through its Charter (ACRWC), does not have a provision in its article that prohibits the equipment of children with arms. Hence, in violation of Article 22 of the ACRWC, children are not only recruited but are as well equipped with deadly arms.

In Article 11 of the African Charter on the Right and Welfare of the Child (ACRWC), children are given the right to education to develop talents, mental and physical abilities as well as their personalities, the education as stipulated in the charter stands to preserve the positive African morals, values and cultures. The charter however, as against the Safe School Declaration, does not specifically speak against the militarization of schools by armed groups. A survey carried out in 2016 by Education Cluster Survey found that One hundred and sixty-one (161) schools had been used by military troops within unspecified periods. This include Ninety-two (92) schools in Greater Upper Nile region, Forty-six (46) schools in Greater Equatorial region, and Twenty-three (23) schools in Greater Bahr el Ghazal region. The military occupation of schools in South Sudan has made it easy for students and teachers to be attacked. There were isolated instances between 2013 and 2017. The Education Cluster reported in early 2017 that there were 35 attacks and threats targeted at teachers, students and other educational personnel. In the Greater Equatorial, there were Fifteen (15), Greater Upper Nile Thirteen (13) and Greater Bahr el Ghazal Seven (7) attacks on teachers, students and other educational personnel (Global Coalition to Protect Education from Attack, 2018).

Table 4: UN Documented Report on the Military Use of Schools in South Sudan from 2013-2018

Country	2013	2014	2015	2016	2017-2018
South Sudan	20	33	36	55	55

Source: Global Coalition to Protect Education from Attack (2018)

In Article 22^b of the ACRWC, children are prohibited from taking a direct part in fighting wars. This is as well justified in the Optional Protocol of the Convention on the Right of the Child, which strictly prohibits the involuntary recruitment of children as well as the engagement of children below 18 years in battle. This Conventions/Charters are meant to protect the right of these children. However, child soldiering in South Sudan, specifically the engagement of children in battle, has been a recurring phenomenon that has captured the attention of the world. The AU has not been able of carry out active measures against further engagement of children in battles in South Sudan, largely because South Sudan is yet to ratify its Charter on the Rights of Children.

IV. CONCLUSION

Child Soldiering in South Sudan has adversely affected international peace and stability in East Africa. With children as soldiers sustaining the civil war in South Sudan, the number of refugees in East Africa has increased. Child soldiering in South Sudan has as well aided the proliferation of SALW among its neighboring countries, enhanced the existence of insurgent/ terrorist groups, as well as encouraged violence and the continuous recruitment of children among its neighboring states. Africa Union (AU) has not been able to carry out practical steps to stop the; recruitment of children as soldiers, equipping children with deadly arms, militarization of school and the engagement of children in battle in South Sudan, based on the sole reason of South Sudan not ratifying the African Charter on the Right and Welfare of the Child (ACRWC), a charter that protects the right and welfare of African children.

We recommend as follows:

- Proper sanctions and disciplinary measures should be imposed on South Sudanese government and individuals who have recruited children in armed groups/force, engaged children in battle, militarized Schools against the provisions of the Convention on the Right of the Child and Safe School Declaration ratified by South Sudan.
- ACRWC in its charter should make provisions that would prohibit the militarization of schools and equipping of children with arms; the government of South Sudan should be compelled through economic and political mechanism to ratify the African Charter on the Right and Welfare of the Child (ACRWC). This would make the government more conscious of the right of children, as well as amplify the role of AU in the protection and promotion of children's rights in the country.

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Paul A. Onuh, et. al “Child Soldiering In South Sudan: A Threat to Peace and Stability in East Africa.” *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 25(6), 2020, pp. 39-51.