

The Impact of Armed Conflict on Minors under Non-International Armed Conflicts

Julius Toh Timngum

Abstract: The analyses of armed conflict revealed that children are invisible and are typically regarded as passive, incidental victims or inconsequential actors. In any internal armed conflict or intrastate, ethno-political conflicts, however, minors play an increasing role both as soldiers and along with other non-combatants, as targets and victims in fighting at the community level. This article seeks to explore the impacts of armed conflict on minors. By examining the impact, the article argues that conflicts affect minors in two main ways-direct and indirect. The article does not only limit itself to the impact but also investigate the reasons why minors do get involved in armed conflicts. The impact raised in this section pushes the article to delve into the available law on the subject that can be used to remedy the situation of minors during and after non-international conflict.

Keywords: Armed Conflicts, Minors, Impact and Non-international.

1. INTRODUCTION

An armed conflict may be viewed as political violence between two or more parties which involves armed forces with armed confrontation and the resultant effect of more than a thousand registered deaths per year.¹ According to Wallensteen & Sollenberg, an armed conflict is a contested incompatibility which concerns government or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths.² From these two definitions, one thing is seemingly clear; the term “armed conflict” is not a new phenomenon but has been with us since the beginning of mankind. Prior to civilisation, conflicts occurred and were fought with stones and other primitive weapons. As time passes by, this advanced into spears, cutlasses as well as the bow and arrow. Every day, we watch on television and read frequently in the newspapers, the negative impact caused by conflicts on minors such as; the disruption of food supplies due to armed conflict, the destruction of crops and agricultural infrastructures, the disintegration of families and communities, the displacement of populations and the destruction of educational and health services, water and sanitation systems. All of these often take a heavy toll on a community during and after the war.³ Unfortunately, minors are those who suffer an onerous burden inflicted by the war, given their natural vulnerability and dependent state.

Almost all the continents of the world know the taste of war and its aftermath effects on the community. According to the Geneva Declaration of 2008, armed conflict is the fourth leading cause of death in the lives of people between the ages of 15 and 44 and for those less than 15 years of age, armed conflict becomes the leading cause of death.⁴ The 20th century armed conflict statistics revealed a dramatic increase in violence against victims, who in most cases were civilians. For instance, during the First World War (WWI), 19% of casualties were civilian and nearly half of the casualties were civilian during Second World War (WWII).⁵

1 See Kendra E & Krijn Peters, War and Children: A reference Handbook (Greenwood 2010) 1 Ibid.

2 See Wallensteen Peter & Margareta Sollenberg, Journal of Peace Research 1993–2009 (2001). ‘Armed Conflict 1989–2000’, Journal of Peace Research 38 (5) 629–644.

3 See Impact of Armed Conflict on Children; Report of Graça Machel- Expert of the Secretary-General of the United Nations (document A/51/306 and Add. 1), to the 1996 session of the General Assembly, available <<http://www.un.org/rights/introduc.htm#contents>>, accessed on 8th of March 2012.

4 See the Geneva Declaration Process (hereinafter referred to the Geneva Declaration): Placing the Links between armed violence and development on the international agenda (2008), available at <www.genevadeclaration.org> accessed 11th March 2012.

5 See Tami T, ‘Impact of Conflict on Children’s Health and Disability’, Background paper for Education for All Global Monitoring Report 2011.

However, the character and nature of armed conflict has changed in recent years. With the coming of machine guns, bombs and other dangerous armaments like nuclear weapons that enable mankind to target and kill not only the combatant, it has made it possible to destroy both the combatant as well as the environment in which they live, including minors. According to *Brad*, conflict may be viewed as differences in opinions as well as negative argument which potentially evoke aggressive attitudes in the minds of the minors.⁶ From this definition, one may deduce that, conflict is not just when an individual is fighting. In other words, the impact of armed conflict may not necessarily be felt only when an individual is confronted in a battlefield. However, even in situations in which the minors are recruited with the condition of not taking direct part in hostilities (indirect participation), the impact still remains inevitable.

On the other hand, although the minors may take direct part in armed conflict, the recruitment of their parents into armed groups may indirectly affect them as well. This is due to the fact that, minors are generally vulnerable and their lives depend on the life and situation of their parents. As such, if their parents are affected by the armed conflict, such effects may definitely transport into the lives of the minors as well. Therefore, in any attempt to analyse the impact of armed conflicts on minors, it would be reasonable to analyse the impact by looking at the related effects of conflict on the family, as well as their community. This therefore takes us to the indirect impact of conflict.

Turning our attention to Africa, despite or perhaps due to the fact that the African continent is economically, technologically, and medically underdeveloped, it has been the victim of many armed conflicts. This phenomenon has been increasing since the beginning of the 20th century,⁷ to be more precise, between the 1980s and 1990s. At the time of this research, approximately 128 countries in sub-Saharan Africa have been to war either against their government, as individual groups fighting one another, in inter-tribal confrontations or by one state fighting against another state. These conflicts range from civil war, labour uprising, student strikes and peasant strikes.⁸ Although this research shall be focusing on the African continent, the impact of armed conflict is seemingly the same in every part of the globe with similar root causes arising from political corruption, lack of respect for rule of law as well as human rights violations.⁹ In Africa, for instance, statements such as, “to kill a big rat, you must first of all eliminate the small rat” are common.¹⁰ Such a statement summarizes the dangers which often await minors upon their recruitment into battlefields.

However, the law of armed conflict (International Humanitarian Law - IHL or the Geneva conventions) distinguishes two main categories of armed conflict; international and non-international armed conflict.¹¹ But it is important to note that, for the purposes of this research, my analysis shall be based on the latter type of conflict and as such, the analysis of the impact of conflict on minors shall be limited thereto. The main aim in this part of the research is to make a comprehensive analysis of the impact or the effect of non-international armed conflict on minors. To better comprehend the analysis, two types of impact shall be examined; the direct and indirect impact of conflicts. To further structure the analysis, direct impact consists of but is not limited to; illegal recruitment of the minors, sexual exploitation especially of female minors, physical disabilities/injuries due to arms or mines, while indirect impact shall consist of psychological impact, malnutrition and other related diseases as well as internal displacement and illnesses.

2. DIRECT IMPACT

2.1 The recruitment of minors as soldiers:

The act of recruitment, use, conscription or enlistment of minors under the age 15 years has been strictly prohibited under international law, most notably, the Geneva Conventions of 1949 and more precisely Article 4(3) (c) of the 1977 Additional Protocols II to the Convention dealing with non-international armed conflict.¹² Article 38, especially paragraph

6 See Cummings, E.M (1998), Stress and coping approaches and research: The impact of marital conflict on children. *Journal of Aggression, Maltreatment and Trauma*, 2(1), 31-50.

7 See Edward Goldson, “The Effects of War on Children”. The Children’s Hospital Denver. CO: USA.

8 Ibid.

9 See Anup S, “Conflicts in Africa” (2010) available at < <http://www.globalissues.org/article/84/conflicts> > accessed on 11th March 2012.

10 See R; Albertyn; AJW Millar; H Rode; The effect of War on Children in Africa, April 26 2003.

11 See American Red Cross-Fact Sheet, “Summary of the Geneva Conventions of 1949 and Their Additional Protocols.

12 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) Adopted on 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development of

two and three of the 1989 UN Convention on the Rights of the Child¹³ is also worth mentioning. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which entered into force in 2002, prohibits the compulsory recruitment of children below the age of 18 into national armed forces and armed groups. It requires states to take "all feasible measures" to prevent children from participating directly in hostilities. The protocol allows governments to set a minimum voluntary recruitment age of over 15 years but prohibits any recruitment of persons under the age of 18 by armed groups¹⁴ For instance, article 8(2)(e) (vii) of the Rome Statute of the International Criminal Court¹⁵ and article 3(a) of the Worst Forms of Child Labour Convention (no. 182) (1999)¹⁶ is instrumental. Article 1 and 2 of the 2000 Optional Protocol on the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on its part, has set an acceptable standard for minimum age for active participation in armed conflict to be 18 years. The protocol prohibits non-state forces from using, recruiting or enlisting volunteers of any person less than 18 years of age.¹⁷ In Africa, the continent with the highest number of minors associated directly with fighting forces, Article 22 of the 1990 African Charter on the Rights and Welfare of the Child, which considers minors to be all persons under 18 years, obligates states to take all necessary measures to prevent the use of minors in armed conflict and refrain from recruiting them.¹⁸

Although international law clearly prohibits the use of minors in hostilities, their use by armed forces and groups is widespread. Since 1990, minors as young as 10 years have participated in armed conflicts in over 58 countries. In the last five years, minors have been recruited, conscripted, enlisted and used in active conflicts in 28 countries.¹⁹ It may be noted that, the act of recruitment, conscripting and enlisting of minors into armed forces is not limited to armed or rebel groups. Minors have equally been recruited by government forces into their national army though in complete violation of the international law. On the other hand, it should also be noted that, the act of recruitment itself is not limited to the male gender.²⁰ For instance, during the Ethiopian civil war which ended in 1990, female minors played a significant role. What is more disturbing is the fact that, as we shall see later, female minors are not necessarily exposed to fighting dangers, they are bound to succumb to any sexual violence such as rape.²¹ The act of recruitment often takes many different forms. Some are conscripted, others are press-ganged or kidnapped and still, others are forced to the join government in a few countries which legally conscript children under 18, but even where the legal minimum age is 18, the law is not necessarily a safeguard. This is due to the fact that in some countries, birth registration is inadequate or non-existent and minors do not know how old they are. Recruiters can only guess at ages based on physical development and may enter the age of recruits as 18 to give the appearance of compliance with national laws.²²

International Humanitarian Law applicable in Armed Conflicts Entry into force on 07-12-1978, as per Article 23, available <<http://www.icrc.org/ihl.nsf/full/475?opendocument>> accessed on the 15th of March 2012.

13 Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 Entry into force on 02-09-1990, in accordance with Article 49) <<http://www2.ohchr.org/english/law/crc.htm>> accessed on the 15th of March 2012.

14 See United Nations Children's Fund and the Coalition to Stop the Use of Child Soldiers, Guide to the Optional Protocol on the Involvement of Children in Armed Conflict, December 2003. Available at <[http://www.unndr.org/tool_docs/option_protocol_conflict\[1\].pdf](http://www.unndr.org/tool_docs/option_protocol_conflict[1].pdf)> accessed on the 15th of March 2012.

15 Adoption: 17.07.1998 Entry into Force: 01.07.2002<<http://www.icc-cpi.int>>, accessed on 17th March 2012.

16 The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Signed 17 June 1999 and took effect 19 November 2000, available at <<http://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm>> accessed on 17th March 2012.

17 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000 entry into force 12 February 2002, available on <<http://www2.ohchr.org/english/law/crc-conflict.htm>> accessed on 18th March 2012.

18 African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999, available at <<http://www1.umn.edu/humanrts/africa/afchild.htm>> accessed on 18th March 2012.

19 Dyan Mazurana and Susan McKay, *Where Are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone, and Mozambique: Their Lives During and After War*, Rights & Democracy, Montreal, 2004.

20 Weiss, Thomas G. "Overcoming the Somalia Syndrome: 'Operation Rekindle Hope?'" *Global Governance* 1(2) (1995) 171-87.

21 Wessells Mike, 'Child Soldiers', Bulletin of the Atomic Scientists, Chicago [1997]; available at http://pangaea.org/street_children/africa/armies.htm, assessed on: 15th March 2012.

22 See Report of the expert of the Secretary-General, Ms. Grac'a Machel, submitted pursuant to General Assembly resolution 48/15 p.16 para 36.

However, as mentioned earlier, apart from the fact that minors may be unlawfully recruited by both the rebel groups and government forces, minors may at times present themselves to join the armed groups. The reasons for their decision ranges from; the desire to avenge the death of a loved one which may be a brother, sister and even direct parents resulting from societal pressure or more significantly, domestic violence. To the minors, joining a military group gives them the assurance of security.²³ I am reluctant to use the term “voluntary recruitment” because it may depart too significantly from the true sense of the word voluntary so as to be considered voluntary recruitment. While young people may appear to choose military service, the choice is not exercised freely. They may be driven by any of several forces, including cultural, social, economic or political pressures as earlier illustrated.

Minors who are recruited as soldiers are usually compelled to do hazardous jobs with hard labour and can become combatants, domestic servants, or subjected to sexual violence (most especially female minors). Although both male and female minors may be recruited in armed groups, evidence reveals that they have different roles to play. Female minors on their part may be raped and forced to provide the military commanders and other soldiers with sex. Female minors who are raped and survive may also be more stigmatized when they return to their home communities after the war. On the other hand, male minors on their part who are recruited into armed groups may be taught to use firearms and fight, and may be trained to participate in terrorist attacks or become suicide bombers, in blatant violation of their rights as minors under international law.²⁴

In Northern Uganda for instance, 90 % of the soldiers in the Lord’s Resistance army consisted of minors ranging from eight years to 14 years, who were abducted and forced into military or rebel groups. Minors are forced to take part in dangerous tasks with the resultant effect of direct physical abuse, threats and drugs. Still in Uganda, female minors who are recruited may be asked to marry Lord’s Resistance rebel leaders mostly for the purpose of sexual gratification. If the rebel per se dies, the girl is put aside for ritual cleansing and is then married off to another rebel.²⁵ As we shall see with indirect impact, even those who manage to escape from the rebel groups often have long-term psychological problems.²⁶ The situation may worsen given the fact that, those who escape or refuse to succumb to the demand may be killed. A young female soldier described her situation as follows:

[I] joined the armed struggle. I had all the inexperience and the fears of a little girl. I found out that girls were obliged to have sexual relations 'to alleviate the sadness of the combatants'. And who alleviated our sadness after going with someone we hardly knew? At my young age I experienced abortion. It was not my decision. There is a great pain in my being when I recall all these things ... In spite of my commitment, they abused me, and they trampled on my human dignity. And above all, they did not understand that I was a child and that I had rights.....²⁷

The minors may be equally subjected to domestic servant tasks such as gathering firewood, preparing food and carrying water and other related chores.²⁸

2.2 Sexual violence and sexual exploitation on the minors:

The impact of armed conflict on minors may not only be limited to the act of recruitment. The impact may as well be extended to sexual violence. Sexual violence and sexual exploitation may be seen as a kind of gender based violence often inflicted on female minors as a result of their recruitment into armed conflict. Rape as an ingredient of sexual violence has been given a strengthened position under international law.²⁹ Sexual violence constitutes both physical and

23 See Joanna S. Barbara, War and public health, (2009) 189, Oxford University Press.

24 Ibid.

25 Almquist, Kate, Robbie Muhumuza and David Westwood, "The Effects of Armed Conflict on Girls", Geneva, World Vision International, May 1996, p. 21.

26 See Barbara JS. The impact of war on children. In: Levy BS, Sidel VW, eds. *War and public health*. Second edition. Oxford: Oxford University Press (2008) p. 179–92

27 Brett, Rachel, Margaret McCallin and Rhonda O'Shea, "Children: The Invisible Soldiers", Geneva, Quaker United Nations Office and the International Catholic Child Bureau, April 1996, p. 84.

28 See Coalition to Stop the Use of Child Soldiers (2010). "Mai Mai Child Soldier Recruitment and Use: Entrenched and unending availa soldiers.org/document/get?id%3D1586+Coalition+to+Stop+the+Use+of+Child, accessed on 15th March 2012.

29 See general Art 7(1)(g), Art 8(2)(b)(xxii) of the Rome Statute.

psychological attacks directed at the person of a minor, which is often characterised by forcing the minor as the case may be to strip naked in public, genital mutilation, or slicing off the breasts.³⁰

Sexual exploitation, on the other hand, has to do with the abuse of any kind of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another.³¹ Like mentioned earlier, it is a gender based violence with a long-lasting impact in the life of a minor as far as armed conflict is concerned. There are driven motivated factors responsible for sexual violence against minors during armed conflict. Notably, they include; increased rates of poverty and scarcity of goods as well as pressure from family members which can force a female minor to seek sexually exploitative alliances with armed forces and groups, including peacekeepers, humanitarian personnel, government officials and other local power holders for purposes of convenience.³² One may further qualify the action by female minors as a “relationship for convenience”. The situation may be further exacerbated where there are limited or no opportunities available for the minors to engage in livelihoods that meet their basic needs. As a result of the absence of such basic needs, commercial and exploitative sex may be among the few options for the female minors to generate income or acquire goods to support themselves or assist their families’ survival.³³ By so doing, seeking sexual alliance with military commanders, rebel leaders and humanitarian workers becomes inevitable for them.

In southern Sudan for instance, the act of sexual violence is a common phenomenon, in which, extreme brutality of sexual violence is said to have been committed especially during the conflict in Darfur and Democratic Republic of Congo (DRC).³⁴ These acts of sexual violence involved mutilation, sexual slavery and gang-rape. The physical injuries and mental scars inflicted by such ferocious sexual violence are extremely serious. Brutal rape can result in traumatic gynaecological fistula, where a woman’s vagina and her bladder or rectum, or both, are torn apart.³⁵ Moreover, according to Amnesty International, UNICEF survey in Darfur revealed that, a large number of female minors have been sexually molested or raped. The same report submitted by UNICEF in 2006, has provided 250 names as cases in three refugees’ camps in neighbouring Chad.³⁶

Despite the available law condemning the act of sexual violence and sexual exploitation of minors, the impact of such violence on their persons during armed conflict cannot be underestimated. The act of sexual violence on minors may have a long lasting psychological implication throughout childhood. The implication may even prolong into their adulthood. Minors who are survivors of armed conflict often experience severe trauma as well as depression. Sometimes, those who cannot bear the trauma may even commit suicide. Some end up with sexually transmitted diseases like HIV/AIDS. This is due to the fact that, many of them have little or no access to health care services or any counselling services.³⁷

One of the most common effects of sexual violence on minors is that, it leads to social stigmatisation and marginalisation in their community. This too will depend on the gender per se. For instance, female minors in particular may remain unmarried. This is because; men may turn to view them to be socially unfit for the society and also unqualified as wives. Sometimes, their family may even kill them in the name of protecting the family honour and prestige.³⁸ Statistically, according to UNICEF report of 2007, in late 1980, 25,000 child soldiers were abducted and used as sex slaves. The same

30 See the Final report submitted by Ms. Gay J. McDougall, Special Rapporteur, related to Systematic rape, sexual slavery and slavery-like practices during armed conflict (E/CN.4/Sub.2/1998/13), p 22 June 1998. See also Megan H. MacKenzie, *Female Soldiers in Sierra Leone Sex, Security, and Post-Conflict Development*, New York University Press 2012.

31 See the United Nations Inter-Agency Standing Committee, Report of the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, United Nations, New York, 2002.

32 See Mazurana, D. and Carlson, K; *The Girl Child and Armed Conflict: Recognizing and Addressing Grave Violations of Girls’ Human Rights* Expert Group Meeting on Elimination of all Forms of Discrimination and Violence Against the Girl Child Florence, Italy, 25-28 September 2006.

33 Ibid.

34 See Megan B; Karin G; Rahel K; ‘Sexual Violence in Armed Conflict’: Global overview and Implications in the Security Sector. (2007), SRO Kundig.

35 Ibid.

36 See Amnesty International (July 2004) Sudan, Darfur: Rape as a Weapon of War, 6; International Crisis Group (January 2006).

37 See Ibid.

38 See Ibid.

report further reveals that, amongst the 1.000 female minors who managed to return home after having been in captivity with the Lord's Resistance Army (LRA); 250 have given birth to children.³⁹ The impact of sexual violence against the person of a minor varies according to its nature and severity. But the short and long-term repercussions of this violence can be devastating. For instance, a minor who has been a victim of violence, most especially sexual violence in early childhood, can affect his or her brain maturing. In addition to this, prolonged exposure to violence, whether as victims of or witnesses to it, can affect the entire life of the minor, thus, leading to social, emotional and cognitive impairments, as well as behaviours that cause disease, injury and social problems.⁴⁰

2.3 Physical disables/injuries:

As mentioned earlier, a prolonged armed conflict often exposes minors who may be recruited as child soldiers to a range of physical injuries with resultant disabilities. Minors who have been sent into battle-fields, often sustain injuries either as a result of the bullet, machetes and other weapons. Some may even be burned through accidents. Many of these injuries often require amputation which may later have devastating impact on the life of the minor, especially if adequate care is not taken. Some of these injuries that require surgery do lead to malformation or scars.⁴¹ The situation may even be aggravated most especially, when dangerous weapons such as land mines are being used. A land mine is a weapon used in conflict, which disproportionately harms minors and women in great numbers.⁴² Unfortunately, minors who may be involved in armed conflict are often the ones used to explore unknown mine fields and are killed or permanently disabled from land mine detonations.⁴³ Also, minors living in camps and settlements may explore their surroundings and unknowingly pick-up land mines inquisitively for further examination. According to *Pearn*,⁴⁴ millions of minors die in conflict and three times as many are injured or permanently disabled. For instance, there are an estimated 4 million minors with physical disabilities with conflict being the lead cause of such disabilities in the world.⁴⁵

According to Guéhenno, "So long as there are mines, they are a danger to the local population. They are a great impediment to the resumption of local life."⁴⁶ In African war, land mines are responsible for the killing, maiming and injuring of 3.000 people each year, 60% of which are women and children. Angola, in particular, has the highest number of amputees in the world, with minors taking the lead. Moreover, a ten year old minor in Southern Sudan described the effect of land mines as follows:

[M]y name is Qalam. My one leg has been amputated. I was near a military camp and I was having a walk with my friends and hit a mine. At that time I was 15 years old. I just went for a walk; my leg blew up in the mine explosion. I had not informed my family that I was going with my friends. Maybe it was all in my fate.⁴⁷

Apart from the act of killing, maiming and inflicting disabilities caused by the land mines on minors, land mines may have a serious impact on the life of the indigenous population throughout the war period and beyond. This is because, during the period of war, minors may be isolated in little communities, their parents who may be farmers, may be prevented from cultivating the farm or land due to the fear that land mines may be implanted there. Minors at times may be prevented from going to school. Even minors who may be wounded in battles may be prevented from going to health care services. Sometimes this is because the way to the hospital may not be safe or because the hospital per se may be closed down. According to Shamsha, a female minor in Somalia, the impact of land mines on minors often puts the minors in a state of agony as she described her pain and her aspirations in the following extract:

39 See UNICEF (2007), Humanitarian Action Report, p 99.

40 See UNICEF, Handbook for Parliamentarian: Eliminating Violence Against Children (No 13) 2007, p. 11.

41 See Amnesty International (July 2004) Sudan, Darfur: Rape as a Weapon of War, 6; International Crisis Group (January 2006).

42 Tami Tamashiro, The hidden crisis: Armed conflict and education; (Impact of Conflict on Children's Health and Disability) (2010), Background paper prepared for the Education for All Global Monitoring Report 2011 p. 8.

43 Ibid.

44 Pearn, J. (2000). The cost of war: child injury and death. Contemporary issues in childhood diarrhea and malnutrition. Z. A. Bhutta. Karachi, Pakistan, Oxford University Press: 334-343.

45 Ibid.

46 UN Official, UN News April 13, 2007, available at <<http://www.un.org/apps/news/story>> accessed on 1st May 2012.

47 See Project Ploughshares Action for Peace (PLAP): Dimensions of War and Peace; A Teaching Unit for Grade Ten, Lesson plan 3, developed by the Staff of John Humphrey Centre for Peace and Human Rights (JHCPHR)(2011), available at <www.jhcentre.org> accessed 21 April 2012.

[I]would like my hands to be mended. I am in great agony and a terrible situation. I don't have hands. I can't eat my food; I have to be fed by someone else. I would like to see my hands working. I want peace and the war to be stopped. I want to go to school and get an education. If the hospital were working I would like my hands to be treated. If it was up to me, I would say that no child of my age should ever lose his hands. I would like to say to the militia, look what you have done, you have destroyed my hands. Please, don't continue blowing off children's hands. Please stop the fighting.⁴⁸

2.4 Internal displacement and refugees:

One of the most inevitable impacts of armed conflict on minors is that, conflict always causes population movements in large numbers either within the country or across national borders. Their destinations determine whether those who flee will become internally displaced people in their own countries or refugees who have crossed national borders. Taking the decision to flee is not an easy one. Those who make such decisions do so because they are in danger of being killed, tortured, forcibly recruited, raped, abducted or starved, among other reasons. They leave behind them; assets and property, relatives, friends, familiar surroundings and long established social networks. Although the parents of the minors may make the decision to leave, mostly especially in the minor's best interest, minors may as well recognize what is happening and can sense their parents' uncertainty. The effect of such uncertainty often transports into the life of the minors. The African continent has been the most affected by massive population upheavals. Wherever it occurs, displacement has a profound physical, emotional and developmental impact on minors.

In Africa, countries like Rwanda, Sierra Leone, Congo, Mali, Togo, just to mention a few, have been affected by massive population upheavals.⁴⁹ Although the displacement caused by conflict often has a profound physical, emotional and developmental impact on the displaced population, minors are often the most affected, given the fact that, the act of displacement often increases their vulnerability to recruiters. Also, some minors may abandon their homes to avoid forced recruitment even without parental consent. But it is not still an end to the problem given the fact that, in the course of their escape, they are often exposed or finding themselves at risk of recruitment. This is most especially if they have no documentation or travelling papers but still, travel without their families.

According to the United Nations High Commission for Refugee (UNHCR),⁵⁰ there are some 22 million displaced minors in the world. The period of displacing the minors may be one of the most difficult periods in their lives as minors. This is because; they may find themselves in strange and uncomfortable environment with a life void of meaning such as; less access or no access to education, nutrition and social instability. Even those who manage to pave their way out by as asylum seekers, (refugees), often face similar problems such as; lack of access to basic resources, difficulties in re-starting their education, sometimes exacerbated by discrimination from their strange environment as well as the feeling that they belong to a marginalized population group.⁵¹

On the other hand, even those who are internally displaced are not free of perilous circumstances. They may even be worse off than refugees in other countries. This is because; they often lack access to protection and assistance. Studies have shown that the death rate among internally displaced persons has been as much as 60% higher than the death rate of persons within the same country who are not displaced.⁵²

3. INDIRECT IMPACT

3.1 Psychological effect:

Just like any growing human being with needs and wants, a minor's body has many more needs than that of the adult, which, if they are not satisfied, can endanger his entire life. The poor conditions of food supply, health and hygiene ushered in by armed conflicts often take their toll first among minors, who have less capacity to resist such

48 Ibid.

49 Ibid note 21. See also UNICEF; The impact of conflict on women and girls in West and Central Africa. Feb 2005, available www.unicef.org, accessed on 05.05.2012.

50 Lisa ALFREDSON, 'Child soldiers, displacement and human security' (June 2002), available at < www.child-soldiers.org.> accessed on 8th June 2012.

51 Ibid.

52 Ibid.

circumstances.⁵³ This therefore means that, the development of the minor as a full human being is not only being limited in their physical development but the mal-development transcends into psychological, intellectual, social, emotional and spiritual development. These aspects require non-material support and are as necessary to life as food is. Due to limited experience and immaturity, the minor is less capable than an adult of confronting and coping with traumatic situations.

The scenario of armed conflicts mean the destruction of homes, families torn apart, division of communities, the disturbance or complete disarray of health and education services, the experience of suffering and the death of others. All of these often undermine the very foundation of the minor's life and destroy the vision through which he relates to the world.⁵⁴ During and after the conflict, minors are often traumatised by the consequences of conflict and are forced to abandon their homes and their towns. They become separated from their parents, witness the killing of members of their families, they are chased by soldiers or shot at by snipers, experience the invasion of their homes by armed gunmen, see people being injured, tortured or killed, participate themselves in such acts or are obliged to kill others, are threatened with death, witness mass killings in churches and schools, see how other minors participate in killing, see the destruction of their homes, hear the screams of the dying, see mutilated bodies, witness minors killing one another, and experience many times the sensation that they may die of hunger, cold or as victims of attacks.⁵⁵

The psychological impact of war on the minors are those things which affect his or her emotions, behaviour, thoughts, memory, learning abilities and not living out perceptions and understanding.⁵⁶ But it should be noted that, psychological effects may manifest it on minors differently. This means that, minors may react differently to the psychological impact on armed conflict. Their response to situations of armed conflict depends largely on their gender, family history, cultural background, as well as the duration of the conflict per se.⁵⁷ All these effects can reveal themselves in a good number of ways such as developmental delays, sleep disturbances, nightmares, lack of interest in playing and a decreased appetite. Some may even have learning difficulties while other may result to aggressive behaviour and depression throughout their lives.⁵⁸ Sanel, a 12-year-old minor from Uganda, describes her experience in armed conflict by stating that, "It is very difficult to live in war.... You just have to wait for the day you will have to die".⁵⁹ In the same light, a 16-year-old boy, an orphan recalls his traumatised feeling by reiterating that:

[I] think about my parents. In the war, my life is very difficult. I was separated from my parents. Because of difficulties, I have been a soldier for two years. I was injured and handicapped. I could not go to school. I lived in the orphanage. I could study a little, but I am sad because I am handicapped. I have no relatives like other people. I hate war very much⁶⁰

3.2 Malnutrition and other related diseases:

Malnutrition or better still under-nutrition is a dangerous medical condition which is characterized by a deficiency of energy, essential proteins, fats, vitamins and minerals in a diet. It is especially burdensome and more dangerous for minors who are still growing.⁶¹ At the time of this research, in 195 million minors in the world, less than five years of age are affected by malnutrition. Out of this number, 90 percent of them live in sub-Saharan Africa and South Asia. At least 20 million minors suffer from acute malnutrition and another 175 million are undernourished. From the analysis, one can conclude that, malnutrition may contribute significantly to the premature death of minors given the fact that, the immune

53 See World Health Organisation (WHO); Psychological effects of armed conflict on children (1999), p 69.

54 Ibid.

55 See generally "A UNICEF Report on War Trauma among Children in Sarajevo", in UNICEF Emergency Operations in Former Yugoslavia, Belgrade/Sarajevo/Skopje/Zagreb. Office of the Special Representative. On the children of Tuzla see Report from a UNICEF Pilot Study in Mostar: Children's Exposure to Violence and Trauma-reactions, prepared by Rune Stuvland, UNICEF's Psycho-social Officer in former Yugoslavia. Regarding the trauma of children in Rwanda, see also UNICEF study on children exposed to scenes associated with war in Rwanda, 1995.

56 Graça Machel, "The Impact of Armed Conflict on Children", Winnipeg, Canada 2000.

57 Id.

59 See Raymond, Alan and Susan, Children in War, TV Books, New York Times, January 26 2000

60 See, Mong Bun Thoeun (Cambodian boy, aged 16), Takmau Orphanage. "What Children Say About War: Somalia, the Former Yugoslavia, Ethiopia and Cambodia". Children: Innocent Victims of War. UNICEF, February 1993, pp. 4- 7

61 See UNICEF, Tracking Progress on Maternal and Child Undernutrition, November 2009; Undernutrition Series, Lancet paper 1, January 2008.

systems of malnourished minors may become less resistant to common diseases most especially in a situation where there is a complete breakdown in the state health system structure due to war.

During armed conflict, many minors died not necessarily because of the bullets shot, bombing or even land mines, but many died as a result of malnutrition and other related illnesses. According to *Bhutta*, malnutrition is a major cause of mortality in minors especially in low income countries.⁶² The African continent with the highest number of armed conflict cases has been classified as such (low income countries). It is estimated that there are 98.5 million undernourished minors under the age of 5 living in conflict-affected countries, which is more than 2/3 of the 143 million minors under 5 who suffer from under-nutrition globally.⁶³ These malnourished minors in conflict areas are at risk for poor school and work performance and greater likelihood of death. This is due to the fact that, during armed conflicts, the supply of agricultural products becomes irregular and in most cases, since there is no respect for the rules governing armed conflicts, food supplies may be cut off completely. In the same light, during conflict periods, the government turns to allocate more resources for the purchase of military equipment than for basic needs. Water sources may be destroyed; sanitation facilities affected as well as other health services may be attacked. According to the UNICEF's report, in the ten countries with the highest death rates, especially among minors under 5 years, seven had the highest death rates as a result of the indirect impact of armed conflict.⁶⁴ This is as a result of breakdown in the country's health care services. For instance, during the internal conflict in Mozambique between 1982 and 1986, over 40% of health centres were destroyed.⁶⁵ The same report further revealed that, minors as young as 10 years of age died because their parents or caregivers were unable to provide food and other daily needs of the minors that were necessary for their survival. As rightly lamented by a Sudanese minor: "The situation in the camps is not nice.....people are starving there...not to death but not enough for human life".⁶⁶

Moreover, it is estimated that, 5% of minors who die during armed conflict are as a result of direct trauma, while 95% is as a result of poor health and starvation. At the same time, 37% have lost both parents of which 45% are mothers and 55% are fathers.⁶⁷ Malnutrition may also have a detrimental impact on the whole family system in which minors constitute the centre focus. This is because conflict can disrupt crop cultivation, food production and market availability. It can inflate food prices, thus thwarting the capacity of families' purchasing power for goods and services needed by the family.

Apart from malnutrition which minors often experienced during conflicts situations, diarrhoea is one of the most common diseases which equally characterized conflict zones. In 1992 in Somalia, 23 to 50% of deaths in Baidoa, Afgoi and Berbera were reported to be due to diarrhoea.⁶⁸ Cholera is also a constant threat during armed conflicts. It has occurred in refugee camps in Kenya, Malawi, Somalia and Zaire, amongst others.⁶⁹ As tuberculosis re-emerges as a dangerous threat to health in the world, its effect is heightened by armed conflict and disruption. WHO estimates that half the world's refugees may be infected with tuberculosis as the crowded conditions in refugee camps often promote the spread of tubercular infections. Malaria has always been a major cause of morbidity and mortality among refugees in tropical areas, particularly among people who come from areas of marginal transmission and who move through or settle in endemic areas. Children, as always, are the most vulnerable to these collective assaults on health and well-being.⁷⁰

3.3 Internal displacement and illnesses:

The displacement of minors during conflict does not only expose or deprive them of their daily bread, but equally exposes them to health problems especially in refugee camps which at times can be too congested. It has been reported that, the most common cause of death amongst minors in most internal armed conflict is often linked to the prevalence of diseases

62 Bhutta, Z. A., A. K. Yousafzai, et al. (2010). "Pediatrics, war, and children." *CurrProblPediatrAdolesc Health Care* 40(2): 20-35.

63 UNICEF (April 2009) "Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World

64 United Nations Children Fund, *The State of the World Children*, UNICEF; New York. P 84-86.

65 See Carolyn Hamilton and Tabatha Abu El-Haj. "Armed Conflict: The Protection of Children Under International Law" *International Journal of Children's Rights* 5 (1997): 1

66 Ibid

67 Dyregrov A, Gupta L, Gjestad R, Mukanoheli E (2000) Trauma exposure and psychological reactions to genocide among Rwandan children. *J Trauma Stress*.

68 Ibid

69 Ibid.

70 Ibid note 21.

such as acute respiratory problems, measles, as well as HIV/AIDS.⁷¹ This is due to the fact that during internal conflict, health care programs are often compromised with the main focus being on war effort. The provision of preventive medicine to civilians during this period of warfare turns to be a luxury rather than a necessity.

Moreover, over 15 million children have lost one or both of their parents to HIV/AIDS, the majority of them in sub-Saharan Africa. The face of the HIV/AIDS epidemic is increasing more in young females than among males. The number of girls and women infected with HIV is likely to rise given their greater risk of infection due to biological and social factors.⁷² In Africa, girls and young women are three times more likely than their male counterparts to be infected. Additionally, girls and young women are disproportionately burdened with the care of HIV/AIDS infected persons and orphans.⁷³ As we mentioned earlier, armed conflict breaks down social structures, community protection networks and legal protection mechanisms and fosters an environment where sexual violations and exploitation increase. In situations where sexual exploitation exists, sexual relations can become increasingly violent, the number of partners can increase and girls become sexually active at younger ages. Taboos surrounding incest and under-age sex may be harder to monitor and enforce as people are displaced and focus more of their energy on meeting basic needs and their own family's security. Occurrences of rape, sexual slavery, trafficking and forced marriages also increase with more and younger girls subject to these violations. All these factors combine to add to the spread of HIV/AIDS, particularly with girls at a high risk.⁷⁴

REFERENCES

- [1] African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999, available at <<http://www1.umn.edu/humanrts/africa/afchild.htm>> accessed on 18th March 2012
- [2] American Red Cross-Fact Sheet, "Summary of the Geneva Conventions of 1949 and Their Additional Protocols
- [3] Anup S, "Conflicts in Africa" (2010) available at < <http://www.globalissues.org/article/84/conflicts> > accessed on 1th March 2012.
- [4] Almquist, Kate, Robbie Muhumuza and David Westwood, "The Effects of Armed Conflict on Girls", Geneva, World Vision International, May 1996, p. 21
- [5] R; Albertyn; AJW Millar; H Rode; The effect of War on Children in Africa, April 26 2003
- [6] Barbara JS. The impact of war on children.In: Levy BS, Sidel VW, eds. *War and public health*. Second edition. Oxford: Oxford University Press (2008) p 179–92
- [7] Brett, Rachel, Margaret McCallin and Rhonda O'Shea, "Children: The Invisible Soldiers", Geneva, Quaker United Nations Office and the International Catholic Child Bureau, April 1996, p. 84.
- [8] Bhutta, Z. A., A. K. Yousafzai, et al. (2010). "Pediatrics, war, and children." *Curr Probl Pediatr Adolesc Health Care* 40(2): 20-35
- [9] Carolyn Hamilton and Tabatha Abu El-Haj. "Armed Conflict: The Protection of Children Under International Law" *International Journal of Children's Rights* 5 (1997): 1
- [10] Cummings, E.M (1998), Stress and coping approaches and research: The impact of marital conflict on children. *Journal of Aggression, Maltreatment and Trauma*, 2(1), 31-50.
- [11] Dyan Mazurana and Susan McKay , *Where Are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone, and Mozambique: Their Lives During and After War*, Rights & Democracy, Montreal, 2004.
- [12] Dyan Mazurana and Susan McKay , *Where Are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone, and Mozambique: Their Lives During and After War*, Rights & Democracy, Montreal, 2004.

71 See Id 12.

72 Report of the Secretary-General, Follow-up to the United Nations Special Session on Children, United Nations doc A/59/72, 17 August 2004

73 Ibid.

74 UNICEF, Impact of Armed Conflict on the Sexual Exploitation of Children.

- [13] Edward Goldson, "The Effects of War on Children". The Children's Hospital Denver. CO: USA
- [14] Graça Machel, "The Impact of Armed Conflict on Children", Winnipeg, Canada 2000
- [15] Geneva Declaration Process (hereinafter referred to the Geneva Declaration): Placing the Links between armed violence and development on the international agenda (2008),
- [16] Joanna S Barbara, War and public health, (2009) 189, Oxford University Press
- [17] Kendra E & Krijn Peters, War and Children: A reference Handbook (Greenwood 2010)
- [18] Lisa ALFREDSON, 'Child soldiers, displacement and human security' (June 20002), available at < www.child-soldiers.org.> accessed on 8th June 2012.
- [19] Mazurana, D. and Carlson, K; *'The Girl Child and Armed Conflict: Recognizing and Addressing Grave Violations of Girls' Human Rights'* Expert Group Meeting on Elimination of all Forms of Discrimination and Violence Against the Girl Child Florence, Italy, 25-28 September 2006
- [20] Megan H. MacKenzie, Female Soldiers in Sierra Leone Sex, Security, and Post-Conflict Development, New York University
- [21] Megan B; Karin G; Rahel K; 'Sexual Violence in Armed Conflict': Global overview and Implications in the Security Sector. (2007), SRO Kundig
- [22] Mong Bun Thoeun (Cambodian boy, aged 16), Takmau Orphanage. "What Children Say About War: Somalia, the Former Yugoslavia, Ethiopia and Cambodia". Children: Innocent Victims of War. UNICEF, February 1993, pp. 4- 7
- [23] Pearn, J. (2000). The cost of war: child injury and death. Contemporary issues in childhood diarrhea and malnutrition. Z. A. Bhutta. Karachi, Pakistan, Oxford University Press: 334-343.
- [24] Raymond, Alan and Susan, Children in War, TV Books, New York Times, January 26 2000
- [25] Tami T, 'Impact of Conflict on Children's Health and Disability', Background paper for Education for All Global Monitoring Report 2011
- [26] -----The hidden crisis: Armed conflict and education; (Impact of Conflict on Children's Health and Disability) (2010), Background paper prepared for the Education for All Global Monitoring Report 2011 p 8
- [27] Wallenstein Peter & Margareta Sollenberg, Journal of Peace Research 1993-2009(2001). 'Armed Conflict 1989-2000', Journal of Peace Research 38(5)629-644.
- [28] Weiss, Thomas G. "Overcoming the Somalia Syndrome: 'Operation Rekindle Hope?'" *Global Governance* 1(2) (1995) 171-87
- [29] Wessells Mike, 'Child Soldiers', Bulletin of the Atomic Scientists, Chicago [1997]; available at http://pangaea.org/street_children/africa/armies.htm , assessed on: 15th March 2012