

Through Laws and Arguments that Prejudice Children's Economic Ingenuity in Africa

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ABSTRACT

Recent verses of the Sustainable Development Goals 2030 and that of the African Union Agenda 2063 emphasize the wellbeing of persons who are usually excluded from participating in development. These vulnerable persons include children. On the point of marginalization, this study considers children's freedom of economic ingenuity and the arrays of caretaker activities that prohibit or postpone this liberty. This research is done through a qualitative analysis of primary and secondary sources of law, including cultures. Contrary to common arguments against child employment, this paper posits that "work" is a germane process for human development. Invariably, postponement of economic ingenuity in young persons in favour of formal education may justify dimensions, where unavailability or inadequacy of white collar jobs" disable millions of persons who have spent their childhood, (not less than 18 years) participating in full time schooling. This study argues that anti labour legislations should contain less restrictions on children's economic freedom. Efforts should rather focus on creating safe work environment and fair wages for children, in manners that do not affect their other developmental rights negatively. Laws should also focus more on eliminating exploitative mentalities, policies and cultures from adults.

Keywords: Child Labour, Economic Ingenuity, Inclusive Development, Africa, Law

INTRODUCTION

...Compared to adults, children could become the powerless victims of their parents' carelessness and greediness, and the government should intervene, not only to protect unhappy children, but also to protect general wellbeing, so that a sickly and bestial population doesn't grow amidst society... **Samuel Le Poole**

(Vleggeert, 1964, p. 64)[\[1\]](#)

Contemporary regimes against child employment evolved from age long rules that assert the relevance of children, but presume their vulnerabilities to abuses from adults. Structures on minor rights majorly arose in the mid-19th century, at a time when extremely exploitative conditions instigated activists into agitating for laws that prohibit children's engagement in unregulated employments. Prior to this period, writers , including Jacob Ris[\[2\]](#) , renowned for his activities in the "other America", expressed that the situation was quite appalling that one might be led to believe that one half of the children worked like slaves from toddling infancy, while the other wanders homeless and helpless about streets.[\[3\]](#)

In child labour discourses, evidence of child employment during the medieval, often refute claims, that western societies ideally conceive childhood as a period for education, recreation, innocence and economic incapacitation. Historians[\[4\]](#) insist that children were not conferred with special or distinctive social status. Rather, once weaned, they participated in societies according to their abilities. The idea that children deserve some special forms of treatment or social experience therefore did not emerge until the 15th century upwards. With this ideal, came the special construction of childhood as a period when all children's minds

are free and so available to assimilate lessons from adults' experiences^[5]. The above reconstructions and other demands ensured that, formal education, especially among the high profiled, became a means for developing the child's capacity towards intellectual productivity away from peasantries.

Evolving agenda on "minors' rights" preferred schooling above child employment. These innovations equally instigated legal and theoretical aversions to all forms of child economic activities. By December 10, 1948, and especially due to the World War II, there was enough momentum for the *Universal Declaration of Human Rights* to formally proclaim a special status of childhood^[6]. By 1966, the *International Covenant on Economic, Social and Cultural Rights*^[7] iterated the obligations of states to subscribe to a minimum age of employment, and so along came the *International Labor Organization Minimum Age of Entry into Employment Convention in 1973*. The distinct but concerted efforts to protect the child's right against exploitation were eventually unified in 1989 when the United Nations adopted the *Childs Rights Convention*. The *CRC 1989* hence became the foremost universal treaty on children, as it unified the various existing international agenda on children into one treaty.

This study is significant because it reviews the introduction and historical influence of compulsory full time formal education as discussed above on children's economic ingenuity in Africa. This paper describes various contradictions in laws that limit economic freedom based on ages, then explain how recent campaigns for inclusive development can and have moderated the down troll of universal schedules on African children's economic future.

• Universal Formal Education on Children's Economic Development in Africa

According to the *Article 28* the *CRC 1989*^[8] the child has a right to education and it is the obligation of states to ensure that each child has equal access to schooling by;

1. Making primary education compulsory, available and free to all;
2. Encouraging the development of different forms of secondary education...and making them available and accessible to every child
3. Making higher education accessible to all on the basis of capacity by every appropriate means;
4. Making educational and vocational information and guidance available and accessible to all children;
5. Taking measures to encourage regular attendance at schools and the reduction of drop-out rates.

In addition to prescriptions for compulsory and full time attendance at primary school level, the *CRC* elevated formal barriers against all forms of employment that would affect the child's formal education. According to *Article 32*;

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to **interfere with the child's education**, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

The treaty further re-emphasized the age long obligations of states to take legislative, administrative, social and educational measures to ensure the:

1. Provision of minimum age or minimum ages for admission to employment;
2. Provision of appropriate regulation of the hours and conditions of employment;
3. Provision of appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

By virtue of the above provisions, international prohibitions in respect regards child work/employment are that;

1. a children may not be engaged in employments where other persons or adults can manipulate their efforts;

2. Children are prohibited from doing jobs that are hazardous or harmful to their overall development and thirdly,
3. children shall not be engaged in works that interfere with their education (School).

In Africa, these regiments on child education appear to be nonexistent until colonial and imperial records. For example, in Nigeria, the first child protection statute was the *Children and Young Persons Protection Act of 1958*, a British statute of general application which was in force in England as at 1900^[9]. Before that, informal and indigenous structures on child care, subsisted through customary rules and practices. These pre-colonial regimes have also survived imperial influences. In other words, indigenous perspectives on children, although not child's right based, are still enforced and sustained by traditional rulers, elders, leaders and customary courts. For example, the Yoruba cultural jurisprudence was unwritten but grounded in the traditional religion and beliefs in the influence of ancestors on all human activities^[10]. Due to the largely homogenous nature of the Yoruba society and its structures of hierarchy, the Oba (king) was the supreme human institution of recourse in public/private issues, including those relating to children care and welfare.

The Yoruba ideology was superstitious on the foundation that, the supreme divinity gives children and has the ability to afflict or plague any uncompromising member of the community who ventures into dislocating peace and order.^[11] The ability to bear Children and nurture them successfully was perceived as one of the three most important achievements in life. This fact can be deduced from several Ifa^[12] corpus including the one as interpreted below^[13] :

We seek three forms of blessings, we seek money, we seek children and we seek the worth of the earth/humanity

Childhood in Africa was the time to learn, build a character and acquire social and technical skills necessary to perform the future roles of adulthood.^[14] Ian Orchardson (1961)^[15] observed that very small Kipsigis children in the course of farm work or play, could name almost every tree, bush, grass, or weed and describe where they grow and what their flowers and seeds are like; how insects behave and where birds nest and what they say when they sing. Historical evidence also confirms practices that regard children's participation and contributions to their family and community developments. An example of such dependence on children in the web of human productivity is replicated in a quote about the Yoruba Ancient City of Ile-Ife^[16] –

1. Children performed their tasks, Adults also did and so Ile-Ife was created.
2. A child's hands would not reach the Altar, just as an adults hands would not enter the Gourd

Notwithstanding, within these civilizations Bledsoe. C (1980) recorded prominent pre-capitalist socio-economic arrangements of "wealth in persons", within circumstances that ensure that old men do not only expand their wealth in women through reproduction of children, they procreate to gain labor for supporting their immediate families^[17]. However, unlike the situation in western nations that endured earlier agricultural and industrial revolutions towards capitalism, Cohen et al, explained that the main forms of production in Africa were hunting, farming, and pastoralism and trading for direct consumption.^[18] The African indigenous economy interacted with others, especially by means of trade through the Northern African route^[19]. These trades are supported by evidence of labor involved in mining, weaving and the development of industrial implements for production^[20]. Authors seem to agree that it was the contact with Europeans that necessitated the re-articulation of existing production relations, to meet intensive explorations. Centuries of Transatlantic trade, slavery and colonization have been cited as contributory to the destabilization of indigenous communal arrangements (earliest records of deprived African child laborers were during the 18th Centuries of African Arab Slave Trade).^[21]

As alternatives, to pre-existing structures, formal legislations were introduced to deprive indigenes of their survival rights to lands in order to sustain colonial logistics. Labor took super-exploitation conditions, became available, cheaper, and wage^[22] paying arrangements became the preferred options for competent indigenes. As at mid-20th century, especially after the world war II, apartheid, neo colonization and post-independence activities installed democratic and military interventions that instigated conflicts, corruption and abject poverty in Africa. By late 20th Century, countries like Nigeria had gone through trains of events with Global Economic Trades and Policies that left it grappling with international debts, unstable economies and multiple legal structures^[23].

To Rwezaura (1998), the concept of wealth-in-persons which was effective in holding generations together by ties and mutual obligations was drastically transformed by modern market forces, leading to serious detriments on the part of the vulnerable (Women and Children).^[24] Africa began to exhibit her social dysfunctions though millions of children laborers and street kids that are forced to work and compete with adults for economic survival. Children's conditions are however, bound to be worse, because they are more vulnerable than adults. In addition they are unrecognized workers under laws^[25].

At the continental level, the African Union adopted her continental *Charter on the Rights and Welfare of the child in 1990*^[26]. A major rationale for endorsing the Charter immediately after its United Nations *CRC 1989*^[27] was that, the latter was extremely child's right based, and did not reflect African values, especially on children's obligations and respect. African nations (including Nigeria) that were already parties to ILO and UN Conventions, justifiably adopted their new continental prescriptions. This situation is notwithstanding the fact that many of these nations also grapple with multi-cultural domestic structures.

The implication of the above is that African States service treaties with contradicting undertones.^[28] To curb the continuous prevalence of worst forms of Labour in Africa, many developing nations have preferred treaties that are definite on the age of childhood and those that are not. Without meticulous provisions to align contradicting clauses with domestic dictates, worst forms of child Labour have persisted side by side with compulsory schooling for children. In order to avoid exploitations laws directly exempt children from economic participation until adulthood (after school).

This paper however argues that in reality, the prevalence of "worst forms of labour" in Africa is an indication of some historical, economic and social dysfunctions. Laws that leave adults to bear the brunt, but prefer to prohibit children's economic freedom, are merely discriminatory. In a dysfunctional environment all citizens, especially vulnerable ones are exposed to abuse. Focus should be on addressing such dysfunctions and not on incapacitating anyone's human right to participate, for the fear of abuse. For example, evidence that pupils can be mentally or physically strained or abused during school works would not justify the general prohibition of children from going to school.

• **Problems with Age-Based Economic Limitations**

The multiple constituencies of global organizations have made it impracticable for nations to draw unequivocal benchmarks on child related issues. This international shortcoming is usually as a result of the age long debate on the universality or relativity of cultural values, especially as regards childhood. Notwithstanding, considerable attempts have profiled age ranges to enable drafters' references.

Article 1 of the Convention on the Right of the child 1989 defines a child to be;

every human being below the age of 18 years, **unless** under the law applicable to the child, majority is attained earlier...

The exception outlined in the above definition is to enable the treaty to cater for close to 200^[29] countries

(state parties), especially those that present majority ages that are lower than 18 years. Notwithstanding this uncertain instruction on age, the program on formal education is stable. Formal education, relevant for the child's development shall be right from birth and without limit to the level the child may seek to get. The compulsory age of entry into primary education (after the nursery and elementary class) is therefore usually around 5- 6 years.^[30]

On the other hand, as regards children's capacity to engage in employments, the CRC allows States parties to provide their own minimum age(s) for admission into employment (which may be lower than 18 years)^[31]. The *United Nations CRC* by this position accommodated the intents of the *ILO Minimum Age of Entry into Employment Convention 1973*. The ILO treaty which was adopted 16 years before the *UNCRC 1989* equally puts the age of maturity at 18 years, but sets the general minimum age for admission to employment at 15 years (13 for light work) and the minimum age for hazardous work at 18 (16 under certain strict conditions)^[32]. It provides for the possibility of initially setting the general minimum age at 14 (12 for light work) where the economy and educational facilities are insufficiently developed. Among other arrangements, the *ILO Convention* seems to have also derived its basis from the *Article 9 of the International Covenant on Economic, Social and Cultural Rights 1966* which requests that state parties take "special measures" to protect children from economic or social exploitation, including setting a minimum age of employment and barring children from dangerous and harmful occupations

The above provisions without prejudice to the content of other treaties, reveal that the international^[33] minimum age for entry into employments is all servicing and complex. In addition, it thrives according to the economies and facilities of state parties.

In as much as the *United Nations CRC* sought to preserve national peculiarities, the *AU African Charter on the Right and Welfare of the child 1990* did not tolerate a relative perception on age. According to *Article 2* of the African Union, *ACRWC 1990*;

- **A child means every human being below the age of 18 years.**

The implication of these varieties is that other laws on children either adopt the UN flexible conception of majority age or the AU definite clause on same.

For example, the *ILO Convention, on the Elimination of all forms of Worst and Forced Labor, 1999 (No. 182)* did not also tolerate under 18 years variations. In fact, this anti- child labor treaty did not attend to child labor as an issue that bothers on employment or ages of entry into labor. Rather, than prohibit child employment because of young age, the 1999 law simply disallowed the engagement of every one under the age of 18 years from forced, exploitative and other worst forms employment. Also, under the Nigerian Childs Right Act,

- **A child means anyone under the age of 18 years.**

On the contrary, an assessment of the *European Social Charter 1961* presents a position that fits into the intent of the *United Nations CRC*. The *ESC 1961* does not prohibit child engagement in paid employment. Rather the multinational treaty only regulates the conditions for children's works.

According to the *Article 7 of the ESC*, state parties do undertake;

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. to provide that a higher minimum age of admission to employment shall be fixed with respect to prescribed occupations regarded as dangerous or unhealthy;

3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. to provide that the working hours of persons under 16 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognize the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons of under 18 years of age shall be entitled to not less than three weeks' annual holiday with pay;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work

On the other hand, in Africa, more rules align with the style of the *ACRWC* (Retaining 18 years as the legal age), notwithstanding the fact that their domestic structures in reality accommodate minimum ages that are less than 18 years. For example, while the voting, contract, marriage and majority age in Nigeria remains 18 years, section 91 of the Nigerian Labour Act defines a child to mean anyone below the age of 12 years.

Below is the situation in other African Country;

Table 1. Youth Ages in different ECOWAS countries^[34]

County	Youth Age	Majority Age	Voting Age
Ghana	18-35	18	18
Sierra Leone	15-35	18	18
Nigeria	18-35	18	18
Senegal	15-35	18	18
Gambia	15-35	18	18
Guinea Bissau	15-35	18	18
Mali	15-35	18	18
Cote d' Ivoire	15-35	18	18
Burkina Faso	15-35	18	18

The table is an attempt by the United Nations General Assembly, the Commonwealth and the World Bank to homogenize the categorization of youth ages in ECOWAS countries.

Notwithstanding the adoption of the African Youth Charter 2006, the table above presents African countries with varying youth ages, but with a fixed majority age of 18 years. The uncertainty in conceptions of a child, a youth or minor may be glimpsed from the variations in these countries, for example, Nigeria and Ghana. The laws of some countries actually restrict children citizens, in circumstances where their contemporaries already have “youth” benefits.

• **Impact of Recent Campaigns for Inclusive Development**

Ingenuity involves the most complex human thought processes and actions, whether channeled individually and collectively, for the purpose of taking advantage of opportunities and/or overcoming problems.

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• Impact of Recent Campaigns for Inclusive Development

Ingenuity involves the most complex human thought processes and actions, whether channeled individually and collectively, for the purpose of taking advantage of opportunities and/or overcoming problems. Developmental institutions^[35] have restated that efforts to promote the economic situation in developing countries (especially war torn areas) cannot succeed, unless they are based on a sound understanding of local dynamics and led by local actors. On these pedestrian three critical factors were emphasized;

1. the importance of local ingenuity to guide recovery/development
2. the state’s role in promoting this ingenuity,
3. And the policies needed to rebuild torn economies and reduce the risk of sliding back into status quo.

Strategies that put African local dynamics into consideration, would acknowledge that children are traditional but vulnerable participants in the web of production. An equitable regime on human capital for sustainable development in Africa should hence reflect the fact that, children like adults have the capability, intuition, originality and talents for financially viable innovations. In this regard, children also have the right to participate and benefit from human capital development programs. However, due to the special nature of children’s rights as broken down in universal child’s rights standards, regimes on development have evolved distinct provisions on the status of young persons and their right to contribute and benefit from their own economic participation.

A preview of the *United Nations CRC 1989* and the *African Union ACRWC 1990* re-affirms the treaties specialized descriptions of what “children’s right^[36] to participation and development” means.^[37] According to the two treaties, the right to participation flows with children’s capacity to express their “*opinion and views*” on matters that affect them.^[38] Subject to the caretaker’s control, this right also manifests through the child’s freedom to rest, play, and engage in leisure, arts and cultural activities.^[39] On the other hand, these treaties equalize development with growth. That is, the child’s right to grow^[40] into a total, healthy and productive adult. For children to develop therefore, caretakers are obliged^[41] to provide facilities that promote and sustain their physical, mental, moral, social, cultural, and spiritual and personality wellness. Such facilities include appropriate nutrition, environment, recreation and education.

Thereafter, *Article 29* of the *United Nations Convention on the Rights of the Child 1989* laid further emphasis on the role of *education* as the medium for fully developing the child’s personality, talents, mental and physical abilities. Apart from this, education is also the means through which children can be prepared to be responsible individuals within their immediate family and community at large^[42]. It is worthy to note that minimal or no reference is made to children’s economic development.

From the above cited, we may safely conclude that, by the CRC and ACWRC standards, children are largely beneficiaries of rights. The duty is therefore on Caretakers^[43] to provide and at the same time enforce these rights on their behalf.^[44] As for the right to development, emphasis is laid the caretakers’ obligations towards influencing the child’s adulthood and individuality^[45]. The Preamble to the *CRC* affirms this fact by stating;

*“that the child should be fully prepared to live an **individual life in society**, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity...”*

On the contrary, terrains for inclusive development do not isolate children as mere beneficiaries of rights and contributors of “*views and opinions*”. Unlike child’s right laws, prescriptions for inclusive development

also do not exclude the economic freedom of children in the bid to protect them. Mandates on inclusive development prefer “*everyone*” as legitimate participants and beneficiaries of economic growth^[46]. For example, the preamble to the *UN Declaration on the Right to Development 1986* states that^[47]:

*Development is about improvement of the wellbeing of the **entire population** of a country and of **all individuals**^[48], on the basis of their active, free and meaningful **participation** in development and in the fair distribution of the **benefits** of development...*

Invariably, the concept of development under the *UNDRD 1986* treaty is wider and preoccupied with;

1. the improvement of the general population as a country (sustainable development)
2. the development that is focused on all individuals (not withstanding age)
3. achieving everyone’s wellbeing through their own active, free and meaningful participation in development (inclusive development)
4. the equitable distribution of economic and development benefits to everyone (inclusive development)

The 1986 declaration roots its foundation on the age long development verses of the United Nations Declaration on Human Rights 1948 and the Common Article 1 to the International Bills of Rights 1966. According to Article 22 of the UNDHR 1948 as follows;

Everyone^[49], as a member of society, has the right to social security and is entitled to its realization, through national effort and international co-operation and in accordance with the organization and resources of each State, to the economic, social and cultural rights indispensable for his dignity and the free **development** of his personality.

Article 26(2) of the UNDHR also emphasized that;

Education shall be directed to the full **development** of the **human personality** and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

According to Article 29 of the Declaration;

Everyone has duties to the community in which alone the free and full **development** of his personality is possible

While it is readily presumed that children are part of “*Everyone*” who should benefit from States obligations as presented under *Article 22 and 26* of the *UNDHR*, it may be safely concluded that by virtue of *Article 29*, children are also not excluded from corresponding obligations and duties. The Declaration 25th of the Sustainable Development Goal 2030 expressly provides that;

“...we will strive to provide children and youth with a nurturing environment for the full realization of their rights and capabilities, helping our countries to reap the demographic dividend, including through safe schools and cohesive communities and families”

If children are *minors* under child’s right regimes but are regarded as “*individuals*” for the purposes of inclusive development, compromises should favour protection clauses that do not deprive children of their potentials. The preferred clauses should not further indulge or saddle the child. They are by virtue of the fact that, children have distinct personalities from their care takers and they are human beings with human rights. This position is notwithstanding that fact that, due to young age, children engage the pains and gains of their environment, through the perspective of adults. To Willem Frijhoff (2012) Children barely speak in history; virtually everything we know about them is mediated by adults.’^[50] Nonetheless, child’s right laws would

become inequitable, if permitted to utilize the fact of innocence, young age and exploitative adults as reasons why some set of “human beings” must not engage or benefit from their own economic ingenuity. On the other hand, caretakers should aspire at all times to maximize the economic potentials of children without abusing them.^[51]

Contrary to contents of those laws that isolate older children (15-18) as viable, all children are relevant economic stakeholders. However, the level of protection for each age grade would differ according to their presumed level of social immaturity. A similar perspective to the “Capability thoughts” is according to the *African Youth Charter*^[52], which provides that nations should enable young persons’ gainful employment, but protect them from economic exploitations. To eradicate poverty, the charter provides that States must:

1. Develop macroeconomic policies that focus on job creation particularly for youth ... then develop measures to regulate the informal economy to prevent unfair labor practices where the majority of youth work
2. Foster greater linkages between the labour market and the education and training system to ensure that curricula are aligned to the needs of the labour market and that youth...
3. Implement appropriately-timed career guidance for youth as part of the schooling and post-schooling education system then institute incentive schemes for employers to invest in the skills development of employed and unemployed youth
4. Promote youth entrepreneurship by including entrepreneurship training in the school curricula, providing access to credit, business development skills training, mentorship opportunities and better information on market opportunities;
5. Institute national youth service programs to engender community participation and skills development for entry into the labor market

Hence, the enduring approach to inclusive development asserts that nations have a lot to gain from their young person’s population, only after they have ensured that requisite rights (education and safe conditions of work) are in place.^[53] However, in this author’s opinion, the preference of older children aged 15-18 above their younger counterparts, would not be stretched to suggest that children under age 15 years are not capable of any other matter, apart from recreation and attendance in formal schools. Regimes that emphasize the economic relevance of a category of children to the exclusion of others deny the reality. That is, the obvious fact that these marginalized grade participate in the work force. Similar to lines from anti-prostitution and anti-abortion thoughts, it is “slippery slope^[54]” to insist that allowing all children, in “capacity based” economic activities would increase child labor. Such positions should immediately invoke queries on why the laws that deny their financial ingenuity have not eliminated exploitative and forced child labor.

CONCLUSION AND RECOMMENDATIONS

Children have individual rights under developmental frameworks, invariably children’s safety is human happiness and children are exploited in circumstances where typical adult persons would feel exploited as a result of some vulnerability. A child either works or is forced to work. While the former situation should be encouraged, the latter can occur in many other circumstances, even in school, so it must be discouraged therefore penalized. Education may then not be seen as an alternative to child work; instead, it is an obligation for the child. A child’s employment time should however be limited by his/her capacity, of which caution becomes irrelevant where there is a dysfunction within immediate and social structures. In addition, it is inequitable to insist that initiatives, ingenuity and talents are age bound, especially where evidence have shown that children are capable of inventions, if their caretakers would encourage such without abusing the person of the child.

On the correlation between abusive labour and societal dysfunctions, for example, Africa became exposed to unregulated and monotonous child services due to slavery, and post colonial problems. Prior to this

period, the situation was not perfect, however there are no records of intensive industrial exploitation of children in Africa. Records show that unlike intensively capitalist systems businesses were family based and for direct consumption. Children exhibited native intelligence of their environment, to which western formal education should contribute and not eliminate. It is therefore bad argument that children are bound to lose out if they are allowed to work for money, while growing up. The alternative therefore is to eliminate juvenile economic capacity in favor of full school attendants. In this authors perspective children's economic and educational schedules are equally relevant if properly apportioned in their interest.

Unlike its African counterpart, the 1968 European Social Charter allows the child's freedom to engage in employment subject to legal permissions and specific work conditions. On the other hand, Nigeria in interpreting its obligations under the UNCRC 1989 restricts children from going into paid job. They may engage in unpaid family, domestic and school or vocational jobs. Unfortunately, evidence have shown that the higher number of children in worst forms of labour in Nigeria are involved in family and domestic engagements[55].

Now that modern societies are being drawn with developmental agenda that focus on fertilizing the trio grounds (world, nations and individual citizens), African nations should be at liberty to set their own priorities towards achieving inclusive development. The present status warrants that her form of development be drawn to encompass individuals at the grassroots, then up to the national level, until global citizens are made.

Africa should hence genuinely poise herself towards maximizing all available potentials within her jurisdiction, without prejudice to the mandates of the universal directives she pays allegiances to. Moreover attempts at setting universal ages for employment have failed. To provoke local ingenuities, States should remove complex legislative clauses that unduly ban a large percentage of the populace from financial gains, based on a general assumption of incapacity. Regulations to be discarded are also those ones that disregard the contributions of children to Human Capital Income. The present "head in sand" approach is unrealistic when many developed nations have moved towards enacting laws that consider minimum wages for persons who are under 18 years.[56] The complicated provisions of the Nigerian labor Act of 1974 may hence be simplified to resemble similar provisions in the European Social Charter 1968. The above and many more may be those steps to reduce the teeming population of well educated African youths who are schooled but cannot ingeniously contribute in their immediate environment. Every child should be nurtured to become self-sufficient.

FOOTNOTES

[1]Lieten G.K.(2005) *Child Labour, Burning Questions*, Inaugural Lecture delivered as the professor in Child Labour Studies on Friday 21 November 2003, Amsterdam, the Netherlands, ISBN 9052601852 p24

[2]Jacob Ris (1849-1914), A Danish-American social reformer, photographer and Journalist

[3]Lieten G.K.(2005) *Child Labour, Burning Questions, Inaugural Lecture* delivered as the professor in Child Labour Studies on Friday 21 November 2003, Amsterdam, the Netherlands, ISBN 9052601852 p24 ; Ris Jacob(1892). *The Children of the Poor*. New York: Johnston Reprint(1970)

[4]Philippe Aries(1962) . *Centuries of Childhood*. Penguin 1962, Heather Montgomery(2009) 'An Introduction to Childhood: Anthropological Perspectives on Children's Lives', Wiley-Blackwell, 56.

[5]See Vivien Burr(1995), 'An introduction to social constructionism' , Routledge, London 1995

[6]Article 25 of the UNDHR 1948

[7] Article 13

- [8] Also see Article 13 of the International Covenant on Economic, Social and Cultural Rights 1966
- [9] Obilade, A. O. *The Nigerian Legal System* Ibadan: Sweet & Maxwell, 1979.
- [10] Agai J.M (2015). Rethinking Yoruba Culture in the Light of Yoruba Origin , *Journal for Semitics*, ISSN 1013-8471,427
- [11] Driberg. 1934. *The African Conception of Law. Journal of Comparative Legislations and International Law* 3rd series Vol 16 p230,237 also Abimbola W. 1973. *The Literature of Ifa Cult, in Sources of Yoruba History* ed. Biobaku S.O. Oxford University Press
- [12] The Ifa divination system, which makes use of an extensive corpus of texts and mathematical formulas, is practiced among Yoruba communities and by the African diaspora in the Americas and the Caribbean. The word Ifa refers to the mystical figure Ifa or Orunmila, regarded by the Yoruba as the deity of wisdom and intellectual development. It 2008, Ifa was listed as an Intangible Cultural Heritage of Humanity. See Ifa Divination System at <https://ich.unesco.org/en/RL/ifa-divination-system-00146>. (Accessed on 1st April 2023)
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