



Contributors

Written by Ulrike Lühe with contributions from Jesse Mugero. Edited by Oryem Nyeko.

Published by the Justice and Reconciliation Project

About the Justice and Reconciliation Project

The Justice and Reconciliation Project (JRP) was established in 2005 in Gulu, Uganda to understand and explain the interests, needs, concerns and views of communities affected by conflict and to promote sustainable peace through the active involvement of war-affected communities in research and advocacy.

Find out more about JRP at <http://www.justiceandreconciliation.com> or email info@justiceandreconciliation.com.

Plot 50, Lower Churchill Drive, Laroo Division, P.O. Box 1216, Gulu, Uganda

Published with support from the Royal Norwegian Embassy, Kampala.

© The Justice and Reconciliation Project 2014. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without full attribution.

Introduction

War deprives children of their basic rights to survival and development. According to the United Nations Children's Fund (UNICEF) *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, the impact of armed conflict on children is "more brutal than ever".¹ During conflict, children often lose their parents and the possibility of economic safety linked to them, educational opportunities through the absence and the destruction of schools, miss access to health care as well as opportunities to work. Children who were abducted by the Lord's Resistance Army (LRA), and especially those who stayed in the bush for years, were not only traumatised and brutalised by their experiences there, but they also lost many opportunities that children and youths² should have.

The Justice and Reconciliation Project (JRP) works to understand and explain the interests of individuals, groups and communities affected by conflict. Since 2005, JRP has made key policy recommendations to the civil society and government actors regarding the provision of victim-sensitive reparative measures in northern Uganda, based on research and interaction with victims of conflict, policy makers and other key transitional justice stakeholder. This policy brief seeks to explore how distributive justice and reparations can serve children that were forcibly recruited into the LRA. It is based on the findings of 17 semi-structured key informant

1 UNICEF. (2009). *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*. New York: United Nations Children's Fund and Special Representative of the Secretary-General for Children and Armed Conflict, p. 4.

2 Whilst there are different connotations of child- and adulthood that can be derived from the cultural and social context in northern Uganda, this discussion will be based on the legal threshold of childhood of The Children Act and the Convention of the Rights of the Child which both define children as persons under the age of 18 years. This is in line with the minimum age for legal recruitment at 18 years. (Government of the Republic of Uganda, 1997, Art 2; Convention on the Rights of the Child, 1990, Art 1; Central Intelligence Agency, 2013). There are however concerns around persons of 'dual identity', for example persons that have been abducted as children but continued to commit crimes as LRA combatants after turning 18. This poses legal and moral dilemmas for post-conflict justice. A comprehensive discussion of the problem is however, outside of the scope of this policy brief.

interviews conducted in Kampala, Kitgum and Gulu in Uganda. The organisations which were represented by the interviewees included a mix of local, national and international organisations from the fields of children's rights and transitional justice³ as well as two young people who were formerly associated with the LRA.

Reparations and distributive justice cover more than just basic economic rights such as the rights to health, education, housing and livelihoods. They can also be a meaningful step towards restoring children's human rights.

Distributive justice and reparations for children

The United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law⁴ define five distinct forms of reparations: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Reparations not only seek to provide a remedy for violations suffered, but as a form of distributive justice they also aim at redistributing goods and services within a society. They seek to address the injustices that occurred before or during the conflict and pave the way for a more just future. Distributive justice and reparations are thus backward and forward looking mechanisms that attempt to provide goods and opportunities to all parts of society in a justly distributed way and contribute to acknowledging the injustices of the past. Reparations are usually considered a victim-focused approach to transitional justice and thus punishment for perpetrators often plays a minor role.

Reparations and distributive justice cover more than just basic economic rights such as the rights to health, education, housing and livelihoods. They can also be a meaningful

3 Interviews were conducted with the Refugee Law Project (RLP), the Justice and Reconciliation Project (JRP), World Vision, the Justice, Law and Order Sector (JLOS) at the Ministry of Justice, the Uganda People's Defence Forces (UPDF), the International Center for Transitional Justice (ICTJ), Save the Children, Caritas International, Care International, the Association for Volunteer Services International (AVSI), the Kitgum Concerned Women's Association (KICWA), the Kitgum Women's Peace Initiative (KIWEPI), the Acholi Religious Leaders Peace Initiative (ARLPI), the Information for Youth Empowerment Program (IYEP), the Irene Gleeson Foundation and Kampala-based Give Me A Chance.
4 UN General Assembly (2005) A/RES/60/147.

step towards restoring children's human rights. A rights-based approach will then not only contribute to ensuring children's right to economic rights but it can also contribute towards the achievement of the Millennium Development Goals to eradicate poverty and hunger, ensure primary education and combat diseases. Furthermore, "a child rights-based approach can provide important standards or points of reference for developing national policies and benchmarks against which interventions can be monitored and assessed".⁵

The foundation of children's inclusion in transitional justice mechanisms should be the Convention on the Rights of the Child. It stipulates the minimum rights states and governments should ensure for children.⁶ Whilst the role of child soldiers in transitional justice and reparations programmes has not found much academic attention yet, a number of other core principles of including children in transitional justice processes have been pointed out in the literature.

In a 2010 report on children in truth commissions' reparations programmes UNICEF points to the need for child-friendly eligibility criteria, outreach programs, access to benefits including language, literacy, infrastructure, transportation and funding for reparations programs.⁷ Also frequently pointed out is the need to allow creative solutions to the inclusion of children in order to ensure that their experiences are expressed in ways that are understandable and meaningful to children. This will also help to ensure children's ownership of the respective processes.

One way of carrying forward their memories and thus seeking to avoid future conflict is the inclusion of children's experiences of the war in school curricula as was done for example in Rwanda or Peru⁸ and the provision of education for those who missed out on their educational opportunities. The latter is especially important when considering the link between the failure of socio-economic justice for youths and the root causes of political conflict and violence.⁹

Besides compensating the loss of education, there is a whole list of crimes that children have been victims of

5 Parmar, S. (2010). Realizing Economic Justice for Children: The Role of Transitional Justice in Post-Conflict Societies. In S. Parmar, M. J. Roseman, S. Siegrist, & T. Sowa (Eds.), *Children and Transitional Justice. Truth-Telling, Accountability and Reconciliation* (pp. 365-402). Cambridge: UNICEF, Harvard Law School at p 372.

6 These basic rights include the right to "protection and care of children who are affected by an armed conflict", the right to "appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflict" with the additional stipulation that recovery should foster the health, self-respect and dignity of the child. Article 20 of the Convention furthermore "recognize[s] the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and self-worth" (UN General Assembly, 1989, Art 38(4), 39 and 40(1)).

7 The report stipulates that trust building and the establishment of equal citizenship are at the core of reparations. (UNICEF Innocenti Research Centre, 2010, p. 51f) Similar basic principles apply to the inclusion of children in other distributive justice and reparations mechanisms, including memorialisation, community sensitisation, the provision of psychological services and health care, and others (UNICEF Innocenti Research Centre and International Center for Transitional Justice. (2010). *Children and Truth Commissions*. Florence: UNICEF IRC., p. 57).

8 UNICEF Innocenti Research Centre, p. 55f.

9 Parmar, 2010, p. 375

and should receive compensation and reparations for: forced disappearance, abduction and recruitment into fighting forces, rape, being born due to rape, being born in detention, forced prostitution and sexual slavery,¹⁰ forced servility and marriage, removal from their parents, political violence and killings, genocidal acts, sexual mutilation, psychological and physical injuries, sexual violence and torture and fraudulent adoption.¹¹ Even if these will never represent the full scale and scope of violations and human rights abuses, processing every single case on an individual basis is practically impossible and might in itself cause favouritism, prejudice and the like.

The scope for possible forms of reparations is vast and depends on the crimes they seek to compensate for:

All crimes need reparations. The only thing is that the forms of reparations will vary depending on the crimes. There are situations where people might just need symbolic apologies from, maybe from the government, maybe for failing to protect them. There are situations where people might need monetary compensation. For property lost and damaged by the rebels and livelihood [...]. There are people who are mutilated, there are people with bullet wounds for example, they are injured physically [and] they might need things like reconstructive surgery as a form of compensation. There are people who are still simply traumatised who need counselling and psychosocial support. There are people who are just failing to come to terms with what happened, they remember very painfully what happened. They might need memorialisation initiatives. So it's just different forms for different situations.¹²

Overall, the need to include child-focused and -friendly mechanisms in more broad-based community and development initiatives is another core principle that is widely accepted.¹³

Means of reparations

Services for psychological rehabilitation

As a form of compensation and rehabilitation, violations such as torture, forced recruitment and abduction, rape and sexual slavery might require psychological services for the victims as well as a symbolic acknowledgement of the violations. Helping to establish self-help groups can be one such symbolic measure to enhance exchange of experiences and the provision of a safe space. As Aptel and Ladisch pointed out, former abductees are not only

¹⁰ The distinction of sexual slavery and rape, although both constitute sexual and gender based violence (SGBV), is found in the longevity of sexual slavery. Whilst rape is an isolated incidence, even in cases of multiple rape, sexual slavery is a more lasting and repetitive abuse. Forced marriage in turn is differentiated by the emotional and personalised form of abuse occurring here. Since marriage is one of the most intimate links between two people and since it goes beyond sexual slavery in that it includes being considered a servant to the husband, it is to be differentiated from sexual slavery.

¹¹ Mazurana, D., & Carlson, K. (2010). *Children and Reparation: Past Lessons and New Directions. Innocenti Working Paper No. 2010-08*. Florence: UNICEF Innocenti Research Centre., p.12; for obvious reasons these categories are inclusive of crimes that were also suffered by children who were not abducted by the LRA which helps making these categories more inclusive.

¹² Interview Lino Owor Ogora, JRP, Gulu, 07/12/2012.

¹³ Mazurana & Carlson, 2010, p. 25.

victims but they are also young people and thus drivers of change and potential social leaders.¹⁴ A similar idea has been voiced by Caritas' John Komakech:

I think they should form like a [self-help] group [through which] they can apply for funds and begin their own programs or projects for their own life and then also to educate other people [...]. I know there is one CBO [Community-Based Organisation] called IYEP.¹⁵ Yes, IYEP Program is mainly a combination of formerly abducted persons which for me is a good innovation [...]. They facilitate communication among themselves, they also educate the public about their ongoing activities that they are doing so that people don't see that they are a burden to the society.¹⁶

Giving them a space to work on their ideas for change and a voice to express those ideas can be just as useful as reparations in the form of education, monetary or material benefits. This is especially so in the aftermath of a conflict in which children were voiceless and constantly disempowered.

Generally, physical injuries and psychological harm should be compensated in forward-looking manners. Instead of giving monetary reparations, it is advisable to grant former child soldiers access to free, accessible and high-quality health and psychological services. This will require the establishment and upgrading of the current health infrastructure in northern Uganda which will in turn benefit not only the beneficiaries of reparations programs but also the population more generally. Programmes of this nature should also ensure to be child-friendly and consider the special needs of girls and young women as well as men who might have been the victims of sexual violence.

Reintegration and sensitisation of communities

Many crimes committed against children in the LRA also have direct social and socio-economic consequences. For example, forced marriage and forced child-bearing influence the ways a girl or woman is subsequently treated by her family and community. Physical injuries can also affect boys' or girls' ability to be economically active and thus contribute to their community. Reparations for these sorts of crimes must therefore be even more comprehensive. They should not only include free access to medical care and psychological support but also work towards reintegrating the victims into their communities. For girls this is often especially difficult because of a rejection of the children they bring from the bush:

There was a lot of stigma from the community, a lot of [disowning] them and when we came we engaged seriously in the sensitisation of this community to accept these people because they did not 'apply' to go to captivity.¹⁷

¹⁴ Aptel, C., & Ladisch, V. (2011). *Through a New Lens: A Child-Sensitive Approach to Transitional Justice*. New York: International Center for Transitional Justice, p. 35.

¹⁵ Information for Youth Empowerment Programme in Gulu

¹⁶ Interview John Bosco Aludi Komakech, Caritas International, Gulu, 11/12/2012.

¹⁷ Interview Gladys Canogura Faddy, KIWEPI, Kitgum, 14/12/2012.

Nobody will accept them [children born in captivity] most sincerely [...]. They are not going to be considered. They will be given names, discriminating names, negative names.¹⁸

It is thus necessary to include their families and communities in the reintegration effort that reparations can provide:

I would say if a child might actually return home, the support should not only be given to the child, but should be given to the household. And should not just be given as a gift [...]. There should be a process.¹⁹

For me the best intervention is to handle them when they are within their families. [...] So that they don't see us as NGOs as the ones responsible for them, they should also know their relatives, that they have a say in their life.²⁰

This can be done through sensitisation and counselling programs that ensure the awareness to the fact that women were forced into marriage, pregnancy and child birth and that both boys and girls are suffering from the consequences of their life in the bush. The sensitisation of communities can contribute to the restitution and rehabilitation of formerly abducted children.

Since every child has a right to primary education and since many returnees and former child soldiers are now at an age where they could - and often have to - earn their own living, reparations with the focus on education should ideally go beyond primary education.

Access to education

Besides physical and psychological damage as a result of the conflict and active combat, the loss of education has been frequently pointed out as one of the most significant consequences of abduction. The meaning of gaining formal, quality education in the aftermath of abduction has

18 Interview Rose Nyakato, CARE International, Gulu, 08/12/2012.

19 Interview Godfrey Binasisa Lodik, KICWA, Kitgum, 14/12/2012.

20 Interview John Bosco Aludi Komakech, Caritas International, Gulu, 11/12/2012.

furthermore been obvious in the interviews with two former abductees. Both their stories indicated that finishing their education was a turning point in their lives as it enabled them to obtain professional training and thus build a livelihood for themselves. As such, education can help promote long-term stability. In research on the reintegration of war-affected children in Uganda, Jeannie Annan and Chris Blattman found that more education led to better employment opportunities for young people. The authors also noted that those with higher levels of education were less likely to undertake risky income-generating activities.²¹

Also important to acknowledge is the fact that the school infrastructure in northern Uganda has been severely damaged during the course of the conflict which has effectively impeded the education for all children and youths in the region. In its 2011 Statistical Abstract, the statistics section of the Ugandan Ministry of Education and Sport reports that the northern part of Uganda has the highest repetition rate among primary school pupils (32%), the third highest number of orphans in primary schools (21%). Only 12.8% of secondary school enrolments are in the northern region.²²

Since every child has a right to primary education²³ and since many returnees and former child soldiers are now at an age where they could - and often have to - earn their own living, reparations with the focus on education should ideally go beyond primary education.

One way of designing such reparations is a scholarship program. Full and partial scholarships can be designed and provided for by the government in order to address the varying needs of children:

If all of them would be given opportunity to study, any school where they are, they [the government should] come and pay for the school fees. [...] if they are trained in the basic skills, then they need to be given some money to start a living.²⁴

Since the problem has been raised that they are often too old to be put into ordinary primary schools, an effort should be made to implement and advance adult education or specialised and evening classes for those young adults. This special form of education should, however, provide the opportunity to obtain a formal school certificate in order to qualify for secondary and tertiary education or professional skills training. Another option put forward to care for the special needs of returning children has been to introduce cultural programs that build on the education a child has acquired before the abduction and aims at preparing the returnee for a reintegration into the formal

21 Blattman, C., & Annan, J. (2008). Child Combatants in Northern Uganda: Reintegration Myths and Realities. In R. Muggah (Ed.), *Security and Post-Conflict Reconstruction: Dealing with Fighters* (pp. 103-126). London/New York: Routledge., and Annan, J., Blattman, C., Mazurana, D., & Carlson, K. (2010). Civil War, Reintegration, and Gender in northern Uganda. *Journal of Conflict Resolution*, 55(6), 877-908.

22 Uganda Bureau of Statistics. (2011). *2011 Statistical Abstract*. Kampala: Uganda Bureau of Statistics available at <http://www.ubos.org/onlinefiles/uploads/ubos/pdf%20documents/abstracts/2011%20Statistical%20Abstract.pdf>.

23 Article 28 of the United Nations Convention on the Rights of the Child provides that state parties shall in recognising the right of the child to education shall "[m]ake primary education compulsory and available free to all".

24 Interview Patrick Loum, ARLPI, Gulu, 11/12/2012.

schooling system:

But because of [being abducted] the child's education has been hampered. So there is need to have kind of special program for such children [...] some kind of cultural program [...] not basically giving them the formal subjects, but try to remind them [of the cultural and formal education they had received before and], try to [teach] them [new knowledge from that starting point] to what they have been doing before. ... Then you're adding something little so that they are prepared for [...] the formal education.²⁵

This also accommodates the frequently emphasised need to reintegrate former child soldiers into their society and avoids stigmatisation that results from isolation and seclusion:

Having schools that are specifically for the formerly abducted is also a way of stigmatising them. Because everyone would say those are the children who are formerly abducted and also I remember when I was in Gulu that's what I knew. I knew that that school was only for the formerly abducted.²⁶

I think it is important to allow them to mix up with other children. Because if they are kept in that isolation it makes no difference. Because when they were in the bush, they were isolated. [...] So it is better to let them mix up, but with special attention if they [need]. And this is the responsibility of the teacher. And the parents as well.²⁷

Mixed and integrated schools can then be seen as a way to foster and enhance every-day experiences of exchange, interdependence and integration.

Special attention should be paid to girls, who are often excluded from education. It must be ensured that girls have the same opportunity to obtain a formal education as boys. Since many girls and young women return from the LRA with young children, support in child care will be required. Otherwise the widespread norms and practices regarding women's responsibility to take care of the children, augmented by the absence of the children's fathers, will keep them from catching up and making progress. These are very practical concerns that will make a difference on whether girls will be able to attend school or not.

Education and educational materials could also be considered a guarantee of non-repetition if they are used to overcome inequalities and to maintain and pass on a historical record of the conflict as well as knowledge about its causes and consequences which can help avoiding future conflict. It can also increase awareness of civilian children's experiences of the war in former abductees and vice versa. This can make a positive contribution to mutual understanding and subsequent integration.

Land rights

As soon as this war ends, the next one will begin. It

will be a land war, and it will be between brothers in the same clan. (Adoko & Levine, 2004, p. 44)

According to Acholi custom land is inherited from the clan of one's father. With children returning who are fathered by commanders, the willingness to accept these children into the clan of the mother is often minimal. So are the chances of knowing the exact identity of the fathers of these children and of locating paternal relatives. This often leads to women's and girls' rejection by their own parents as accepting bush children as their own children will imply that they have to be cared for and resources, including land, will have to be provided for them:

As a married woman your children get access to land, their father's land. It gets complicated if you return with children born in captivity who are considered commander's children. They are considered rebel children. So if the families or the clans recognise them and give them their identity, it means they also have to give them access to things like land and inheritance and livelihood. So it's just beyond really the children, but also looking at resources, looking at well-being and everything like that.²⁸

The problem of land distribution is exacerbated by the potential loss of one's own relatives or the loss of the family's land due to two decades of displacement.

Dealing with issues of land distribution is not only critical in enabling returnees to rebuild their lives, but it is also crucial for maintaining the fragile peace in northern Uganda. With land being one of the very few resources for earning an income or even just pursuing subsistence agriculture, it holds great conflict potential. Land rights thus become one aspect of property rights in the bigger context of opportunities for economic gain in post-conflict societies. The link between economic development and transitional justice in addressing the socio-economic root causes of conflict has been pointed out by Lisa Laplante. She stipulates that "the failure to ensure that the gains of capitalism improve the well-being of all citizens results in polarization, which looms like social and economic dynamite" that once ignited can undermine the work of transitional justice mechanisms to sustain peace and reconciliation.²⁹

In order to prevent future land conflicts and aiming at a fair distribution of land resources Acholi communities and the Government of Uganda have a responsibility and an interest in managing land rights in a way that makes land accessible to everybody. Gladys Canogura described how her organisation Kitgum Women's Peace Initiative (KIWEPI) works closely with local leaders and traditional authorities on this matter:

We had summoned the cultural institutions and the sub-county leadership to ensure that where issues of land arise, these people should be provided with land, especially their children. In case their own

25 Interview Dickens Olwoch Kulis, AVSI, Kitgum, 14/12/2012.

26 Interview Margret Ajok, JLOS, Kampala, 13/12/2012.

27 Interview Dickens Olwoch Kulis, AVSI, Kitgum, 14/12/2012.

28 Interview Lino Owor Ogora, JRP, Gulu, 07/12/2012.
29 Laplante, Lisa, 2008, *Transitional Justice and Peace Building: Diagnosing and Addressing the Socioeconomic Roots of Violence through a Human Rights Framework*. The International Journal of Transitional Justice, Vol. 2, pp. 331-355.

parents and guardians desert them it is the sub-county government and cultural institutions [that have] to ensure that [...] land should be given to these people to utilise so that they are not affected with land disputes.³⁰

If the traditional, clan-based system fails to distribute land equally and fairly, the government and traditional leaders should take a leading role in institutionalising suitable mechanisms. This can include assurances for land access close to one's home. However, distributing land through governmental interventions might lead to resentment in the population as it might feel as if the government is depriving people of their ancestral land which belonged to them for a long time during the past. In order to legitimise the process and gain the support of the communities, traditional leaders can be included in this process through extensive consultations. It needs to be ensured though that children returning from the bush, especially girls and women with their children born in captivity are provided with ways of gaining access to usable land if they wish to obtain such.

Memorialisation and Commemoration

Traditions of oral memorialisation

Since the Acholi of northern Uganda emphasise oral history and story-telling and since children might find it easier to express themselves through art, less fixed ways of oral memorialisation are of crucial importance here.

Acholi culture, our way of life and beliefs are not written down. We always either sing about it, dance about [it]. We compose songs in the events that have taken place. We give names and all other sorts of things.³¹

In the community people have already composed songs about the war, [the] post-conflict [time], the impact of the war. We have the local artists who have composed various music, others are for advocacy for those who are still in captivity to come out. Others are for healing for those who have suffered from the war.³²

Music has been one of the main means with which messages were conveyed to people in the bush about their opportunities to escape and return to their communities.³³ Songs and other oral pieces have been and are being used to foster forgiveness and reconciliation. Since music is locally rooted, it is a very powerful means of preserving memory, but also adapting memory to changing living conditions. Whilst it is desirable to have long-standing memories of and a generally accepted truth about the events of the conflict, it might also be desirable to enable people to change memory. Memory can then also be a way of tracing the ways in which people reinterpret their experiences as their life circumstances change. Oral memorialisation can thus serve as a grass-roots endeavour for people to maintain memories and the awareness of

certain experiences whilst also providing the basis for adaptation when new, different experiences gain weight over or even mix with the old ones.

Similarly to poems, songs and dancing, memorial services and commemorations can address the imminent situation of people whilst remembering the past. These forms of memorialisation have already been practiced widely. For example:

There is a village where over 10 people were killed, were murdered and their bodies were chopped and cooked in a pot and people were forced to eat. So that place normally, the community organise together with the spiritual leaders, the local leaders, they organise a prayer, a community prayer, in memory of those who lost their lives and then also to encourage those who lost their dear ones. So I think it would be good if such monument could be organised. But basically for me, I would feel that this should be organised in the way of prayers. Yeah, they are more meaningful [...] than we just give a talk of what had happened. In a way it would remind people and it would cause more trauma. But if we approach it in a spiritual way, I think it's more meaningful.³⁴

Prayers and services can provide a link between the past and the present and therefore be used as an educational tool or at times possibly as a warning. Remembering what led to the recently ended LRA conflict whilst linking it to current situations can serve as a warning for the same not to happen again. Once more, the memory of former child soldiers is especially important then since their experiences can provide lessons on how to avoid future conflict.

Furthermore, it is clear that music can be a particularly useful vehicle for former child soldiers to participate in memorialisation. It not only allows them to capture their experiences and express them through different forms of art and especially music in every-day language but the use of symbolic speech can also enable them to express otherwise difficult issues. Music and arts can be meaningful memorialisation processes for former child soldiers then both as the creators of such arts and as the viewers or listeners of the same.

Institutionalised memorialisation

Besides these tradition-based oral forms of memorialisation, museums with footage, pictures and recordings documenting the conflict and the experiences of former child soldiers have also been put forward as a necessity and are frequently part of transitional justice processes.

I've taken pictures of people shot by rebels and there are some photos of ambushes, some photos of camps. People have a lot of such stuff, you know. Even recordings of Joseph Kony speaking. [...] And there are so many people who came out of the bush with cameras, having recorded actual fighting of the rebels [...]. So if we get those things and put them [in a museum], in ten years time somebody may, people may want to learn. There are books people

30 Interview Gladys Canogura Faddy, KIWEPI, Kitgum, 14/12/2012.

31 Interview Godfrey Binaisa Lodik, KICWA, Kitgum, 14/12/2012.

32 Interview Godfrey Binaisa Lodik, KICWA, Kitgum, 14/12/2012.

33 Interview John Paul Kiffasi, IGF, Kitgum, 13/12/2012.

34 Interview Dickens Olwoch Kulis, AVSI, Kitgum, 14/12/2012.

are writing about this war.³⁵

This statement also expresses the idea of preserving the memory of the conflict in the long term and for future generations. It is envisaged that materials such as footage or pictures from life with the LRA, provided directly by former abductees, can be used to document their experiences. Another suggestion was a memorial centre similar to the Kigali Genocide Memorial Center could be institutionalised:

There was another proposal that we need to have like a memorial centre. Maybe you have been to the one similar to the genocide centre in Kigali whereby you walk in the path of northern Uganda from the beginning of the war up to the realisation of peace, the peace process, the failure and all those kind of thing should be well documented and we should have [an archive] for it.³⁶

Another emphasis was put on the possibility to link memorialisation with an opportunity for public apologies:

The government has to do what we call restocking and then take us to the community, build a monument where they were kind of like the atrocities, where they took place. [We] can have something there like a ceremony. So that we are able to go on public kind of apologies, both sides [...] Because there was not only us who did the wrong, it was also the government side.³⁷

If children and former child soldiers are considered in these memorialisation processes both the process and the product of memorialisation have to be meaningful for them in order to make a difference.

Thereby also expressed is the hope to get the government involved in memorialisation processes and the need for a public apology from the government for crimes committed against the population and for the failure to protect children from abduction. This is closely linked to the government's failure to preserve internally displaced persons (IDP) camps as sites of memory. Many abductees, but also children who were not abducted, grew up in IDP camps

35 Interview John Paul Kiffasi, IGF, Kitgum, 13/12/2012.

36 Interview Godfrey Binasisa Lodik, KICWA, Kitgum, 14/12/2012.

37 Interview Godfrey Binasisa Lodik, KICWA, Kitgum, 14/12/2012.

which often symbolise suffering, disease, encampment, dependency and abuse. They are thus an important memory by themselves and a crucial aspect in how former child soldiers interpret the lack of governmental protection, their abduction and time with the LRA as well as their return.

By taking the symbolisation of the physical structure of IDP camps away through destroying them, an important part in the puzzle of memorialisation has also been taken away:

I was driving from Gulu the other day and I saw a small mini-camp. I thought, like Pabbo and Gulu are the biggest, over a hundred thousand people. I wish they had just kept that, even just a portion of it for people to see in the future.³⁸

For the people of northern Uganda the loss of these places of memory could lead to a one-sided reinterpretation of the conflict, although currently awareness and memory of the crimes committed against them by the government and its soldiers are very vivid and pronounced.

If children and former child soldiers are considered in these memorialisation processes both the process and the product of memorialisation have to be meaningful for them in order to make a difference. As Naidu pointed out, the process around memorialisation is just as important as the memory itself.³⁹ It is thus crucial to include children and their views in the design of memorialisation processes. A memory should then include the experiences of former child soldiers. However, it is crucial to also include and consider the ways in which former abductees interpret their experiences. Their framework of understanding of their abduction as well as their lives before and after abduction is crucial if one wishes to understand abductees' experiences the way they do and make those experiences understandable to others around them.

Challenges in the provision of reparations and distributive justice

Lessons from past experiences

Regarding the issue of reparations for child soldiers, the numerous rehabilitation and reintegration centres established in northern Uganda have been perceived as a first step of reparation in the form of compensation and rehabilitation.⁴⁰ Their services were designed in such a way that the returnees are enabled to deal with the abuses they have been exposed to and to enable them to start a new life mostly through medical and psychological interventions. Counselling and educational and skills training as well as

38 Interview John Paul Kiffasi, IGF, Kitgum, 13/12/2012.

39 Naidu, 2004, p. 5.

40 The UN Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law specify reparations as including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (UN General Assembly, 2005, Art. 9). In the field of transitional justice rehabilitation programs are not usually considered part of reparations. The Guidelines' specification, however, justify their classification as such. This was confirmed in the interviews: When asked about reparations programs, interviewees usually first referred to rehabilitation programs and the reintegration packages received as part thereof.

reintegration packages are future-oriented in that they are a first step towards building up a new source of livelihood.

Often, such programmes have been perceived as one-sidedly helping former child soldiers and rewarding them for their crimes whilst the needs of those who were victimised by them are left aside.⁴¹

[The] community, at the moment, they have one problem that those who come back from the bush are compensated. They, who are victims, are not compensated. So that is bringing a problem. Like the commander so and so is now being treated well by government, while for us who suffered in his hand are here, continuing to suffer. Then that become a source of threat of violence.⁴²

You see a returnee passing through a reception or rehabilitation centre going home with a mattress, with a good blanket, enough bed cover, bed sheet and then some small package. And yet where is going to be reunited, people there don't have such items. So people started feeling that, maybe if you stay in the bush its better because when you come back, instead of punishing you, you are rewarded. And that should not be the case. And that's why I say clarification to our people is much needed.⁴³

Such resentments will have to be considered if future reparation programmes are supposed to assist children in their reintegration efforts rather than widening the gap and exclusion between former abductees and the civilian population in their communities.

Identifying appropriate eligibility criteria

Besides deciding which crimes and forms of victimisation qualify for receiving reparations, the process of obtaining proof of victim-status also needs clear guidelines. In the case of former child soldiers it is advisable to allow unconventional proof that has a realistic chance of being obtained. Not every child has such documentation though. The problem then arises of walking a fine line between allowing less hard to obtain proof without opening the doors for abuse of the reparations. As was recommended by the Sierra Leonean Truth and Reconciliation Commission, this process can be facilitated by local organisations, traditional chiefs, community and religious leaders who can provide additional factual and contextual information for the identification and registration of potential beneficiaries⁴⁴.

It is worth considering oral testimony as proof. Such testimony could be provided either by the child himself or by others who bore witness to his or her abduction or were in the bush with the respective child. However, then, procedures of verifying these statements will be required which will make the process more complicated, time and money-consuming.

It is, however, also clear that only allowing amnesty certificates or certificates obtained from attending a rehabilitation centre is insufficient as not everybody has such a certificate⁴⁵ and it will give an advantage to those who have already received services upon return and will lead to those who have not benefited yet to fall through the system again.

The responsibility to provide

Additional questions arise as to who should be responsible for providing reparations especially since making perpetrators provide for reparations is often also seen as a way of punishment. However, as many interviewees indicated, there is a high expectation for the government to get involved in this process and provide funding. This is partly owed to the fact that the LRA does not have the resources and ability⁴⁶ required to provide reparations:

Of course the general feeling here is that the state, ideally, should come up. Because the LRA don't really have any assets worth talking about that they can use to provide reparations. So it should be the state that should provide these reparations.⁴⁷

The other reason is that this is seen as an opportunity for the government to make up for the failures of the past in protecting the children of northern Uganda from the LRA and for the abuses directly inflicted by the state and its (military) agents.

And then it was the responsibility of government to protect those children. So government has the right also to compensate them.⁴⁸

This is really the time, now that there is relative peace, this would be the right moment for government to come up with some programs which can really address psychosocial issues, which can address even economic issues.⁴⁹

This also implies that reparations are seen as an integral part of broader efforts at economic development, for which the government should provide.

Awareness has also been expressed over the ways the government has thus far handled its involvement in rehabilitation efforts and the shortcomings these have had:

There is need for us, for the government, and for the international community probably to rethink how they do their business. Otherwise it will be a long way.⁵⁰

Statements of this kind indicate a need for active government involvement and for the visibility thereof. This will also be a step towards overcoming any resentment and feeling of inequity the Acholi population may hold towards the government. Making up for past failures and

41 See also Blattman & Annan, 2008, p. 114.

42 Interview Patrick Loum, ARLPI, Gulu, 11/12/2012.

43 Interview John Bosco Aludi Komakech, Caritas International, Gulu, 11/12/2012.

44 Sierra Leone Truth and Reconciliation Commission, Reports, Volume Two, Chapter Four "Reparations", para 86.

45 Interview Gladys Canogura Faddy, KIWEPI, Kitgum, 14/12/2012.

46 This can imply financial resources but also for example, the ability to set up functioning structures for large-scale reparations programmes or having 'civilian' representatives who could administer and institute such.

47 Interview Michael Otim, ICTJ, Kampala, 04/12/2012.

48 Interview Patrick Loum, ARLPI, Gulu, 11/12/2012.

49 Interview Dickens Olwoch Kulis, AVSI, Kitgum, 14/12/2012.

50 Interview Godfrey Binaisa Lodik, KICWA, Kitgum, 14/12/2012.

abuses through government-led reparations can thus be a step towards reconciliation between the northern part of Uganda and the government.

Reparations will have to be conceptualised as part of a larger development strategy for northern Uganda. With special emphasis on the importance of education programs for former abductees and assurances of land rights for them, the idea of reparations is one of addressing the crimes of the past whilst paving the way for a more prosperous, just and peaceful society.

the crimes of the past whilst paving the way for a more prosperous, just and peaceful society. Many interviewees have also expressed the equal importance of personal, communal and regional development and justice.

The voices of former child soldiers as well as those of children, who were not abducted by the LRA, need to be accommodated in order to be able to gain a comprehensive record of the events of the conflict and an understanding and interpretation of those events as lived by children. This will also enable a mutual learning process that can benefit all parts of society and help prevent future conflict. Creative spaces need to be provided for children to contribute and express their memories and make their voice heard in the short, medium and long term memory of the conflict.

For societies to recover from the harms inflicted by armed conflict and to sustain peace, development priorities must include protection of the full range of children's fundamental rights.

Prioritising the education, rehabilitation, reintegration and economic rights for children is critical to realising the overarching objectives of ensuring peace and reconciliation for societies in transition. However, TJ and international development initiatives cannot replace state obligations to protect and promote the social and economic rights of children. It therefore imperative for the Government.

Conclusion

If distributive justice efforts in northern Uganda are to be successful, they will have to accommodate the needs of victims and especially former child soldiers in a comprehensive way, looking at opportunities missed in the past and needed for the future.

Transitional justice processes can facilitate the direct participation of children and young people in setting priorities for post-conflict development and remedial measures. They can also advocate for giving priority to child-centred development programs that address these vulnerabilities, including through reparations policies. Finally, transitional justice mechanisms can initiate and inform much needed collaboration with relevant child protection and institutional actors to ensure that institutional reforms are designed to respond effectively to the information gathered.

Reparations will have to be conceptualised as part of a larger development strategy for northern Uganda. With special emphasis on the importance of education programs for former abductees and assurances of land rights for them, the idea of reparations is one of addressing

Bibliography

- Adoko, J., & Levine, S. (2004). *Land Matters in Displacement. The Importance of Land Rights in Acholiland and What Threatens Them*. Kampala: CSOPNU.
- Annan, J., Blattman, C., Mazurana, D., & Carlson, K. (2010). Civil War, Reintegration, and Gender in northern Uganda. *Journal of Conflict Resolution*, 55(6), 877-908.
- Aptel, C., & Ladisch, V. (2011). *Through a New Lens: A Child-Sensitive Approach to Transitional Justice*. New York: International Center for Transitional Justice.
- Blattman, C., & Annan, J. (2008). Child Combatants in Northern Uganda: Reintegration Myths and Realities. In R. Muggah (Ed.), *Security and Post-Conflict Reconstruction: Dealing with Fighters* (pp. 103-126). London/New York: Routledge.
- Mazurana, D., & Carlson, K. (2010). *Children and Reparation: Past Lessons and New Directions*. Innocenti Working Paper No. 2010-08. Florence: UNICEF Innocenti Research Centre.
- Naidu, E. (2004). *Symbolic Reparations: A Fractured Opportunity*. Cape Town: Center for the Study of Violence and Reconciliation.
- Office of the United Nations High Commissioner for Human Rights. (1989). *Convention on the Rights of the Child*. Geneva: OHCHR.
- Parmar, S. (2010). Realizing Economic Justice for Children: The Role of Transitional Justice in Post-Conflict Societies. In S. Parmar, M. J. Roseman, S. Siegrist, & T. Sowa (Eds.), *Children and Transitional Justice. Truth-Telling, Accountability and Reconciliation* (pp. 365-402). Cambridge: UNICEF, Harvard Law School.
- Uganda Bureau of Statistics. (2011). *2011 Statistical Abstract*. Kampala: Uganda Bureau of Statistics.
- UN General Assembly. (2005). *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*. Adopted and Proclaimed by General Assembly Resolution 60/147 of 16 December 2005.
- UNICEF. (2009). *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*. New York: United Nations Children's Fund and Special Representative of the Secretary-General for Children and Armed Conflict.
- UNICEF Innocenti Research Centre and International Center for Transitional Justice. (2010). *Children and Truth Commissions*. Florence: UNICEF IRC.