



Issue Paper

*Positioning Children in the Search for Peace and
Reconciliation in Northern Uganda*

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Foreword

“There is no task more important than building a world in which all of our children can grow up to realize their full potential in health, peace, and dignity.” Kofi A. Annan, Secretary-General of the United Nations

Uganda Child Rights NGO Network (UCRNN) is a coalition of child-focused organisations in Uganda. UCRNN was established in 1997 and has since then been at the forefront of advocating for the observance of child rights in Uganda. It has, through its work, actively participated in the establishment of frameworks that would guide implementation of programmes for children.

UCRNN has played and continues to play a leading role in advocating for the rights of children caught up in the conflict in Northern Uganda. As chair of the Civil Society Organisations for Peace in Northern Uganda, UCRNN helped to champion advocacy that brought the international spotlight onto the dire situation in Northern Uganda. Working closely with CSOPNU members, UCRNN met several times with the UN Chief Humanitarian Officer, made presentations in various forums for a both national and international on the plight of children in Northern Uganda. UCRNN has published a report on the Impact of Armed Conflict on Children in Northern Uganda and continues to work through its member organisations to reach the children most in need.

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1 Introduction

1.1 Children and the Armed Conflict in Northern Uganda

The effect of armed conflict on children the children in Northern Uganda have been deplorable both in the short term and long term. Children have suffered physical injury, psychosocial distress, sexual violence, hunger and ill health amongst many other traumatic experiences. These effects of war affect all aspects of child development - physical, social, mental and emotional. The impact of the 20 year armed conflict cannot be fully understood without looking at the related effects on families and the community support systems that provide protection and a secure environment for a child's development. In Northern Uganda families have been torn apart and the rich social fabric that weaved together the communities living in Northern Uganda has been torn to shreds. The situation in the internally displaced people's camps mean that access to privacy, parental guidance, health, service provision, the right to play etc is greatly hindered therefore hampering full child development. This situation is a complete affront to the United Nations Convention on the Rights of the Child.

The war in Northern Uganda is a war on children. It has been referred to as 'a fought by children on children'. The 20-year conflict led the UNICEF Representative Carol Bellamy to refer to Northern Uganda as the worst place on earth to be a child. In the course of this war, children have been maimed – having their lips and ears cut off, abducted, forced into sexual slavery as 'wives' of rebel commanders. Children have been forcefully conscripted and trained and have taken part in direct hostilities sometimes as human shields. On the other hand, children have lost fathers, mothers, sisters and brothers as a result of this war. They have been forced to live in camps, miss out on education and sleep on streets and verandas at night in search of safety and security. Most children in Northern Uganda have been robbed of a childhood and the opportunity to grow up in an environment that supports them to do so to their full potential.

1.2 Childhood and Conflict

In Uganda the law defines anyone below the age of 18 years as a child. Childhood is a period of dependency. Dependence by its very nature is characterised by vulnerability. Vulnerability exposes one to the risk of abuse, exploitation and neglect. The National Orphans and Other Vulnerable Children (OVC) Policy defines vulnerability as a state of being or the likelihood of being in a risky situation; it is being in a situation where a person is likely to suffer significant physical, emotional or mental harm that may result in their human rights not being fulfilled (NOVP, 2004). Children depend on adults, their families, communities and the State for survival, growth, development and well being. As they transit to adulthood they slowly take on more responsibility for their actions and gradually learn to fight for their rights.

Childhood is a time when one is developing – it is a once-in-a-life-time opportunity that can never replay itself again. It is during childhood that cognitive, physical, motor, social emotional and language development takes place. All this is contributed to by family community and State. What happens or does not happen in childhood has a long-term impact on the individual and the community s/he eventually lives in.

Because childhood is characterised by development and dependency, children growing up in conflict affected areas find themselves in very dire circumstances that have a direct negative impact on their current and future lives and livelihoods. Conflict directly affects a child's chances of survival and full holistic development. Lack of access to services that would support proper growth and development mean that the children will suffer from this deficiency probably for the rest of their lives. If one misses out on basic education because of conflict, this has a life long impact on choices and opportunities open to the child and later on as an adult. The same analysis stands for health, psychological, mental, social and other factors.

Conflict rips apart the social support structures and the fabric of society that children necessarily need to have a full and complete development and their ability to live their lives to the fullest. Because childhood is characterised by dependency and conflict rips away the structures that would provide for and protect children, children in conflict affected areas are exposed to abuse, neglect and exploitation. Conflict physically, socially, mentally, psychologically and emotionally ruins the current and future prospects of the child living his/her life to her/his fullest potential. This is why the First Call MUST be for children.

1.3 UN CRC as a Guiding Framework for Peace and Justice.

This paper positions children affected by armed conflict in Northern Uganda in the on-going debate, discussion and progress towards peace and a peaceful resolution of the conflict. The debates, dialogues and movement towards peace are currently epitomised by the on-going GOSS mediated Juba Peace Talks between the Government of Uganda and the Lord's Resistance Army/ Movement rebels. Three key factors are central to these debates and the peace process: peace, justice and accountability. Because children bear the brunt of the war in Northern Uganda, either as victims or as, in the majority of cases, forcefully conscripted perpetrators, it is only logical that these three key factors featuring in current debates and processes for peace are analysed alongside the UN CRC as a guiding framework for peace and justice. Uganda and Sudan ratified the UN CRC and as the most internationally ratified UN Convention it provides internationally agreed standards for the treatment, involvement and protection of children.

Guiding Principles of the UN CRC
Non-discrimination: Respect and ensure the rights set forth in the CRC to each child without discrimination of any kind... (Art 2)

Children's Participation: Assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight

Survival and Development of the Child: Every child has the inherent right to life, ensure to the maximum extent possible the survival and development of the child (Art 6)

The best interest so of the child: In all actions concerning children, ...the best interests of the child shall be a primary consideration (Art. 3;1).

The UN CRC is not quiet about the discourse on peace and justice. The preamble of the CRC notes that recognition of the inherent dignity and; equal and inalienable rights of ALL members of the human family is the foundation of freedom, justice and peace. Freedom, justice and peace can only come with the recognition that all people- children inclusive - have dignity and are entitled to equal rights. The CRC is underpinned by 4 core principles: non-discrimination, participation, survival and development and the best interests of the child. UCRNN contends that these 4 core principles must underscore all the efforts towards the peaceful resolution of the conflict in Northern Uganda.

All children in Northern Uganda have been affected by this conflict; whether they are children born of rebel commanders or children born as a result of rape either by rebels or the government armed forces. Children maimed and disabled and those children who did this to them are all entitled to their rights as children. Children who have missed out of school and those who chased them from schools into IDP camps are all entitled to survival and development, participation in matters concerning them and to have their best interests given due consideration. All this by virtue of the fact that they are children. Non-discrimination is a key principle of the UN CRC.

The family and the role it plays in a child's growth and development is another key factor in the UN CRC. The fundamental role the family and supportive community environment play in a child's development are also factored into the analysis. Children's well-being is best ensured through family and community-based solutions that draw on local culture and an understanding of child development. Article 39 of the Convention on the Rights of the Child states that "States Parties shall take all 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 conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child." The family should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community. The child, for full and harmonious development of his or her personality should grow up in a family environment, in an atmosphere of happiness, love and understanding. This basic principle puts reintegration, recovery and reconciliation at the centre of the search for peace, justice and accountability for children affected by conflict.

2 Putting Children at the Centre of the Search for Peace

2.1 Peace from a Child's Perspective

Peace is more than the absence of war. In traditional African societies, peace is conceived not in relation to conflict and war, but in relation to order and harmony; “Peace is good relationship well lived; health, absence of pressure and conflict...peace is the totality of well-being: fullness of life... Peace is also a result of harmonious living. Harmony is fundamental to African tradition; effort is devoted to finding a way in which differences can continue to harmoniously co-exist.” Understanding peace from this perspective is understanding peace in a way that would support child survival and development. This understanding of Peace would work in the best interests of the child, since it promotes harmonious living necessary for the full development of the child. This understanding of Peace that underscores a full life and totality of well-being would promote a child's participation in his/her community and would not discriminate against any child. It provides an opportunity for harmony amongst families of child offenders and child victims. The generation that suffered in this situation and are destined to live longest with its scar, is the generation that must receive most attention. Whether you are talking about cessation of hostilities, peaceful settlement, amnesty or reconciliation based on the traditional justice systems; the focus must be on who will bear the greatest scar and for the longest period, the children.

The present concept and debates of peace lacks significantly in this aspect. The shadow of the guns are covering very many issues and over projecting others. What will the real issues be when the guns finally go silent after all these years? We should be preoccupied with achieving lasting peace and fostering reconciliation amongst the communities affected that means reconciling the children with their future, reconciling the children with their destiny. UCRNN contends that understanding peace as good relationship well lived; the totality of well-being: fullness of life; as a result of harmonious living should underscore the efforts to a peaceful resolution of the conflict and all efforts geared towards peace building. It stands a greater chance of being a sustainable and lasting peace, beyond the guns going silent. Peace that is beneficial to a child's moral, physical, psychological, social and mental development can be achieved in Northern Uganda through methods that create and support social harmony and facilitates the family and community to raise a child in an atmosphere of happiness, love and understanding. The options to peace should have this perspective as paramount.

2.2 Children in the Peace Talks

The process towards peace and the ultimate outcome of this process should necessarily concern itself with establishing children within their family environment in a harmonious community and environment. Peace is a fullness of life: fullness of life comes with participation in life. The CRC entitles a child to participate in all matters concerning them. Peace for children implies that the child will have an opportunity to participate in all matters affecting him/her. The life of a child will not be dictated by the conflict.

The process towards peace must necessarily be conscious of the special needs of children affected by the conflict. The most pertinent issue right now is the cessation of hostilities. What does this mean for children? This means that children held as victims and those holding guns have a unique opportunity to survive and develop both in the short term and in the long term; to have their voice heard; to have their issues focused on as they are for children in the rest of the community; for their best interests to be discussed, debated and secured. If we asked a child forcefully conscripted by the LRA what should be the key factor up for discussion in the peace talks, what would they say? If we asked a child affected by war apprehensively awaiting the outcome of the peace talks what they thought should be on the table, what would they say? The peace talks in Juba have discussed many things including responsibilities, cessation of hostilities, food supplies, meeting points etc but they have fallen short of addressing any key point relating to children affected by the conflict. The crunch question should be, in each of the agenda items, what works in the best interests of the child? The Cessation Of Hostilities Agreement whilst addressing pertinent issues necessary to progress towards peace, does not in any way mention how children should be dealt with when hostilities cease. It is an opportune moment to release all the children and let them return to their families and communities whilst peace is still being talked about.

The above circumstances beg the question: Who is speaking for the children in these peace talks? The opportunity availed by UNICEF's participation in the visit to Kony, the controversial attendance of representatives of the victims courtesy of the government of Uganda and the role played by Kony's son in meeting visiting delegations emphasises that children are a central factor in this conflict. Who speaks for them in Juba? Children's participation recognises that children have a voice and experience has shown that they can speak for themselves on matters affecting them. Their views are usually warmly and surprisingly different from those of adults who always imagine that they know better or that politics is above children. The war and moves towards peace affect them directly; children should therefore have their say and as provided for in the CRC and dictated by the nature of this conflict, this say should be given due consideration.

From a child rights perspective that affirms, in line with the UN on treatment of women and children in situations of armed conflict, CHILDREN MUST COME FIRST. The first call is for children. The question of children's survival and development would be number 1 on the agenda of the peace talks. UCRNN is of the strong view that the first condition under the Cessation of Hostilities

Agreement should be the unconditional release of children and their mothers currently held by the LRA and the return and reintegration in their communities of children and their mothers currently living in the bush in Congo. Among the key terms in this cessation of hostilities agreement should be the creation of corridors of peace for the safe return of children to their communities.

- Peace must be understood as good relationship well lived; the totality of well-being: fullness of life as a result of harmonious living. This understanding must underscore the efforts to a peaceful resolution of the conflict and all efforts geared towards peace building.
- The process towards peace and the ultimate outcome of it should primarily and necessarily concern itself with establishing children within a harmonious family and community environment.
- The process towards peace must address as a first priority the special needs of children affected by the conflict.
- Children should be represented at the Juba Peace Talks and their views given due consideration.
- The question of children's survival and development should be number 1 on the agenda of the peace talks.
- The first condition under the Cessation of Hostilities Agreement should be the unconditional release of children and their mothers currently held by the LRA
- The voluntary return and reintegration in their communities of children and their mothers currently living in the bush in Congo should be a key priority.
- Among the key terms in this cessation of hostilities agreement should be the creation of corridors of peace for the safe return of children to their communities.

3 Accountability

3.1 Introduction

Impunity arises out of the fact that the individuals who violate people's rights are not held accountable for their actions. For the ICC, it is important that everything is done to remove impunity – admissibility principle. Impunity with regard to the war in Northern Uganda can be viewed from 2 perspectives: impunity relating to crimes committed against children and children who have committed heinous crimes which some feel the children should be accountable for.

3.2 Child Participation in Addressing Impunity

The UN Special Representative for children has worked to integrate child-specific concerns into post-conflict truth and justice mechanisms in order to end impunity for war crimes against children and bring those responsible to justice. In line with the UN CRC principle of participation and the characteristics of restorative justice, children who want to participate in justice mechanisms should do so in a meaningful way, as opposed to coerced or tokenistic participation. For this, the appointment of child support persons to facilitate the participation and protection of children is critical. Whereas the UN Special Representative has strongly advocated the exclusion of all grave crimes against children from amnesty provisions and legislations arising from peace agreements, this has to be closely analysed to work in the best interests of the child in Northern Uganda.

For the child victims, accountability fully lies with parties responsible for the children's suffering, it is the personal responsibility of the concerned people in formally acknowledging and apologising for past crimes against the children and a commitment to repairing the wrongs in the best way possible. It must contribute to the children's psychological healing, particularly for children in dire need as a result of the crimes, who have been abducted, lost heads of families, or have been left traumatised emotionally or physically maimed.

3.3 Justice Mechanisms and Addressing Impunity

Clearly there are members of community including children who have been grossly wronged some by children during this 20 year conflict that demand justice. The primary objective of all post conflict initiatives (peace building or peacekeeping) is the need to ensure that justice is done so that societies can come together again. More often than not a difficult balance then has to be struck between the need for justice and a desire for peace. This epitomizes the debate in Uganda to date. However, the louder voices of the community seem tired of war to the extent that they say, especially with regard to the ICC arrest warrants, peace should come first, Justice later.

3.4 The role of the State in Fighting Impunity

Just as it is the primary responsibility of States to ensure that the human rights of people within their jurisdiction are protected, so also is it their duty to ensure that victims of violations are given justice. The responsibility of ensuring that impunity does not prevail in any society rests squarely on the shoulders of its leaders. International law places great responsibility on the governments of the world and citizens of the world to exercise protection for the children. The world declarations all embody this principle. International law clearly establishes an obligation on the part of the state to promote redress for abuses conducted whether by the state itself or an individual or a group of individuals known by whatever names. The international and regional treaties as well as decisions of the courts internationally and many national courts; have declared that offenders must provide reparation to victims of violations.

Key questions regarding immunity have to be asked:

- What are the consequences of unpunished violations of human and peoples' rights on society?
- What kind of justice systems best works to rid the community of impunity?
- How can we tackle the issue of peace building and reconstruction in societies that have been traumatized by gross human rights abuses and combine that effort with combating the scourge of impunity?
- What institutions need to be strengthened? What efforts are required in order to do so?
- What form(s) of national and /or international effort is required to maintain a balance between the need for justice and reconciliation

Will the procedure we adopt and the outcomes be admissible to ICC under the Rome Statute? We need to adopt a system that convinces the ICC that impunity has been satisfactorily been addressed. UCRNN urges the reconsideration of the 7th Parliament for inclusion of Part X that provided for alternative justice mechanisms to deal with the impunity gap created by the ICC prosecution of only 6 people while the bulk of the other supposed offenders fall within the impunity gap. Part 10 was meant to recreate a procedure under which they could account for their actions and where sanctions could be imposed on them upon their own admissions to foster accountability thereby rooting ou impunity.

Summary of UCRNN Positions:

- Integrate child-specific concerns into post-conflict truth and justice mechanisms in order to end impunity for war crimes against children
- Children who want to participate in justice mechanisms should do so in a meaningful way, as opposed to coerced or tokenistic participation.
- Appointment of child support persons to facilitate the participation and protection of children is critical.
- For the child victims, accountability must contribute to the children's psychological healing
- The primary objective of all post conflict initiatives (peace building or peacekeeping) is the need to ensure that justice is done so that societies can come together again.
- The responsibility of ensuring that impunity does not prevail in any society rests squarely on the shoulders of its leaders.
- Reconsider adopting the proposed Part X that provided for alternative justice mechanisms to deal with the impunity gap created by the ICC prosecution of only 6 people.

4 Justice and Children Affected by Conflict

4.1 Introduction

Given the horrendous crimes committed against the people of Northern Uganda during this conflict, it is not surprising that Justice is a key feature of discussions related to the conflict in Northern Uganda. Two concepts of Justice are under discussion: Retributive Justice and Restorative Justice. The establishment of the International Criminal Court and its Warrants of Arrest issued for 5 top LRA commanders further spices this discussion and debate up. The Warrants of Arrest a key feature in the on going Juba Peace Talks, with possibilities of a peace deal apparently hinging on whether these warrants are withdrawn or not.

Restorative justice is a response to crime that focuses on restoring the losses suffered by victims, holding offenders accountable for the harm they have caused, and building peace within communities. Restorative justice focuses on the harm caused by crime, repairing the harm done to victims and reducing future harm by preventing crime. It requires offenders to take responsibility for their actions and for the harm they have caused, seeks redress for victims, recompense by offenders and reintegration of both within the community. It is achieved through a co-operative effort by communities and the government. Restorative justice is a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future.¹

Retributive justice is a theory of criminal justice wherein punishments are justified on the grounds that the criminal has created an imbalance in the social order that must be addressed by action against the criminal. The theory is often associated with harsh punishment, and the phrase “an eye for an eye, a tooth for a tooth” is a commonly heard justification for this theory. However, proponents of the theory argue that the retribution should be proportional to the crime, and that minor crimes should have mild punishments while major crimes should have harsh punishment; in other words, not “a life for an eye” or “an eye for life”, but “an eye for an eye” and “a life for a life”.

4.2 Justice, Childhood and Peace

First and foremost, one must not lose focus of the fact that children by virtue of being so have, as their first priority in their existence; survival, growth and development. They have an inherent right to life and are entitled by the rights enshrined in the UN CRC to develop to their full potential. To do this, all children without discrimination must participate in matters affecting them and have their best interests considered paramount within the framework of a loving and caring family and community. Anything short of this would constitute a gross injustice to the child concerned. Therefore in searching for a Justice system that would work in the best interest of the child,

¹ Tony Marshal

restoration, rehabilitation, reintegration and reconciliation must be its part and parcel.

It is variously argued that Justice and Peace cannot be separated from each other – at least more so in the African tradition: Justice produces peace... there can be no peace without justice; peace can never be achieved when you are disgraced or when you disgrace another person'. At the core of this understanding of Justice is harmonious living in dignity; the fundamental constituent of peace in African tradition and also a fundamental constituent of Human Rights.

Justice for children offenders is aimed at one key fact: rehabilitation. This is certified in the goals of international juvenile justice standards. Child offenders face any justice system with the overall aim of being rehabilitated in order to reintegrated into their families and communities, enjoying their full rights with the opportunity to live their lives to their fullest. This includes children found to be in conflict with the law, including children participating in armed conflict against a government.

4.3 Retributive Justice and Children

Retributive Justice is characterised by punishment, and the alleged offender denying guilt until proven so. Various types of Courts of Judicature mete out retributive Justice. Key in the current discussion is the International Criminal Court. On July 17, 1998, in Rome, delegates representing 160 countries voted by an overwhelming majority to establish a permanent International Criminal Court (ICC) to try persons charged with committing war crimes, crimes against humanity, and genocide. The ICC treaty gives the court jurisdiction over the war crime of conscripting children under the age of fifteen years into national armed forces or armed groups, or using them to participate actively in hostilities. It however, does not allow children to appear as defendants as the extraordinary nature and punitive function of the ICC was incompatible with the rehabilitative goals of international juvenile justice standards.

The ICC as other western legal approaches emphasise the establishment of guilt and executing retribution and punishment without reference to the victim or the wider families or future reincorporation of the offender in the community. Physical and material penalties and use of force, including costly prison provide sanctions against offending. The process encourages the accused to deny responsibility. This greatly contradicts the principles of a Justice System that works in the best interests of the child. For a child, reintegration into the community, restoration of relationships, reconciliation, love, care and understanding are prerequisites to survival, development, a full life and peace and peaceful co-existence. A retributive justice system does not support these being achieved.

At the moment, the ICC arrest warrants put the lives of millions of children more at risk rather than working for their best interests. The ICC arrest warrants inadvertently draws a distinction between the children affected and those currently fighting alongside the rebels. These are all children, all entitled to an opportunity to survive and develop – no preference. Justice for the million of children necessarily includes an opportunity to survive and develop.

By continuing to have the Arrest warrants hanging over the heads of only 5 adults, millions of lives are put at stake. The ICC must step outside the retributive aspect of Justice and acknowledge the moral implications of their arrest Warrants; who's Justice are the warrants serving; the International Community's or that of the millions of Ugandans, including children, who are at the risk of death because of them.

4.4 Restorative Justice and Children

This justice goes beyond retribution to caring about the victim's family and community. It emphasises repairing the harm caused or revealed by criminal behaviour. It is best accomplished through cooperative processes that include all stakeholders. It emphasises admission of guilt and restoration of harmony between families and communities; creating the perfect environment for children to thrive. There are three principles that form the foundation for restorative justice:

- Work to restore those who have been injured
- Those most directly involved and affected by crime should have the opportunity to participate fully in the response if they wish
- Government's role is to preserve a just public order and the community's is to build and maintain a just peace

Restoration has 4 key values:

1. **Encounter:** Create opportunities for victims, offenders and community members who want to do so meet to discuss the crime and its aftermath. This provides an opportunity for affected children to participate (along with their families and communities that are necessary for the child's healing and development) in the justice system. This is a unique opportunity to have the child's best interests given due consideration and all children, irrespective of differing factors can participate without discrimination.
2. **Amends:** Expect offenders to take steps to repair the harm they have caused. This is in line with the traditional and cultural justice mechanisms and ensures that the child has opportunity to get redress. The children as offenders also have an opportunity here to take steps towards reintegration into their communities and restoration both psychologically and socially.
3. **Reintegration:** Seek to restore victims and offenders to whole, contributing members of society. Reintegration provides opportunity for healing between the child and hid community. This is vitally important for children who by virtue of being children are in the development stage of their lives, who need a supportive environment to grow into useful adults. The opportunity for ensuring the best interests of the child is strongly represented in reintegration.
4. **Inclusion:** Provide opportunities for parties with a stake in a specific crime to participate in its resolution. Each child is a full individual in his/her own right – thus the UN Convention on the Rights of **the child**. In some instances, generalised action may not work, requiring the need for specific attention to specific crimes. This option is particularly important for children. Specific resolution of specific crime helps a child to deal with her/his circumstance and helps them move on.

The CRC recognises the importance of traditions and cultural values of each people for the protection and harmonious development of the child. African traditions and cultural values related to conflict resolution generally and with regard to the traditional mechanisms in Northern Uganda embody the following:

- The guilty acknowledge responsibility
- The guilty repent
- The guilty ask for forgiveness
- The guilty pay compensation
- The guilty being reconciled with the victim's family

This process is what is embodied in the Mato 'Put process.

The traditional justice mechanisms characterised by restorative justice bring together the concepts of Peace and Justice in the best interests of the child. When talking about justice in relation to children in Northern Uganda, we must talk about restorative justice, not retributive justice; justice that will both answer for the crimes and heal the communities affected by the crimes; a justice that will provide a future for the children affected by this conflict; a justice that will respect their memory, a justice in their best interest. As African Tradition asserts, justice produces peace... there can be no peace without justice; peace can never be achieved when you are disgraced or when you disgrace another person (harmony). It is in this harmony that children grow and thrive, both those affected by conflict and those who were perpetrators of violence.

- In searching for a Justice system that would work in the best interest of the child, restoration, rehabilitation, reintegration and reconciliation must be its part and parcel.
- For a child, reintegration into the community, restoration of relationships, reconciliation, love, care and understanding are prerequisites to survival, development, a full life and peace and peaceful co-existence. A retributive justice system does not support these being achieved.
- At the moment, the ICC arrest warrants put the lives of millions of children more at risk rather than working for their best interests. The ICC must step outside the retributive aspect of Justice and acknowledge the moral implications of their arrest Warrants
- The traditional justice mechanisms characterised by restorative justice bring together the concepts of peace and Justice in the best interests of the child.
- When talking about justice in relation to children in Northern Uganda, we must talk about restorative justice.

5 Conclusions

The three factors discussed in this paper find a convergence in the Peace talks in Juba. The options have always been the Military Option; peaceful settlement, amnesty and forgiveness under both the law and the traditional justice systems; the prosecution of the perpetrators by the ICC. The talks provide an opportunity to examine all these options, which were considered as opposing in character and critically review them for a focus on the children. What should not be left out are the main people affected by the conflict – the children. Talks must be the convergence point where we must not just raise the issues of the options to be considered but must be a mandate and a commitment by the parties to absolve the rights of the child. All of these factors must build into each other and others must give way to preserve and protect the best interest of the child. We must take this opportunity project the interest of the child in the Juba Talks.

UCRNN wants the parties to the Juba talks to say-

“We reaffirm our support for the UN Convention on the Rights of the Child with its clear demand ‘that the child should be fully prepared to live an individual life in society and brought up in the spirit of peace, dignity, tolerance, freedom, equality and solidarity’. It is our contention that all our actions in relation to children will adhere to the letter and the spirit of this convention.”

UCRNN strongly advocates that

- 1. Children be an integral and priority aspect of the peace talks and in peace building.** Voice of children in the peace talks and in planning and for and in the rebuilding of society after the war is over is fundamental in a war that is principally about children.
- 2. The Cessation of Hostilities Agreement (CHA) gives key priority the release of all the children still in captivity.**
- 3. Child protection advisers and child protection mechanisms should be included in the peace process including the Peace Talks in Juba.** There is need to appoint child support persons to facilitate the participation and protection of children in the peace talks and other peace processes that will follow.
- 4. The UN Declaration on the protection of women and children in armed conflict be brought into the discourse and dialogue of the Peace Talks** providing the underlying principles for the Cessation Of Hostilities Agreement.

5. While the peace talks are going on, **all sectors of society must come together to build “ethical frameworks”**, integrating traditional values of cooperation through religious and community leaders with international legal standards, such as the United Nations Convention on the Rights of the Child. Both the content and the process should promote peace, social justice, respect for human rights and the acceptance of responsibility. Children need to learn the skills of negotiation, problem solving, critical thinking and communication that will enable them to resolve conflicts without resorting to violence.
6. Whilst the peace talks are going on, stakeholders should work with the community to **build tolerance**. Tolerance is a key ingredient of reconciliation that is necessary for the restoration of the children affected by the conflict.
7. **Restorative Justice is given serious consideration as the justice mechanism of choice to ensure the best interest of the child**. The protection and participation of children in this justice mechanism and processes now and in the aftermath of conflict is critically important.
8. **The Amnesty Act be adequately resourced to accord formerly abducted children with a full and comprehensive package to include reception, demobilisation, reintegration and resettlement**. Resettlement for children necessarily includes education.
9. **Children’s protection**, demobilization and reintegration needs are addressed in the initial planning and implementation of peacekeeping and peace building.
10. **Part X**: Reconsider the proposal by the Legal and Parliamentary Affairs Committee of the 7th Parliament for inclusion of Part X that provided for alternative justice mechanisms to deal with the impunity gap created by the ICC prosecution of only 6 people while the bulk of the other supposed offenders fall within the impunity gap.

The Children are saying:

- **We are children of Uganda.**
- **We are victims of violent abuse.**
- **We are children of war.**
- **We are child soldiers.**
- **We are children denied education and health care.**
- **We are forgotten children.**
- **We are “invisible children”**
- **We epitomize the conflict; we should not be absent from the peace talks and the peace process.**

Conclusion

UCRNN urges all stakeholders and all Ugandans to collectively feel obliged to fight this problem in Northern Uganda with commitment, just like Archbishop Desmond Tutu of South Africa felt obliged to resist the evils of apartheid because he believes that the God he worships is one who:

“Cares enormously about children in resettlement camps, who must drink water to fill their stomachs because there is no food; he cares about shivering women ... whose flimsy plastic shelters are being destroyed...; He cares that people die mysteriously ...; He cares that something horrible is happening in this country when a man will often mow down a family before turning the gun on himself; He cares that life seems so dirt cheap.”

