

Does the International Framework for Disarmament, Demobilization and Reintegration Programmes Adequately Provide for the Rehabilitation of Child Soldiers? A Case Study of DDR Programmes for Former Female Child Soldiers in Uganda.

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This dissertation is submitted in partial fulfilment of the requirements for the degree of MA in Understanding and Securing Human Rights of the University of London.

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Word Count: 15,500

02 September 2011

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Abstract

This dissertation aims to address the estimated 300,000 children worldwide who are involved in armed conflicts and seek reintegration support either during or after the conflict has ended. The specific objective is to analyse the effectiveness of the international standards that address disarmament, demobilization and reintegration (DDR) programmes in providing for the needs of former child soldiers and helping them return to their community. This is done through investigating several related topics such as the structure and administration of DDR, debated theoretical concepts regarding childhood and child soldiers, international law concerning DDR and finally, looking at DDR in use with a case study of Ugandan female child soldiers.

This research's findings discuss the key issues that confront DDR programmes including its at times short-term focus, view of child soldiers, insufficient funding, technical issues, limited flexibility both from its initial structuring and once services have commenced, narrow focus and lack of awareness of the local context. Findings are primarily drawn from analysis of legal sources and critiques of DDR programmes in order to demonstrate how the international legal community imagines these programmes should be and how the services actually develop in the field.

The dissertation's conclusion that whilst the international framework does legally provide for children's DDR but needs improvements in order to best benefit all marginalised children, is bolstered by a set of recommendations. In returning to the overarching question, this dissertation strives to demonstrate the legal and operational challenges these DDR programmes can face. However, this is done whilst equally highlighting the responsibility to ensure that DDR services truly attempt to bridge the gap between what the law dictates and what appears to be reality for children attempting to reintegrate in current and former conflict zones.

Acknowledgements

I am grateful to the following people for their assistance with this dissertation: My supervisor, Dr. David Cantor, whose encouragement and advice guided me in developing my research; Martin Brennan, whose personal accounting gave me a better understanding of the Ugandan conflict and local reintegration programmes; Invisible Children, who provided valuable knowledge of the needs of children abducted by the LRA; Niousha Roshani, who shared her insight on my topic and led me to relevant reading material; my proof readers Kevin McQueen and Emma Walsh whose comments helped me narrow my focus; my boyfriend and family whose constant support lifts me up; my fellow classmates and lecturers whose kindness, intelligence and passion have inspired me; and lastly, I offer my thoughts to the thousands of children in the world that experience conflict so intimately and to those humanitarians who strive to support their needs.

Declaration

“The work I have submitted is my own effort. I certify that all the material in the Dissertation, which is not my own work, has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.”

Glossary of Terms

ACRWC	African Charter on the Rights and Welfare of the Child
AP	Additional Protocol
AU	African Union
CAR	Central African Republic
CAAC	Children and Armed Conflict
CSO	Civil Society Organisation
CRC	Convention on the Rights of the Child
CSUCS	Coalition to Stop the Use of Child Soldiers
DDR	Disarmament, Demobilization and Reintegration
DPKO	Department of Peacekeeping Organization
DRC	Democratic Republic of the Congo
GC	Geneva Conventions
GUSCO	Gulu Support the Children Organisation
ICC	International Criminal Court
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IDDRS	Integrated Disarmament, Demobilization and Reintegration Standards
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILO	International Labour Organization
INGO	International Non-Governmental Organisation
LRA	Lord's Resistance Army
NGO	Non-Governmental Organisation

OP	Optional Protocol
RS	Rome Statute
SCR	Security Council Resolution
SG	Secretary-General
SGBV	Sexual and Gender Based Violence
SRSR	Special Representative of the Secretary-General
SWAY	Survey of War Affected Youth
UN	United Nations
UNC	United Nations Charter
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
UNSC	United Nations Security Council
US	United States
WAC	War-Affected Children

Our Hopes Are Worn

Our hopes are worn,
Out with pain, of crimes committed against us
Facing death, rape, torture and slavery
What hope do we have?

Like animals we are hunted, our homes destroyed,
Parents, brother, sisters killed.
Where then is our home?

To the community we have become enemies,
We are being isolated, rejected, ignored,
By our brothers, sisters, fathers, mothers,
Meanwhile rebels, murderers and robbers,
Have become our names.
Daily our hope withers thereby.

Our children born in captivity,
Where the crime scars,
That we thought would vanish,
When we return back home,
Are not excepted in the community,
By our people,
Then where should we belong?
Or should we end our lives by going back to the bush

Let us wake up,
And struggle for peace together.
For the new generation.

Lucy Aol, 17 years old, Uganda (CRIN, 2009: 58)

I. Introduction

With an estimated 300,000 children worldwide involved in conflict (UNICEF¹, n.d.), acting as combatants, sex slaves, messengers, porters and cooks, what is being done to help them recover from the human rights abuses they encounter? What is done to counteract the detrimental consequences of their experience and secure their rehabilitation and reintegration into society? Many conflict affected countries have disarmament, demobilization and reintegration (DDR) programmes to provide for ex-combatants' immediate needs, such as food, housing, clothing, physical and psychosocial health care whilst also equipping them with tools gained from educational, vocational and life skills training. The ultimate goal is for children to safely return to their family and community. But is there legal force behind DDR programmes and what ensures that a support system remains in place to oversee the long-term security and health of these vulnerable children?

This dissertation examines the international framework's ability to promote and enforce the DDR process in a manner that meets the needs of former female child soldiers. To this aim, a case study of the conflict involving female child soldiers in Uganda is discussed. This dissertation's overarching question is an important one as the issue of child soldiers has increasingly captured the international community's attention, but primarily focuses on legal mechanisms to stop the use of child soldiers. However, interest within the past 15 years has turned not just to child protection needs before and during conflict, but also to the necessity to aid their rehabilitation at all times. Subsequently, the controversy regarding the ability of DDR programmes to adequately do so has come to light.

The issue of and concerns over children and armed conflict (CAAC) is an ever-present and evolving one, especially with numerous on-going conflicts where children are forcibly recruited or abducted into conflict. In order to break the cycle of violence and help children learn to handle their experience, structures need to be in place and this dissertation attempts to determine the ability of the current design. Whilst literature exists regarding the experience of children within DDR programmes, this study has added value in its examination of the international community's role in this process and in its Ugandan case study.

To begin, a chapter is devoted to understanding the dissertation's methodology, followed by an examination of the relevant literature. It is necessary to understand what the DDR process entails and therefore, the next chapter has sections on each stage's structure and objectives, its administration, encompassing participants and beneficiaries involved, funding, and concluding with an overview of the principles guiding its process. Following this, definitions and concepts of childhood and child soldiers are explored to understand their role in structuring DDR programmes. Chapter five closes with an overview of significant international standards relevant to the reintegration of child soldiers. This addresses the first component of this dissertation's question: what is the international framework for DDR?

With an understanding of the DDR process, childhood and child soldier concepts, and international law regarding reintegration, this dissertation moves to its case study on

¹ United Nations International Children's Emergency Fund.

DDR programmes for female Ugandan child soldiers. This is done first by giving a background to the conflict and Ugandan compliance with international law, followed by a section on the experiences and needs of Ugandan girls in conflict. With this background knowledge, the chapter proceeds to explain how well the Ugandan DDR programmes have reached the needs of these vulnerable females.

The following chapter is devoted to analysis, findings and answering the dissertation's question. The first section examines these DDR programmes by applying the Ugandan case study and looking at the critiques and recommendations from experts in the field. The dissertation's analysis ends with observations about whether the international framework for DDR provides for the rehabilitation of child soldiers, with the conclusion providing a brief look to the future of DDR.

II. Methodology

This dissertation uses several qualitative research methods, but primarily relies on secondary sources such as existing academic literature. To complement these viewpoints, a conference² on war-affected children (WAC) was attended and interviews with two relevant practitioners were conducted. The first was with former United States (US) Ambassador to Uganda (1999-2002), Martin Brennan who provided historical and political context to the Ugandan conflict and highlighted his experience with local non-governmental organisations (NGOs) working with child soldiers. Invisible Children, an organisation dedicated to stopping the LRA discussed their work with child soldier rehabilitation.

The interviews were semi-structured, chosen so that there could be a variety of planned questions that give the interviewer and interviewee flexibility in questions and answers. The questions were primarily open so the interviewee could respond with maximum information to best explain their viewpoint (Bryman, 2008: 232). Consent statements were given, stating they understood their responses may be incorporated.

Due to logistical constraints this researcher was unable to conduct field research and interview former child soldiers. Nonetheless, there are ethical issues this author is aware of from using literature from non-psychologist researchers. Boyden, an anthropologist, states, “as an ethical prerequisite, some might argue that only those trained in psychiatry or psychology, who thereby have the ability to offer therapeutic support, should undertake enquiry into children’s inner worlds” (2004: 251). However, several literary sources utilised comment on this ethical issue, noting their awareness of children’s potential need for post-interview support.

Emphasis is put on examining the Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS) for the first section as it provides the framework for DDR programmes. Though not a predominant aspect of the dissertation’s question, it was decided to touch upon the discussion regarding childhood and what it means to be a child legally and contextually. This is done to show the relationship between age and DDR services and an analysis is undertaken of international legal definitions and academic research to address this intricacy. With regard to international legal standards, a non-exhaustive selection has been selected. The restriction is due to word limitations and to highlight arguably the most relevant existing hard and soft law specifically regarding DDR, not child soldiers in general. Efforts are made to rely solely on primary sources for the legal section to emphasise what the law dictates concerning DDR.

The case study highlights a country that has witnessed large numbers of children forcibly recruited or abducted into conflict and difficulty in dealing with their reintegration, despite the international standards it supports. Research from other sources, such as news outlets and NGOs, supports this study in providing facts and updates. Efforts were made to utilise the most recent reports analysing DDR programmes and the fact that some are several years old should not detract from their

² Held at Birkbeck College, University of London on 30 June 2011.

ability to provide an idea of how DDR programmes manage children's needs. Analysis from academics, legal experts and practitioners is demonstrated further in the final section and these sources are chosen to show the similar perspectives that exist surrounding this topic. The author's findings are incorporated through personal observations regarding what law exists and how well DDR appears to meet needs.

III. Literature Review

This dissertation aims to understand both international law standards towards DDR and how DDR works in reality. This chapter is separated into three sections to clearly demonstrate what literature exists about each topic.

A. *DDR programmes:*

A variety of sources are used to understand the logistics behind the DDR structure and administration. The IDDRS framework conveys, in essence, how the programmes are intended to operate, but offers little reflection as to how its standards are carried out in the field. To this effect, studies are drawn from a variety of sources such as Dallaire (2010), who has a unique viewpoint having worked with the United Nations (UN) during the Rwandan genocide and seen child soldiers used in the conflict and its aftermath. His critiques are balanced out with giving an understanding of obstacles that challenge DDR programmes, but also in offering recommendations for improvements.

McKay's reports (2004 and 2006) are used to balance out Dallaire's practitioner viewpoint with a more academic and research-oriented one and to primarily give a gender perspective of females in conflict. Whilst the assumption that most child soldiers are boys has been challenged in recent years, her work gives an understanding of the unique challenges that females face within DDR programmes and argues that they need extra attention and protection. From the review of literature regarding DDR programmes, a fundamental critique concerns a lack of sustainable funding which raises the question as to which governments or organisations should be responsible for this funding. There do not appear to be clear answers.

B. *Concepts of childhood and conflict related needs:*

Many critiques of literature regarding CAAC are that they fail to discuss children's perceptions. However, the adoption of the Convention on the Rights of the Child (CRC, 1989) has led to an increase in literature regarding the need for children to participate and give voice in matters that concern them. Boyden and de Berry (2004) attempt to ascertain children's viewpoints by giving a cross-cultural comparison of their conflict experiences. However, what they are unable to properly bring to a conclusion is the topic of how children are viewed – "as innocent victims of political circumstances who should be protected and forgiven? Or as moral agents who should be held responsible for their actions?" (Rosen, 2005: 157). A Professor of Anthropology, Rosen highlights this debate whilst touching upon international law and typical child protectionist viewpoints. His position is essential, as the consensus in the international community appears to be that individuals under 18 are to be viewed as conflict victims. He challenges those in the child protection community to reflect on why.

The Coalition to Stop the Use of Child Soldiers (CSUCS) is a research and advocacy organisation that puts out global reports approximately every four years that analyse the situation of child soldiers worldwide. This can present issues regarding dated information, especially in light of how quickly conflict situations and children's needs change depending on the conflict's stage. However, CSUCS does offer more in depth

analysis with country reports and attempts to achieve children's current perspectives. This includes one utilised in this dissertation that examines the views of 116 former LRA child soldiers of Ugandan reintegration programmes. The survey's disadvantage is that whilst its smaller size may help it focus on the individual children and acquire more in depth answers, its limited sample size casts doubt that it can represent all affected youth. However, the findings were similar to that of The Survey of War Affected Youth (SWAY, 2008) study, which carried out an evaluation of DDR programmes in Northern Uganda by surveying 1,000 Acholi families, 741 young men and 619 young women. The findings are further developed in chapters six and seven.

C. Legal standards:

This study relies largely on primary sources, such as the CRC and its Optional Protocol (OP), the Geneva Conventions (GCs) and its Additional Protocols (AP) I and II, International Labour Organization (ILO) Convention 182, UN Security Council Resolutions (SCRs), amongst others. To contrast the legal language, analysis from leading scholars is used to shed light on their effectiveness. Internationally, Cohn and Goodwin-Gill discuss human rights treaties' limitations, suggesting where necessary changes should come from. Afako (2002) offers reflection on the utility of national legislation and as a Ugandan human rights lawyer, brings a localised perspective to the legal framework. This dissertation adds to the research field in that there is a lack of literature specifically discussing how well the international framework provides for DDR by not only examining what legal standards exist, but by analysing those standards in relation to reports on DDR and child soldiers.

IV. Disarmament, demobilization and reintegration programmes

This chapter investigates how these DDR programmes are run, examining each component's structure and objective, the principal actors involved, their manner of funding and the principles that guide the process.

A. Structure:

i. Objectives

The primary objective of DDR programmes is to “contribute to security and stability in post-conflict environments so that recovery and development can begin” (UNDDR, 2009). It is defined as “the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population...” (IDDRS, 2006a: 6).³ These programmes recognise that many ex-combatants are stripped of the security and support of their former communities and jobs and therefore, may turn back to armed groups who provided structure, food, clothing, comrades and a sense of value.

DDR programmes enter at this transition point and provide support to ex-combatants, their families and communities they are attempting to return to. They focus on building and sustaining a safe environment for those touched by conflict so that the country can work on the post-conflict peace process. Ex-combatants are incorporated as recipients of aid and as participants in the DDR process so they can contribute to peace-building. The UN backed DDR programmes aim to be “people centred; flexible, accountable and transparent, nationally owned; integrated; and well planned” (IDDRS, 2006d: 2) and in order for DDR to begin there are certain requirements. There must be a “signing of a negotiated peace agreement that provides a legal framework for DDR; trust in the peace process; willingness of the parties to the conflict to engage in DDR; and a minimum guarantee of security” (IDDRS, 2006d: 1). However, this is altered for child-focused DDR programmes, which should carry on “regardless of the status of peace negotiations and/or the development of a national DDR programme” (IDDRS, 2006d: 9).

These programmes comprise three main components: disarmament, demobilization and reintegration (UNDDR, 2009), each of which is explained in the following section along with information about how this differs for child-specific DDR.

ii. Disarmament, demobilization and reintegration

Disarmament consists of gathering the arms of combatants and civilians, with careful documentation, and creating arms management programmes (IDDRS, 2006d: 4). The underlying notion appears to be that to even take part in DDR, one must have a weapon to surrender. However, according to the IDDRS framework that addresses children, whilst those “with weapons should be disarmed...eligibility should never be based on the handing in of a weapon...children should enter the demobilization and reintegration process irrespective of whether they present themselves at the assembly points with weapons or ammunitions” (2006d: 17). The suggestions even rule that

³ Citing the UN Secretary-General's note to the General Assembly, A/C.5/59/31, May 2005.

children should be given a statement declaring that they surrendered a weapon even if they had not, if they for any reason needed an official certification and it was in their best interest (IDDRS, 2006d: 17).

The second element pertains to removing combatants from armed groups in two stages: the first sees individuals put in temporary demobilisation centres or camps, whilst the second refers to the structured assistance provided to former combatants (IDDRS, 2006d: 5). This support is known as reinsertion and primarily focuses on basic and immediate needs of ex-combatants and their families, such as shelter, food, clothing, health care, education and training (IDDRS, 2006d: 5).

As this short-term care lasts up to twelve months⁴, the process of reintegration is needed to focus on building a sustainable livelihood. This final phase focuses on reconciling the ex-combatants with the community and helping them permanently return to life as civilians (IDDRS, 2006d: 5). Reintegration is seen as a long-term process that whilst focusing primarily on the social and economic abilities of local communities, relies heavily on outside actors for assistance in building the local capacity for their country's sustainable development (IDDRS, 2006d: 5). Dallaire (2010) touches upon how the reintegration process encompasses many elements by stating that it "stretches to cover many other 'r' words – reinsertion, rehabilitation, reconciliation, reconstruction, repatriation – all of them so difficult to achieve" (152). With an understanding of how the programmes are structured, the next section discusses who is responsible for carrying them out.

B. *Administration:*

To understand how DDR programmes are run, it is important to identify the variety of actors involved. This chapter's second section explores the primary and supporting agencies responsible for DDR programme management and discusses who the beneficiaries are.

i. Stakeholders and beneficiaries

[T]here can be no substitute for national leadership and the political commitment of warring parties to disarm and demobilise. But in a peacekeeping environment, a successful DDR program depends highly on the ability of the United Nations system to plan, manage and implement a coherent and effective DDR strategy (UNDDR, 2006a).

Former UN Secretary-General (SG) Kofi Annan wrote these words to describe the UN's role in providing structure and support to countries and individuals affected by conflict. He highlights the belief that DDR programmes are an essential component in achieving peace and sustainable development in post-conflict countries and specifies the UN as the primary actor responsible for programme implementation. Official DDR programmes have been implemented in all countries with UN peacekeeping missions – Sierra Leone, the Democratic Republic of the Congo (DRC), Liberia, Cote

⁴ The CSUCS survey (2008b: 25) found that on average, children stayed in centres between two to four months, depending on their family situation, re-abduction fears and length of time needed for physical and mental health treatment.

d'Ivoire, Haiti, Burundi and Sudan – as well as non-UN peacekeeping countries like Aceh (Indonesia), Afghanistan, the Central African Republic (CAR), Republic of Congo, Niger, Somalia and Uganda (UNDDR, 2009).

Whilst the UN is the chief international organisation dedicated to DDR, led by its Department of Peacekeeping Operations (DPKO), it proclaims to “rel[y] on collaboration among participants and national and international actors to maximise the effectiveness of a DDR process” (IDDRS, 2006). An Inter-Agency Working Group on DDR that now includes 15 UN departments was established in 2005 with a mandate to strengthen the DDR process (IDDRS, 2006a: 1). They approved the IDDRS with a purpose of clarifying the policies and procedures for UN DDR, with details about the structure, funding, and guidelines on topics like women and children.

There are numerous actors involved in setting up and implementing DDR programmes, encompassing agents from local, national, regional and international levels. Communities can be an integral part of the programmes' success, both as beneficiaries and participants. On the national level, it is imperative for DDR to engage not just the local governments in power, but all local political factions (IDDRS, 2006b: 6-7). DDR programmes are to remain politically neutral so it is essential that all political groups be included through advisory committees. Including those groups who may be against post-conflict transition can help counteract any desire or ability to destabilise reintegration (IDDRS, 2006b: 6-7). The inclusion of governments is crucial for long-term stability as “national or transitional governments generally lead the establishment of institutions for DDR such as a national commission on DDR” (IDDRS, 2006b: 7). Other pertinent national allies include the national military, armed groups, civil society organisations (CSOs) and the media (IDDRS, 2006b: 7-9).

IDDRS describes its partnerships with CSOs who can include “NGOs, religious groups, traditional authorities, workers' associations, women's organizations, human rights groups, the private sector and so on” (IDDRS, 2006b: 8). Collaboration with these groups is valuable as they provide helpful knowledge of the local context and assist with long-term, sustainable reintegration support. Many offer support similar to what DDR provides or focus on one aspect of reintegration support, though perhaps operated separately from the UN DDR framework.

Regionally, neighbouring countries or other influential actors may be consulted, especially due to their potential direct or indirect involvement in the conflict (IDDRS, 2006b: 9). Internationally, the UN system has primary control over official DDR programmes and the Special Representative of the Secretary-General (SRSG) for CAAC provides expert advice and represents the UN in official meetings (IDDRS, 2006b: 9). Other international actors include member states and bilateral partners, who act as donors and political negotiators, and development banks, who though they cannot by mandate support DDR type programmes, offer aide “as a component of broader recovery strategies and financing mechanisms” (IDDRS, 2006b: 9-10). Partnerships with global corporations can be advantageous as can research and policy centres, who can be used for their external studies (IDDRS, 2006b: 10). Potentially making significant contributions to DDR programme efforts are international NGOs (INGOs) such as the International Rescue Committee, World Vision and Oxfam,

mainly providing expert advice and working on a more local basis with communities (IDDRS, 2006b: 10).

Beneficiaries include members of armed forces and groups, men, women, youth and children who were abducted or forcibly recruited into conflict, dependents of ex-combatants, civilian returnees who have self-demobilised, ex-combatants who have suffered a disability and can no longer serve and the communities these individuals are returning to (IDDRS, 2006b: 2-6). This dissertation focuses primarily on children who were abducted or forcibly recruited into conflict, but it is important to understand the wide range of individuals whom these programmes benefit.

ii. Funding

DDR funding primarily comes from five sources: the UN's peacekeeping budget; funds for emergency responses; donor contributions; governmental grants, loans and credits; and costs split between agencies (IDDRS, 2006c: 10). For the emergency response component, support typically comes from the UN Development Programme (UNDP), the European Commission Rapid Reaction Mechanism and the World Bank Post-Conflict Fund (IDDRS, 2006c: 11-12). UN members cover the majority of the budget, coming primarily from "foreign affairs ministries, overseas development assistance funds and defence ministries" (IDDRS, 2006c: 12). Large donors include Norway, Sweden, the United Kingdom, Canada, Japan, the US, Germany, Switzerland, the Netherlands, Belgium, Italy and Denmark (IDDRS, 2006c: 13).

Support can come from the benefitting country's government, though they do not always have the financial means. DDR programmes are often of national importance and therefore, when they can be funded through government grants, the resources are designated to national DDR institutions so that long-term capabilities are put into place and a national responsibility is instilled to continue such work once the UN backed programmes have ended (IDDRS, 2006c: 14). Finally, financial backing may come from specific UN agencies that specialise in a need, such as medical care or counselling (IDDRS, 2006c: 14).

C. Guiding Principles:

i. Convention on the Rights of the Child

There are specific articles that IDDRS (2006e: 4-5) use from the CRC⁵ to guide throughout the child-centred DDR process. These include: (1) the right to life, survival and development (Article 6), focusing largely on the child's spiritual, moral and social development through education; (2) non-discrimination (Article 2) which extends to not turning children away who are not a citizen of the DDR country programme; (3) child participation (Article 12, amongst others) meaning that "children should be consulted at all stages of the demobilization and reintegration process, and actions that affect them should be in their best interests and take into account their needs and concerns" (IDDRS, 2006d: 4) and particularly relevant to family, education and vocational decisions; and (4) the child's best interest (Articles

⁵ Entered into force (EIF) 02 September 1990 with 193 State ratifications (UNTC, 2011b)

3, amongst others) shall always be of utmost importance and take into account the child's views.

ii. Local context

According to IDDRS, the UN recognises the need to carry out research in the country to determine how DDR can be most effective. Some elements to consider are:

The root causes of the conflict; the ideology, command structure/management/hierarchy of the armed group or force; the circumstances, patterns, causes, conditions and extent of child recruitment; the emotional and behavioural consequences of children's living conditions and experiences; the attitudes of families and communities regarding the conflict, and the extent of their resilience and capacities; the extent of children's participation in armed forces and groups; children's expectations (IDDRS, 2006d: 6).

Looking at the particular's of the situation extends to examining how other WAC could benefit from DDR assistance, which supports the reintegration process and offsets the stigmatisation that child soldiers encounter (IDDRS, 2006e: 5). The need for specialised support for these children requires the incorporation of child-protection agencies and subsequent training for local actors to understand and appropriately advocate for children's rights (IDDRS, 2006e: 5). It is crucial to incorporate national, regional and local actors since they understand the local context and because the entire official DDR process typically lasts for at least five years (IDDRS, 2006e: 6) and their inclusion helps ensure the availability of post-UN DDR support.

iii. Child soldier identification and access

The UN recognises that children, notably girls, often encounter difficulties in benefitting from DDR services in part because they are not easily identifiable as members of armed forces or groups and because staff do not always have the necessary skills to assist their needs (IDDRS, 2006d: 8). One of the first issues highlighted is the difficulty in identifying who is an ex-combatant, especially when children often do not wish to open themselves up to this label or do not know these programmes exist (IDDRS, 2006d: 8). Even if DDR programmes do not make children identify as a child soldier, there are ways it is unintentionally done. A speaker at the WAC conference (2011) explains that buying school uniforms for ex-combatants can have damaging effects as other children in the community may not be able to afford uniforms, causing resentment from those not receiving such support.

At a Human Rights Council session⁶ on violence against women, the UN Special Rapporteur on this topic, Ms. Rashida Manjoo confirmed that girl child soldiers are often the last to access DDR programmes. Others echo her sentiment, including the UN: "Guaranteeing girls' access to DDR programmes is a major challenge... girls are

⁶ Attended on 10 June 2011.

generally ‘invisible’ and neglected, both by members of armed forces and groups and by DDR planners...” (IDDRS, 2006d: 10).

This exclusion is in part because DDR programmes were initially set up for use by adult male combatants. As Dallaire (2010: 153) explains, “the tendency in the past has been to ignore the children: the ‘adults’ basically decided that there were more important ‘adult’ issues to be responded to”. Because of the way these programmes have been set up and due to a lack of resources and time, children are not always separated from adults. This can be dangerous for many reasons, in part because it enforces a one-size fits all approach. Most concerning is the fact that “the young ones remain under the sway of the adults who brought them such suffering and abuse” (Dallaire, 2010: 156), impeding their ability to open up during counselling out of fear.

Dallaire (2010: 156) explains the experience of former child soldier, Ismael Beah⁷ during his time in DDR programmes as a process that though had good intentions, did not keep the best interests of all children consistently in mind. The aid workers housed all boys under one roof without thought as to which side they had been fighting for, thinking that what all the children wanted was the same – to return to being a child. However, this did not adequately reflect upon the fact that these children may hold grudges against each other that could implode into more violence.

It can be difficult to determine the age of these child soldiers because the experience itself can weather their face and make them seem older and also, many lack identification and age documents and are themselves unsure of their age (Dallaire, 2010: 158). Agencies responsible for DDR are beginning to recognise this issue, but it is still difficult to decide who partakes in the programmes and how to best address their needs (Dallaire, 2010: 158). This idea of physical age versus maturity level moulded by experiences and the difficulties this causes DDR programmes are detailed in the next section.

⁷ Author of *A Long Way Gone: Memoirs of a Boy Soldier*.

V. Childhood, child soldiers and international law

This chapter frames the debate surrounding theories of childhood and child soldiers by examining their definitions and critiques of their limitations. Following this, a section focuses on what international legal obligations exist regarding child soldier rehabilitation in order to determine whether there appears to be adequate legal protection.

A. *Childhood in context:*

i. Definitions

According to the CRC, Article 1, a child refers to “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”. The African Charter on the Rights and Welfare of the Child (ACRWC, 1990) similarly defines a child as “every human being below the age of 18 years” (Article 2).

UNICEF defines child soldiers as:

Any child – boy or girl – under 18 years of age, who is part of any kind of regular or irregular armed force or armed group in any capacity, including, but not limited to: cooks, porters, messengers, and anyone accompanying such groups other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms (Cape Town Principles and Best Practices, 1997).

This definition highlights that soldiers are not just male combatants, but frequently are females and those who carry out non-combat services. Whilst the wide classification of roles has helped facilitate the ability of more child soldiers to receive DDR assistance, a debate has formed over the appropriateness of what has become known as the “Straight18” position.

ii. Criticism and politicisation of the term “child soldiers”

The “Straight 18 position” refers to ending the use of soldiers under the age of 18 (CSUCS, 2008a). This dissertation’s intention is not to provide conclusions regarding the age dispute, but rather to demonstrate that “age and childhood are contested debates” (Rosen, 2005:132), and that it can impact opinions on DDR structure. Schafer (2004: 87) summarises the more universalist view to child soldiers:

Definitions and understandings of childhood in the West, which inform the concepts used by development agencies, are essentially age based. They assume that a child is someone under the age of 18, and is vulnerable, dependant and innocent. Implicit in this definition is the assumption that all those below 18 share these characteristics. Hence, the label ‘child soldier’ is applied to anyone under the age of 18 who bears arms.

In her study of the impact of age on reintegration of former child soldiers, Schafer emerged unconvinced that strictly containing childhood was the best option for children emerging from conflict. Instead, she aligned more with the cultural relativist perspective that childhood is relative and that “contextualised definitions of childhood are much more revealing, as ideas about what activities are appropriate for children at what ages and developmental stages vary greatly between cultures and traditions” (2004: 101).

As Dallaire (2010: 158) points out, “the age criterion is one of the most challenging aspects of DDR programming” due to difficulties in determining a child’s age. Many children arrive at reception centres with no identification cards and as children can be separated into different housing area based on this criterion, this can pose a problem. Another issue, however, is whether separating children based off their age is appropriate in determining what services they need. A child’s maturity can be severely impacted by their experiences and “these children have often endured experiences that many adults in the developed world would fail to cope with, and as a result it is rare that the signpost of chronological age adequately captures their level of maturity” (Dallaire, 2010:158).

However, the typical image of a child soldier tends to be a young African child carrying a gun that is far too big for his smaller size. The image is expanding to represent both boys and girls who carry out a variety of roles, but one image cannot represent all child soldiers. According to some standards, a child soldier can be a 7 year old girl forced to become a wife to a 30 year old combatant, it can be a 12 year old boy forcibly recruited to spy on the enemy and it can be an almost 18 year old boy who was recruited into his government’s army where he fights and commits human rights abuses. The experiences these children encounter are wide and varying and cannot be easily compared. Their level of innocence, regardless of the meaning of that term, could also be diverse. Subsequently, their reintegration needs can be different and just because children are the same age does not necessarily mean they should follow the same reintegration process.

Perhaps the varying viewpoints on childhood are reflected in the different ages used in the international law standards detailed in the next section and the discussions surrounding child soldier’s innocence connects with the debate between whether these child soldiers are to always be considered innocent civilians or at times, willing combatants. Though recognising the merits of the childhood debate, for clarity in this dissertation a child refers to anyone under 18 unless otherwise noted. With an understanding of the contestation that surrounds strict interpretations of childhood, the ensuing section moves to an area that can also be rigid in its interpretations: international law.

B. *International legal standards:*

Whilst not as prevalent as the documents referring to the illegality of child soldiers, the legal field indicating responsibility towards child soldier rehabilitation has increased over the past several decades. Not only is it recognised that there is a duty to protect children from being forcibly recruited or abducted into conflict, but there is a growing legal acknowledgment that obligations exist to aid children who were not

protected. Looking at the dissertation's question, it is essential to address what international standards exist in order to determine how well the international framework promotes and enforces child soldier rehabilitation.

The IDDRS framework lists numerous UN documents and international legal instruments (IDDRS, 2006d: 17-19), but this section focuses on significant pieces that denote child reintegration duties towards international actors. As international human rights law (IHRL) concentrates in more depth on reintegration assistance, this begins the chapter.

- i. International human rights law

The majority of legally binding obligations towards child soldier reintegration exist under IHRL. The CRC, Article 39 expresses responsibility:

State Parties shall take all appropriate measure 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 that fosters the health, self-respect and dignity of the child.

Following the CRC's demonstrable support and its CAAC clauses, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP, 2002)⁸ primarily addressed the issue of the appropriate age to be recruited by armed forces to participate in direct hostilities. It mandated lifting the minimum age of recruitment into armed forces to 18 (Article 1) and set a State responsibility to protect those under 18 from armed group recruitment (Article 4).⁹

Reintegration is addressed in Article 6(3):

States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities... are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

Article 7(1) follows this statement of intent to assist in rehabilitation with:

States Parties shall cooperate...in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and financial assistance. Such

⁸ EIF 18 January 2002, 142 ratifications (UNTC, 2011a).

⁹ The CRC lists 15 as the minimum recruitment age (Article 38(3)) and requests States to "take all feasible measures" that those under 15 "do not take a direct part in hostilities" (Article 38(2)).

assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations.

Following this, Article 7(2) focuses on States Parties assisting “through existing multilateral, bilateral or other programmes, or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.” With an international convention dedicated to CAAC, it became evident that within this past decade the issue evolved into one of rising significance calling for urgent action. However, both the CRC and its OP lack a focus on the difficult plight facing females.

The African Union (AU) is the only regional body to address CAAC with the ACRWC (1990)¹⁰, which lacks a clause dedicated to child soldier rehabilitation. Article 22 refers more generally to the illegality of child soldiers and to States obligation to respect international humanitarian law (IHL), though it generally mentions the need to “ensure the protection and care of children affected...” (Article 22(3)). Furthermore, Article 16(1) pertains to protecting children from “all forms of torture, inhuman or degrading treatment” and has a second clause obliging States Parties to set up “protective measures...to provide necessary support for the child and for those who have care of the child, as well as...treatment...” Whilst this does not refer directly to support for reintegration programmes, it does suggest a responsibility for the well being of an abused child. It could be argued that a child recruited or abducted into conflict equates abuse and neglect and therefore, the ACRWC has provisions requiring States to provide treatment.

The ILO attends to child soldiers through defining it as one of the worst forms of child labour in ILO Convention 182 (1999)¹¹, Article 3(1). Article 7(2) lists actions State Parties are obligated to undertake to eradicate child labour, mentioning the need for education and vocational training to be incorporated in children’s rehabilitation:

...(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and their rehabilitation and social integration; (c) ensure access to free basic education, and, whenever possible and appropriate, vocational training, for all children removed from the worst forms of child labour; (d) identify and reach out to children at special risk; and (e) take account of the special situation of girls.

As mentioned earlier, the ACRWC refers to States responsibilities to respect IHL, and therefore, it is applicable to see if the GCs and their APs discuss child soldier rehabilitation.

ii. International humanitarian law

IHL, which are standards that govern armed conflict, deals with certain aspects of children’s rights, but does not address child soldiers’ right to rehabilitation assistance in direct detail. The GCs (1949) Article 77 of AP I (ICRC, 1977a) and Article 4(3) of AP II (ICRC, 1977b) address the illegality of the use of children under the age of 15

¹⁰ 46 ratifications out of 54 AU members (AU, 2011).

¹¹ 174 ratifications (ILO, 2011).

in armed conflict and the need for their special protection. The latter most closely details obligations to aid in the treatment of WAC:

Children shall be provided with the care and aid they require, and in particular: (a) they shall receive an education...; (b) all appropriate steps shall be taken to facilitate the reunion of families...; (d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities...and are captured; (e) measures shall be taken...to remove children temporarily from the area in which hostilities are taking place to a safer area within the country....

AP II refers to the penal situation post-conflict and though it does not specifically refer to whether child soldiers are protected from criminal prosecution, its language could encompass them: "...grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of liberty for reasons related to armed conflict..." (Article 6(5)).

Through the 4th GC (1949), there is reference to children needing special protection. Article 24 states "the Parties to the conflict shall take the necessary measures to ensure that children under fifteen...are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated..." (ICRC, 1949). AP I, Article 77(3) designates that protection extends to "children who...take a direct part in hostilities". It should be noted that the protection only extends to those under 15 and except for Common Article 3 and AP II, the GC's applicability extends only to international armed conflicts.

However, an ICRC analysis determined that due to customary IHL, certain protections extend to children both in international and non-international conflicts. These are: "Rule 135: children affected by armed conflict are entitled to special respect and protection"; "Rule 136: children must not be recruited into armed forces or armed groups"; and "Rule 137: children must not be allowed to take part in hostilities" (ICRC, 2005: 479-488). The study points out the age discrepancy, concluding there is "not, as yet, a uniform practice" (ICRC, 2005: 485) but typically is between 15 and 18.

The ICRC explains that practice defines what "special respect and protection" means. It includes DDR relevant provisions: "access to education, food and health care" and "reunification of unaccompanied children with their families" (2005: 481). To define where children fall in participating in hostilities, the ICRC refers to it "in the framework of the war crime of 'using children to participate actively in hostilities'" so that the two words "using" and "participate" evoke a wider range of protection (2005: 487). Whilst the report did not designate a customary rule to DDR, it did note under Rule 137 that numerous laws and UN bodies designate the requirement for governments to aid in DDR (ICRC, 2005: 487).

iii. International criminal law

Though the International Criminal Court (ICC) does not enforce DDR programmes, it is appropriate to mention due to its ability to potentially prevent future child soldier

recruitment or abduction through criminal prosecution. According to Article 8(2)(b)(xxvi) of the Rome Statute (RS) of the ICC (1998), those who are found responsible of “conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities” are guilty of a grave breach of the 1949 GCs, which amounts to a war crime.

Finding individuals guilty of such offences and sentencing them weakens the forces carrying out abuses and can potentially improve the ability of children to access DDR resources. Not only may armed groups release children to DDR programmes if prosecution is intimidating them, but with higher ranking officials taken away, the group shrinks and can become less powerful, potentially allowing children to escape.

iv. United Nations Security Council Resolutions

Numerous UN SCRs affirm the international commitment to child soldier rehabilitation: 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009) and 1998 (2011). Though the language is similar, each SCR highlights different aspects to DDR and demonstrates the growing capability of the international community to recognise the specific needs of child soldier rehabilitation.

Of note, however, are the possible legal status interpretations. SCRs are considered legally binding if made under the UN Charter’s (UNC, 1945) Chapter VII powers, meaning the SC “shall determine the existence of any threat to the peace...and shall make recommendations, or *decide what measures shall be taken*¹²...” (Article 39). Chapter VI SCRs can be legally ambiguous, as the terminology of “make recommendations” appears to lack enforcement mechanisms. However, the International Court of Justice (ICJ) ruled in the *Namibia Advisory Opinion* (1971) that the

Language of a resolution of the Security Council should be carefully analysed before a conclusion can be made as to its binding effect. In view of...powers under Article 25¹³, the question whether they have been in fact exercised is to be determined in each case, having regard to the terms of the resolution interpreted, the discussions leading to it, the Charter provisions invoked and, ...all circumstances that might assist in determining the legal consequences...(ICJ, 1971:53¶114).

This explanation’s purpose is not to determine each SCR’s legal nature, but to demonstrate their potential lack of legally binding effects. For example, commonly used words are “urges”, “requests”, “reaffirms” whilst “decides” is followed by “to remain actively seized of this matter”.

Resolution 1261 (1999, Article 15):

Urges... the disarmament, demobilization, rehabilitation and reintegration of children used as soldiers...calls upon, in particular, the

¹² Emphasis added.

¹³ “The Members of the United Nations agree to accept and carry out the decisions of the Security Council...” (UNC, 1945).

Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF, the UNHCR and other relevant agencies of the United Nations system to intensify their efforts...

Resolution 1314 (2000, Article 11):

Requests parties to armed conflict to include... provisions for the protection of children, including the disarmament, demobilization and reintegration of child combatants, in peace negotiations and in peace agreements and the involvement of children, where possible in these processes.

These words demonstrate the necessity to allow children's input in affairs that affect them, recalling the CRC's child participation provisions. Article 13 considers females in conflict: "...urges that their human rights, protection and welfare be incorporated in...programmes...for prevention, disarmament, demobilization and reintegration". Demonstrating immediate and long-term assistance needs, Article 14 requests that "basic services" like education and health care are provided during and post-conflict, whilst Article 17 discusses the need to support actors partaking in the release of child soldiers and family reunification.

Of note in Resolution 1379 (2001) is Article 8(e) stating the need to incorporate child protection into peace agreements through clauses relating to DDR, family reunification and child participation. Resolution 1460 (2003) requests that DDR programme duration be adequate to serve children's needs and block re-recruitment (Article 13). Article 16(d) evokes "best practices", showing the growing perception that reintegration services can improve by sharing ideas and developing monitoring and reporting mechanisms. Resolution 1539 (2004) appears more concerned with curbing child soldier recruitment and DDR relevant articles primarily restate previously addressed issues.

Resolution 1612 (2005) touches upon sustainability with the need to "support the development and strengthening...of national institutions and local civil society networks for advocacy, protection and rehabilitation of children" (Article 17). By focusing on words like local and national, the UN appears to increasingly be working to make DDR long-term by sharing responsibility. The most recent resolutions, 1882 (2009) and 1998 (2011), critique the lack of progress made in prevention, protection and rehabilitation.

Throughout the past 12 years of SCRs on CAAC, the language evolves from stating the need for DDR, to what the programmes should entail and who needs special attention, to focusing on the local and national level to ensure long-term reintegration support and finally, to the urgent need to provide sustainable resources and funding. The resolutions do not go into depth about the means or the need to adapt based on the local context, but they are an affirmation from the international community to commit to children's care during and post-conflict.

v. Soft law

In addition to the SCRs are statements made by the SC President, resolutions by the GA from 1997 to 2010, and SG country specific reports 2006 to 2010 with numerous studies released each year. SCR 1612 (2005) created a SC Working Group to remain focused on CAAC through meetings of SC members who review progress reports and give critical suggestions (Office of the SRSG for CAAC, 2005).

The Paris Commitments and Principles (2007) resulted from a meeting of 58 countries, in addition to donors, UN agency heads and NGOs. The Paris Commitments (2007) are general legal and operational pledges, whilst the Paris Principles (2007) detail all issues related to CAAC and the actions countries need to carry out to meet their commitment. These policy guidelines are now backed by 76 countries and stress that:

Planning for programmes to support the release and reintegration of children should commence as soon as it becomes apparent or possible that there will be children associated with armed forces or armed groups and should not be dependent either on the progress of any formal peace process or on any formal DDR process (Chapter 7, Article 7.1)

The Paris Principles describe steps to take from advocacy efforts to obtain children's release to suggestions for interacting with armed groups, stressing the rule of neutrality, to the sensitive nature of working with children, especially girls in the release process, to other DDR stages like reintegration, family and community reunification, education, physical and mental health care, and vocational and life skills training (Chapter 7).

This was not the first instance the international community came together to make a statement regarding child soldiers. In 1997, the NGO working group on the CRC and UNICEF held a symposium to discuss strategies to prevent child soldier forced recruitment or abduction and how to aid their reintegration. This resulted in the Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces and on the Demobilization and Social Reintegration of Child Soldiers in Africa (Cape Town Principles and Best Practices) and created the child soldier definition used by UNICEF and many international actors.

It is evident that international legal standards regarding child soldiers exist, in increasing numbers in recent years and with growing focus on reintegration needs. Having addressed DDR programme structure, the debate behind childhood and child soldiers and international law regarding child soldier rehabilitation, this dissertation moves now to address the situation of Ugandan female child soldiers and DDR programmes addressing their needs.

VI. Case study: DDR programmes for Ugandan female child soldiers

This section analyses whether DDR programmes benefit vulnerable Ugandan female children and assesses what areas there are improvement. As the previous section discussed international legal standards, this section ties it together to address its applicability to the Ugandan conflict.

A. Background of the conflict and Ugandan law:

In the early 1980s Alice Lakwena asserted that the Holy Spirit commanded her to take over the Ugandan government.¹⁴ There was resentment that the government was unfairly treating the Acholi people of Northern Uganda and that this would be a way of reclaiming a just and fair government. Lakwena was eventually banned from Uganda, at which point the movement was taken over by a man claiming to be her cousin, Joseph Kony, and renamed the Lord's Resistance Army (LRA). Their claimed calling was to overthrow the government led by President Museveni and to rule Uganda based on the Ten Commandments. The movement began to lose popularity amongst the Acholi people so in retaliation, and to increase the LRA's numbers, Kony began abducting thousands of children and inducting them into his forces.

LRA's operations are vicious, often attacking villages where young children are taken from families and forced into a life on the run, others are killed or tortured and homes are looted and burned. Ears, lips and noses can be chopped off to intimidate and silence. Fear is used as a mode of operating, as is making children carry out atrocious attacks on their family and community, ensuring their isolation from their former lives and inability to return home. Children are made to take powerful drugs that make them feel good and fuel their feelings of power and desires to fight, done to guarantee they stay in the LRA's control.

Invisible Children (n.d.) summarises the current situation by explaining a series of peace talks that brought the possibility of hope and a more positive and secure future. It appeared briefly as if the conflict between the LRA and the Ugandan government may be brought to a close with the Juba Peace Talks that lasted from June 2006 to March 2008. However, when the Final Peace Agreement was put forward for Kony and President Museveni's signature, Kony refused to sign. He expressed concern over the ICC arrest warrants¹⁵ issued for him and several of his commanders and how post-conflict justice would be carried out.

In an effort to end the conflict peacefully and give an incentive for combatants to abandon fighting, the Parliament of Uganda adopted the Amnesty Act in 2000, allowing Ugandans to disarm without fear of criminal prosecution (UNDDR, 2006b). The Amnesty Act (2000) created an Amnesty Commission, with a mandate to monitor DDR programmes (Part III, Articles 7-9) and established a Demobilization and Resettlement Team to assist with DDR structure and management (Part III,

¹⁴ The following three paragraphs are derived from a compilation of the following sources: BBC (2011), Brennan (2011), CSUCS (2008b), Invisible Children, UNDDR (2006b), and War Child.

¹⁵ See ICC, 2005.

Articles 11-13). According to Afako (2002), this law helps the community heal and simultaneously allows victims and perpetrators of crimes to disarm and receive help.

The amnesty law, establishing both a political and legal mechanism for ending the conflict, has emerged from the advocacy of the communities who have been the principal victims of the war. Their active role...enhances the value and legitimacy of these processes (Afako, 2002).

Uganda has made commitments to end the use of child soldiers and to assist with their reintegration needs through numerous international standards, but has faced difficulty in enforcing the provisions. Uganda has ratified the following: the CRC in 1990 with no reservations (UNTC, 2011b); the ACRWC in 1994 with no reservations (AU, 2011); ILO Convention 182 in 2001 (ILO, 2011); and the RS in 2002 (ICCNOW, 2011). It acceded to the CRC's OP in 2002 (UNTC, 2011a) with a declaration that "the minimum age for the recruitment of persons into the armed forces is by law set at 18 years. Recruitment is entirely and squarely voluntary..." and a reservation that it "reserves the right...to add, amend or strengthen the present declaration..." (UNTC, 2011a). However, no amendments have been submitted. Ratification of the GCs occurred in 1964 (ICRC, 2005b) and to both APs in 1991 (ICRC, 2005c and 2005d). Uganda was a non-permanent member of the SC from 2009-2010 (UNSC, 2010) when resolution 1882 was adopted and in essence, would appear to support its provisions. It has also endorsed the Paris Commitments and Principles (UN, 2009).

From this list of endorsements and ratifications, Uganda appears to support the principles inscribed within. Yet, the BBC (2011) recently claimed that more than 30,000 people have been killed in the 24-year long conflict, with many more injured and approximately 1.8 million Internally Displaced Persons (IDPs) (UNDDR, 2006b), leaving widespread physical, economic and social destruction. Whilst the LRA is not currently active in Northern Uganda, it has moved its operations into neighbouring countries like the DRC, CAR and southern Sudan (BBC, 2011). Though the US declared the LRA a terrorist organisation (US Department of State, 2004) and ICC warrants are outstanding for Kony and his commanders since July 2005, Kony and most of those higher up have alluded capture (BBC, 2011).

B. *Females in the conflict:*

Almost every book or report about child soldiers in Uganda is accompanied by several personal and shocking accounts of the physical, psychological and sexual abuse children encountered.¹⁶ From being forced to decide which of your friends should be eaten and then cook and eat her slaughtered body pieces to being forced to beat your grandfather to death (CSUCS, 2008b: 11), these stories exist in mass numbers, giving evidence of the thousands of real individuals behind the tales; boys and girls who on a daily basis encountered human rights abuses and often had to carry out abuses themselves in order to survive.

¹⁶ For accounts of LRA female abductees' experiences, see Temmerman's *Aboke Girls*.

An estimated 60,000 children from Uganda were abducted or forcibly recruited into conflict during the war (Bricker, 2009)¹⁷ and amongst all these figures and histories are large numbers of females, around 24% in certain regions (CSUCS, 2008a: 349). According to the SWAY study (2008: 4), though many females were sex slaves for LRA commanders they also performed combat roles and were made to kill those they were told were enemies. If they refused, they were beaten or killed.

A summary of what these girls face comes from the life of Lucy Aol, who hid from the LRA for two years before her reality turned to life in the bush:

At 13, this Acholi girl would be abducted and issued a gun so that she could protect herself while she pillaged homes for food and clothing at the behest of the LRA. Within days of her abduction, she would be made a “wife”, a position she would keep until, at the age of 16, she would understand that death was a small consequence if she were caught escaping (Bricker, 2009).

Whilst she has scars covering her body from shrapnel, being beaten by sticks and cut by machetes, many of the more difficult and traumatising wounds are emotional.

One Ugandan girl described what happened upon arrival to the rebel camp:

When you first arrive, they put all the girls together. Then they call the officers so they can pick who they want for a wife. Even if you are very young. I was given to a very big man. He was blind on one side. So maybe he didn't see that I was very young” (Children Youth As Peace Builders, 2006).

Upon abduction, Lucy was also given to a very large man and she initially refused. To punish her for defying orders, the LRA soldiers demanded she choose life or death. To demonstrate her choice, they brought out a young boy and killed him in front of her, beating her once she started to cry. Lucy declared she wanted to live and spent the next almost three years as a sex slave, being forced to cook dinner for her “husband” and soldiers, though she was often denied the right to eat. When she was not allowed to drink water, she was forced to drink urine. Though she was made to fight in the field just once, many female soldiers are made to do so much more.

Upon escape and subsequent entry into a rehabilitation programme, Lucy discovered she was pregnant. As the CSUCS details in their report (2008b) on children's perspectives on Ugandan reintegration programmes, many girls find they have also become infected with sexually transmitted infections, HIV/AIDS and fistulas. Not only are these issues emotionally difficult to deal with, potentially leading to debilitating anxiety, hallucinations and suicidal thoughts, but the physical effects and the stigma attached to pregnancy and disease, let alone to just being a child soldier, can detrimentally impact their future (CSUCS, 2008b: 1). Their ability to return to school or get a job is severely debilitated due to the need to care for their child and the

¹⁷ Though other studies state the difficulty to ascertain a reliable number amongst the varying figures (i.e. McKay and Mazurana, 2004: 77).

dishonour attached to them and their child limits the desire for others to be associated with them.

C. Needs of female child soldiers post-conflict:

“When I came back I wanted to kill myself because I thought death is the best option. I felt so stressed” (CSUCS, 2008b: 18). It is difficult to summarise the exact needs of all female child soldiers as each has experienced their own physical, emotional and sexual trauma and their subsequent needs vary. Since the LRA views most females as wives or children and not as combatants, they often deny their release (CSUCS, 2008a: 29). Girls on average were held for four years, though a few spent up to 12 years with the LRA (McKay and Mazurana, 2004: 77). According to the CSUCS report (2008b: 12) surveying children abducted by the LRA, most returning abductees did not return because the conflict ended and the LRA released them, but because they escaped (71%) or were captured by the government’s troops (29%). Therefore, at initial reintegration, many children fear re-abduction and punishment for deserting.

How exactly does a programme care for children’s needs when, as Brennan (2011) stated, “Their eyes were often blank as if they had closed themselves off”? Programmes struggle to pinpoint each child’s needs and open them up to trusting again. Consequently, difficulties can arise when attempting to make children feel supported – and thus guaranteeing they do not return to life with the LRA – as they are often shunned by families and communities. Many families initially do not welcome their children back because they believe the child is there to abduct, torture or kill them (CSUCS, 2008b: 14). Some children are taunted by statements like, “they are useless, they learnt to kill people so it is better to kill them also” (CSUCS, 2008b: 15). For some, they do not have a family to return to as they have been killed, perhaps by the child themselves; therefore, taking away a sense of protection.

The CSUCS (2008b: 4) states that, “relatively little is known about the short and long-term effects of their experiences” so it can be difficult to clarify the needs that may arise in their lifetime. Consequently, the SWAY study said that a side effect of this possible miscomprehension of needs “is that programming is often based on immediate and observable needs and possibly erroneous assumptions about who needs help and what sort of help ought to be provided” (2008: 1). Boyden and de Berry agree that, “scholarship has yet to capture the true magnitude, nature or effects of such experiences. There is a serious dearth of systematic empirical information, especially concerning long-term outcomes” (2004: xvi). However, it seems likely that being taken away from the stability of a home and family can detrimentally impact a child’s development and self-esteem. “The atrocities children witness... disrupt them developmentally in their most important formative years. As their families are broken up and larger social institutions cease to function, children are denied lasting relationships of affection as well as stable ground upon which to develop in physical, intellectual and moral terms” (West, 2004: 105).¹⁸

Boyden observed that girls had a desire “to testify to and archive the atrocities and losses they have endured” (2004, 246). Not only do they want to show their

¹⁸ Citing Garbarino, J., Kostelny, K. and Dubrow, N., 1991; Machel, 1996; Save the Children, 1992; and Walker, 1993.

resilience, but they may have learned new skills whilst in captivity that they want to use to show their possibility for a positive future (CSUCS, 2008b: 29). De Berry's consultations with young Ugandan women unearthed "not only stories of their suffering but also evidence of their strength and coping" (2004, p.48). Many girls need to show themselves, their communities and their captors that they can learn to process their experience and continue living.

The needs of female child soldiers can be very practical, such as "mediation; psychological care; medical care and treatment for sexually transmitted diseases; reproductive health, and related physical conditions such as fistula; education and employment; and community education to address socio and cultural gender inequality issues" (Clifford, 2011). For those pregnant, extra support is needed for her step into motherhood and to care for the child. It is also important to acknowledge the past, current and future discrimination these females face and to take special care of the women who have been sexually abused and are not willing or able to return to their family and community (Fusato, 2003).

The CSUCS report (2008b: 3) found that "their articulated needs were those which many war-affected children would share – a desire to be educated and to attend school, to have the opportunity to earn their own living, to be accepted by their communities, and to be allowed to contribute to the well-being of their families, communities and society". For females that encountered sexual abuse, they are "less acceptable" to the community so the report (2008: 2) concludes that they need programmes that "support their nurture, care and protection". With an understanding of former female child soldiers' potential needs, the following paragraphs discuss whether Ugandan DDR programmes are able to make a positive impact.

D. DDR programmes addressing child soldier's needs:

Operating under the Amnesty Act, Ugandan DDR programmes use a large number of local, national and international organisations to facilitate DDR (UNDDR, 2006b). These include government bodies, national NGOs, INGOs such as World Vision and Save the Children Alliance, and international organisations like UNDP, the International Organization for Migration, UNICEF and the World Food Programme (UNDDR, 2006b). Brennan praises one local NGO in Northern Uganda called Gulu Support the Children Organisation (GUSCO), a UNDDR listed national NGO. They began work in 1994 when there were no official DDR programmes operating in the area, primarily providing psychosocial support to ex-child soldiers and any dependent children (GUSCO, n.d.). Another, Empowering Hands, is comprised of former female abductees who support other former soldiers and the community through 'Peer Support Groups' that facilitate counselling sessions, drama and music therapy and community outreach (n.d.).

Whilst there may now be services present for these children, about 40% of girls did not seek reintegration assistance – of those, 25% because they were not given permission to, 21% did not know of the centres' location in their region, 18% did not know such centres existed, 11% felt unsafe with the centres location, and 7% wanted to return home without the centres assistance (McKay and Mazurana, 2004: 77).

According to the CSUCS (2008b: 8) report on reintegration services, services focus on health needs, family reunification, social activities, therapy, education, and vocational and life skills training. The report claims the majority of children stay in the centres for a few months whilst social workers make trips to the community to discuss the child's return (2008b: 8). Once the child is ready to return, they are given a "reintegration kit", containing items like clothing, blankets, a mattress and some money (2008b: 24-25). The study concludes that these services were "often inadequate, particularly in relation to health and trauma issues" (2008b: 8).

The SWAY study (2008: 6) found that: (1) DDR programmes were not adequately meeting the needs of former child soldiers; (2) not enough children utilised the centres; (3) services should focus on education and vocational training; (4) those that strongly need health and psychosocial support were not receiving the necessary level of attention; (5) former child soldiers are actually "more likely to be active and productive citizens and leaders"; and (6) abducted children are not the only vulnerable youth as all WAC and young people who have encountered violence and displacement are in need of support.

DDR programmes attempt to bridge gaps between the child and their family and community, however according to the CSUCS report (2008b: 2), the families typically welcome the children back after an initial period of hesitation. The family members that often held back and had difficulty adjusting were the siblings and peers. Children their age who perhaps could not understand what had happened to the same degree as elder family and community members were responsible for bullying, ostracizing and labelling the children rebels. This led many of the returning children to prefer hanging out with other former LRA abductees (2008b: 16), increasing the stigmatisation these children encounter. However, what these children also reported is that this reaction differs from community to community and DDR leaders need to be aware of this and ensure that services offered adapt to varying needs (2008b: 2).

Brennan explained the utility of community incorporation in Ugandan DDR through the use of cleansing or forgiveness ceremonies. These traditional rituals that bear significance in the community can signify rebirth, cleansing and ultimately, acceptance by the community. Some ceremonies largely practiced by the Acholi community in Uganda include Nyono tong gweno, ("stepping on the egg"), Mato oput (drinking the "bitter root") and Moyo piny ("cleansing of an area") and range from stepping on an egg to fasting to animal sacrifice (Peace Building Initiative: 2007). However, Dallaire indicates value in having compassion and understanding be mutual and allowing children to forgive the community for not protecting them (2010: 179).

The Amnesty Commission is critical of the work it is attempting to carry out stating that it "has struggled to increase its capacity to perform the number of responsibilities it has been tasked with" (UNDDR, 2006b). This is due to the large numbers of ex-combatants, children and adults alike, and the need to be able to rely on its partner network (UNDDR, 2006b). They state their work can be hampered by the fact that some children are reintegrated into IDP camps, where there already is a level of instability and risk that children could encounter violence or decide to return to life in the "bush" (UNDDR, 2006b). Since the Amnesty Commission found that "it does not possess sufficient internal capacity to assess and implement the special requirements of women and child reporters", it had to turn much of the responsibility to its partner

organisations (UNDDR, 2006b). However, it is not made evident if they have the capacity either.

With the perspective of the Ugandan case study and combining it with the knowledge of international law and DDR programmes, this dissertation now moves on to its section entailing analysis and findings and seeks to answer the overarching question.

VII. Analysis and findings

This final section analyses the utility of DDR programmes in addressing various aspects of child soldier rehabilitation and uses the Ugandan case study findings in application to wider DDR programmes. The chapter concludes with thoughts on whether the international framework for DDR adequately provides for child soldier rehabilitation.

A. Applying the Ugandan case study to DDR programmes: criticisms and recommendations:

Studies of reintegration programmes have numerous suggestions to improve services offered to former abductees and WAC. The SWAY report (2008: 7) has recommendations encompassing education, health care, psychosocial services, conflict resolution, child soldier status, females, scope and detail, and the local context. These suggestions are explained in the following section, as are the connected criticisms, many of which are interlinked.

i. Short-term solution

Do DDR programmes adequately reduce, rehabilitate and prevent the re-recruitment of child soldiers? Strong criticism came from experts at the WAC conference (2011) that whilst DDR programmes immediately aid children, they do not necessarily touch upon the root causes of violence. They ignore everyday violence and discrimination, such as domestic violence, sexual and gender based violence (SGBV) and transactional sex. They simplify the issue in order to offer services and make it appear as if positive action by the international community is taking place.

DDR programmes can impede the reintegration of former female child soldiers in their community and turn them back into the conflict itself. As they are not always fully equipped to care for all needs, child soldiers can return to armed groups where they may have more reliable access to food, medicine and a sense of power. SWAY suggests that to benefit children, families and communities in the long run, conflict resolution mechanisms need to be incorporated to service those experiencing adjustment problems (2008: 7-8).

It is important to recognise that as some children are returning to their former communities, the families of those who have not returned will realise their child may be dead. This could lead to depression, anger and resentment of those whose children have returned. DDR needs to support all families and should also focus on the violence that can exist within them, especially the domestic and SGBV. Dallaire points out the importance of peace agreements including language on the DDR programme specifically for child soldiers (2010: 153) and their incorporation could be a factor that could have a positive influence on creating long-term peace.

ii. View of child soldiers

There is controversy about the usefulness of treating children accused of crimes over their responsibility. According to the Paris Principles (2007), these children “should be considered primarily as victims of offences against international law; not only as

perpetrators” and their treatment should be done “in a framework of restorative justice and social rehabilitation” (Principle 3.6). However, at the WAC conference there was discussion amongst speakers in the ability to help the community heal if children are held accountable for their actions. Some discussed this contradiction of exporting so many Western ideas that are incorporated in DDR programmes, except for a juvenile justice system. Evidently, “accountability for serious crimes committed by child soldiers remains a contentious issue” and there are many issues to consider, including whether it could help children’s rehabilitation (CSUCS, 2008a: 38).

The status as an abducted child needs to be removed past the initial reinsertion stage and there should cease to be any services provided solely to a child due to their past as a soldier (SWAY, 2008: 8). The “one size fits all” approach of many reintegration programmes fails to recognise that other WAC have suffered and need help recovering.

Programmes that target based on specific and identifiable needs – literacy, secondary or adult education, child care and feeding during school hours, treatment of serious war wounds, conflict mediation with neighbours, family reunification, severe emotional distress – are likely to be less stigmatizing and more inclusive, self-selecting, and effective than targeting based on categories such as “formerly abducted” or “orphans (SWAY, 2008: 8).

There can be a tendency for the view of child soldiers to still predominantly be boys, therefore neglecting females. The SWAY report stressed the need to target the needs of females, but to not make assumptions as to what these needs are (2008: 8-9). According to McKay et al, however, young mothers need “a longer reintegration period than other returnees, and they have a need for consistent follow up” (2006: 3). It also needs to be recognised that males are not the only soldiers that have aggressive tendencies post-conflict and programmes that address female hostility need to be strengthened. Whilst they may not be acting on feelings of anger, many females are reliving acts of violence through nightmares, hallucinations and flashbacks (CSUCS, 2008b: 19). They need to be given the skills to understand how to react to stressful situations in a way that will not overshadow their ability to interact.

iii. Insufficient funding

A significant issue facing child-centred DDR is that child protection often does not receive adequate attention and funding from the international community. As Dallaire (2010: 154) points out, whilst “the UN appoints child protection officers to serve in its missions, the fact is these advocates for children often have to fight to gain the attention of the mission’s senior leadership in order to claim their share of resources and effort”. Not only do they receive minimal attention, but Dallaire (2010: 154) explains that the responsible agencies, such as the DPKO, the SC and the field missions “regard child soldiers as an annoyance, a pain in the side...”. Given the IDDRS framework and the SCRs, this is an interesting observation from someone who worked inside the UN.

Funding affects components of DDR such as education, health care and psychosocial services. Recommendations comprise expanding upon all education services,

including offering children the option of vocational training in conjunction with supplementary schooling and ensuring that educational offerings are flexible, providing for times convenient for mothers and child care assistance (SWAY, 2008: 7). Health services need to be improved by hiring a war surgeon who can operate on seriously injured children and professionals with experience dealing with serious back and chest injuries (SWAY, 2008: 7). Stable funding could provide highly skilled and appropriate psychosocial services with “an appropriate referral system for those with severe psychological or social problems” (SWAY, 2008: 7).

As this dissertation shows, not only can children be neglected, but females are often underserved. Funding needs to be increased towards child focused and gender sensitive DDR programmes. However, whilst there are critiques that sustained funding is lacking, there do not appear to be suggestions as to which governments or organisations – be it internationally, regionally, nationally or locally – should be responsible for allocating the required funding.

iv. Technical issues

Another issue that affects DDR’s success is the stage the conflict is in and thus, the safety of the facilities’ location (CSUCS, 2008b: 8). If the conflict is on-going and there is a risk of re-recruitment or abduction, children may not access services. Some children go straight home, unaware of reception centre locations or unable to reach them due to distance. There need to be more reception centres set up within conflict zones to ensure they reach a maximum number of beneficiaries and safety measures need to be enforced.

Another impediment is the limitations of its follow-up and long-term assistance. As “the responsibility for longer term follow-up of these children belongs with district authorities and local child protection agencies” (CSUCS, 2008b: 9), it can be difficult to ensure this happens when not all regions have this capacity. These more remote and dangerous areas that were disturbed by the LRA struggle with providing sustainable support, “result[ing] in a general absence of family and community preparation for the children’s return, and little follow-up and support for the children themselves” (CSUCS, 2008b: 9).

Overlapping agendas and mandates that do not complement one another can restrict the UN, UNICEF, NGOs, CSOs, regional and national governments and the communities from properly working together. Strong monitoring and evaluating mechanisms are needed to ensure that collaboration is in the beneficiaries’ best interest. As this can change, it can require a level of operational flexibility in order to always serve their needs. This shortcoming is the subject of the next section.

v. Lack of programme flexibility

Organisations can remain stuck in their operating mode and thoughts on what is best for child soldiers, rather than considering the individual context. For example, Dallaire (2010) says that UNICEF believes that family integration is the solution to child soldier rehabilitation, without always considering other issues such as skills training and employment and “if you focus on only one aspect, that’s where the bulk of your donors’ dollars go, which results in an imbalance of resources that

undermines creating the complete package the child soldier needs to re-enter normal life” (156).

During the WAC conference (2011), one speaker critical of reintegration programmes pointed out that many are designed in the moment, as needs become apparent. Therefore, services should improve with evaluations that come with perspective. Many issues arise from the strictness of the DDR structure itself and either the lack of real flexibility or the perceived lack of flexibility. For example, Dallaire (2010: 160) describes the confusion that female combatants feel in understanding their ability to access DDR programmes as many want to access reception centres, but do not as they lack weapons to disarm.¹⁹ Children mistakenly believe they must prove they were soldiers, limiting the ability of DDR programmes to reach all children who fit the definition of child soldiers.

It is imperative to monitor effectiveness in reaching as many children as possible, but also in providing the best possible support that does not physically or mentally endanger children. Previous examples of how aspects of the programme impeded their reintegration include “cash for guns”, which gave children money to disarm and resulted in their being taken advantage of for their money (Dallaire, 2010: 161). This idea has adapted to a potentially less risky approach with “bikes for guns” or “goats for guns” and has seen it work well in some places, but ineffectively in others, often due to a lack of funding (Dallaire, 2010: 161). It would be helpful to examine “ways in which to link demobilization to local development initiatives” (Cohn and Goodwin-Gill, 1994: 82). These examples once again demonstrate that sustainable funding is crucial for these ideas to be successful and the need to adapt programmes based on the local context (Dallaire, 2010: 161).

vi. Limited scope and detail

Whilst services need to be tailored to the individual child, they also need to have a broader scope that can extend to the family and community as a whole. CSUCS (2008b: 26) suggests doing this on a personal level through social worker visits to families and general avenues like radio broadcasts encouraging communities not to label children as “rebels”, “soldiers”, “killers” or “rapists”, or peer, family and community interaction through recreational activities like film nights or sports games (CSUCS, 2008b: 26).

As sometimes it is not the parents who have a harder time adapting to returning children, but siblings and peers who are fearful, resentful and jealous, extra attention needs to be paid to their adjustment. Social workers need to explain the situation in an age-appropriate manner and similarly, the returning child needs to be warned of this potential rejection. According to CSUCS, “children were able to show restraint in the face of this rejection by their siblings and the result was that relationships improved substantially over time” (2008: 29).

One possible way to circumvent this isolation is to, as previously stated, broaden DDR so that all WAC can access them based on need. However, as CSUCS (2008b: 30) states, “it is clear that local risk assessments at the planning stage to highlight

¹⁹ Citing Chris Coulter’s *Bush Wives and Girl Soldiers*.

potential difficulties would be helpful". Whilst this all-inclusive strategy may be helpful in certain areas, it is not necessarily in the best interest of children in all conflict affected areas and studies need to be performed to ensure that rehabilitation efforts take into account the local context.

The ability of a child to reintegrate may be easier depending on variables such as whether they were abducted or recruited, length of time in the armed group, age at departure and return, experiences whilst in conflict, size of their community, number of children returning, amongst others. It is clear that a predominantly Westernised, "one-size fits all" approach to reintegration cannot be universally successful.

vii. Analysis of DDR programmes

Whilst the conclusions drawn in this study focus on Uganda, there are likely similarities to other countries' DDR programmes. What the Ugandan case study suggests are issues that this dissertation argues are of universal importance to DDR programmes. Whilst further research is needed to apply these conclusions, one could presume that the criticisms of and recommendations for Ugandan DDR may be relevant to those in other countries. In examining reports on Ugandan DDR, there are numerous suggestions and many are reiterated throughout the 2008 CSUCS' Global Report, reinforcing that these conclusions can likely be applied broadly.

Despite criticisms, the CSUCS report (2008b: 3) found that "children who went through reception centres prior to returning home valued the care and support they received there...it enabled them to begin the process of adjusting to life outside the armed group". The report found that former abductees who went straight home had a very difficult time adjusting and "their continuing emotional and behavioural difficulties then affected their ability to reintegrate" (2008b: 3). It appears that "DDR - flawed as it may be - is necessary to any post-conflict reconstruction program" (Hanson, 2007).

An important aspect seems to be ensuring that whilst the child lets go of some power they held whilst with the armed group, that they do not let go of all feelings of control. Child participation is a crucial aspect of the CRC and it is essential that children have a say in their DDR process.

Returning to Kofi Annan's quote from this dissertation's start, what appears essential to an effective DDR programme is for "the United Nations system to plan, manage and implement a coherent and effective DDR strategy". Based off this paper's research, it would be prudent to adapt this to "a coherent, effective and *flexible* DDR strategy, *based off needs that become apparent in the local context*". Whilst there are a plethora of suggestions, demonstrating an understanding for what may be needed, "this knowledge has yet to be fully applied" (CSUCS, 2008a: 27). This paper now moves to its final section, concluding whether the international framework adequately provides for child soldier rehabilitation.

B. *Ability of the international framework to rehabilitate child soldiers:*

The first question to answer is whether international law is strong enough to bind countries to an obligation to rehabilitate these children. In looking at the number of

conventions, resolutions, reports, amongst others in the past 20 years, there is an obvious growing global campaign to eradicate the use of child soldiers and to assist in their reintegration needs. However, they could use strengthening either in legal effect or in the detail of what DDR support entails and what steps States are required to take.

The CRC's OP is one of the strongest legal standards with large support from UN member States and its legally binding prohibition of the use of child soldiers under 18 and rehabilitation obligations. However, it is worrisome that neither the CRC nor its OP make statements regarding the sexual abuse and other human rights abuses that females face. Whilst there are UN SCRs, statements from noteworthy figures and other soft law declarations, hard law is lacking in enforcing particular obligations towards females. Amendments to both the CRC and its OP could legally clarify what defines a child soldier and address the abuses that females face. This, however, would raise the issue of whether all countries that already ratified would do so again with proposed changes.

Additionally, "like most human rights treaties, the CRC is limited in that it is directed to States, rather than to the parties to a conflict" (Cohn and Goodwin-Gill, 1994: 69), though the OP's Article 4 does state that armed groups should not contain children under 18 years of age. However, there needs to be an obligation towards all armed forces and groups who already have children in their ranks to immediately and responsibly release them. A study should be undertaken to determine whether laws like Uganda's Amnesty Act are helpful in promoting disarmament and access to DDR programmes for children and adults alike, whilst at the same time ensuring appropriate justice for human rights abuses and community healing.

IHL needs updating as well to further codify that boys and girls, though acting as combatants, can be forcibly recruited or abducted into a variety of roles, and that protection and basic services that are encompassed in DDR need to be extended to them during conflict, both those of international and non-international character. Machel (1996) points out the limitations to AP II as it:

Applies only to a restricted category of internal conflicts: they must involve conflicts between the armed forces of a High Contracting Party and dissident armed forces or other organized armed groups. According to this criterion, it can be argued that Protocol II would not apply to the majority of current civil wars" (1996: 61).

If the accepted viewpoint amongst the international community is that children need special protection, should not this protection and access to reintegration services be extended to them regardless of the type of conflict? As for the ICC, its power can be diminished by the lack of influential supporters²⁰ and by the minimal effect that issuing arrest warrants appears to have on capturing perpetrators and achieving justice.

²⁰ I.e. the US not ratifying the RS (ICCNOW, 2011).

Whilst analysis of the ways in which reintegration programmes for child soldiers need improvement abounds, it is important to note that the UN is critical of its DDR process:

While the UN has acquired significant experience in the planning and management of DDR programmes, it has yet to establish a collective approach to DDR, or clear and usable policies and guidelines to facilitate coordination and cooperation among UN agencies, departments and programmes. This has resulted in poor coordination and planning and gaps in the implementation of DDR programmes (IDDRS, 2006: 1).

The IDDRS framework is “a great aim, for sure, but we must make sure these standards are well crafted to answer all the demobilized people’s needs” (Dallaire, 2010: 155). Whilst DDR programmes are helping many children worldwide reintegrate, it needs to strengthen its level of services offered to all affected children, especially girls, and to their families and communities.

This dissertation argues that whilst the international framework promotes the necessity of DDR programmes and their need to “take place in an environment that fosters the health, self-respect and dignity of the child” (CRC, Article 39), progress need to be made on the details of who needs the help, how they can get it, what type of help is offered and which actors have an obligation to assist. National institutions and CSOs need strengthening so they can have a hand in the set-up and instil responsibility for the long-term care.

Further research is needed and “should be grounded on a local assessment of options and possibilities, identification of those most likely to suffer crippling consequences or to benefit from constructive outcomes, and the development of culturally appropriate means of preventing or minimizing the former and bolstering the latter” (Cohn and Goodwin-Gill, 1994: 132). This study maintains that whilst the current international framework for DDR has helped many child soldiers and is a good starting point, it could use improvements in its enforcement mechanisms, detail of services needed and ability to bind States to children’s sustainable care. According to the most recent CSUCS Global Report:

A rich body of international instrument exists. Our challenge is to ensure they are used to maximum effect. This will involve well-coordinated and multi-faceted actions by a wide range of actors, the exertion of pressure where it is needed, and sustained funding for programs to assist returning child soldiers and other war-affected children. Ultimately, success will depend on addressing root causes and building societies where the rights and dignity of all children are upheld (2008a: 9).

VIII. Conclusion

The experience of being a child soldier is appalling and something no child should have to encounter. Children abducted against their will or forcibly recruited at any stage in their development are taken advantage of at a time when they are mentally maturing and progressing towards adulthood. If and when children are able to return, basic needs such as food, clothing and shelter need to be provided as a priority, but just as urgently needed are more in depth medical and psychosocial care. Beyond providing for immediate necessities, an emphasis on long-term assistance such as educational support, vocational and life skills training appropriate to the community, childcare assistance, and family and community counselling should also be essential aspects of DDR programmes. Fundamentally, these ex-child combatants need to speak about their experience in a supportive environment to demonstrate their resilience to themselves and their community.

Whilst to an outsider, being cared for in a reintegration programme may appear to be a better option to a life in conflict as a combatant, cook, porter, messenger or sex slave, it is not always so straightforward. As musician and former child soldier Emmanuel Jal conveyed in one of his songs, going through the rehabilitation process can be equally disturbing in other ways: "I'm in another war, this time, it's my soul that I'm fighting for" (warchildJAL, 2011). These lyrics resonate with former child soldiers, not just because of the long-term physical and mental wounds they must live with, but also because of the obstacles they face within DDR programmes. The "one size fits all" approach that DDR can employ, whether due to a dearth of time and resources or a lack of cultural or contextual understanding, can be hazardous to reintegration.

This dissertation addresses the important question of whether the international framework adequately provides for the rehabilitation of child soldiers. This was done through first examining the DDR structure, actors, funding and guiding principles. Next, the sections regarding childhood and child soldiers highlighted the debate about their meaning and examined its impact on reintegration services. The chapter ended with a detailed look at international legal standards regarding reintegration obligations to establish the relationship between law and DDR. The third chapter's focus was this dissertation's case study of DDR programmes for Ugandan female child soldiers, examining how well reintegration programmes address their needs. The final chapter discussed critiques and recommendations of DDR through the application of the Ugandan case study, before concluding that whilst the international framework for DDR has aided many children, improvements need to be made in its legal enforcement mechanisms and level of sustainable care.

There is hope for the future of DDR programmes, or as Dallaire puts it, "it is not all bad news" (2010: 160). Whilst they should not be viewed as a magical solution that cures children of their wounds, there is value to reintegration services. With each year that passes, each reintegration programme developed, monitored and evaluated and each child helped, lessons are learned and services strengthened. Whilst the international framework promotes and enforces DDR through numerous international instruments and campaigns, it is not enough to offer services to these vulnerable youth. There is a responsibility to ensure these programmes are not just structures that

exist to provide the most basic immediate needs, but that they address the specific situation of all vulnerable children in a sustainable manner.

DDR programmes need to ensure the most at risk ex-combatants with the harder to define needs, such as children and females, get as much individual and long-term assistance as possible. If they do not, there is a risk that they will cause even more psychological damage or send them back to their armed group. These programmes need to demonstrate sustainable support that will not disappear as soon as donors believe the problem is solved and turn their interest and funding elsewhere. Citing former UN SG, Kofi Annan, “children are our future and if we use them in battle we are destroying the future. We must reclaim them, every one of them, one at a time” (UNICEF, 2002).²¹

²¹ Cited by Dallaire (2010: 169).

Appendix A: Interview Questions

1. What are your thoughts on the debate on childhood and the local meaning of childhood and youth versus outside, or perhaps Western meaning? It has been internationally defined and recognized to be 18, but do you feel that it is appropriate to have a universal figure? Do you feel that there is any room for movement away from the straight 18 position?
2. In your experience, do you find that more children are abducted or recruited into being a child soldier?
3. What would you describe to be the typical needs of former female child soldiers?
4. Are these former female child soldiers often afraid to come forward and access services?
5. Are there more services available for former male child soldiers?
6. How much stigma do these former female child soldiers face in the community?
7. How is education incorporated in the rehabilitation and reintegration of child soldiers?
8. How are DDR programs typically structured?
9. Are DDR programs the same across every country or can they vary given the country and its own unique context?
10. Do DDR programs require children to identify as a child soldier?
11. Do you feel that a gender sensitive approach is adequately mainstreamed into rehabilitation programs?
12. Do you feel that these programs typically address the needs of female child soldiers?
13. Are children separated from adults in DDR programs?
14. Are females separated from males in DDR programs?
15. Have you found that DDR programs can work to prevent female child soldiers from re-joining?
16. Typically, do boy and girl child soldiers have equal access to DDR programs? Or can female child soldiers at times be excluded since they aren't always being disarmed?
17. Are there on-going services available to former female child soldiers or are these programs typically for a limited period of time?
18. How much do DDR programs focus on the community to support these former female child soldiers?
19. It seems at the moment as if DDR programs are primarily operated by the Department of Peacekeeping Operations. Do you know if there is a move to incorporate more knowledge learned from local and international NGOs with expertise in the area and its local context? And how much are local governments incorporated into the setting up of the programs in order to ensure their long-term sustainability?
20. Sometimes it appears as if children who partake in the DDR process are given vocational training. Are there efforts made to ensure that children are given access to education and to ensure that they are not being used in another form of child labour?
21. Do you feel that the best interests of the child are adequately upheld in the reintegration and rehabilitation of child soldiers?
22. Some DDR programs seem to be called DDR programs, adding rehabilitation to the end of it. Do you know why this is and why the UN does not officially adopt rehabilitation in the name?

23. Can entry into a DDR program ever actually impede the full reintegration of a former child soldier into his or her former community? Do you feel that it is typically in the best interest of the child to be formally reintegrated into society via things like DDR programs, or do you think that sometimes it is best for a child to not take part in a DDR program because it can make them stand out and therefore impede reintegration?
24. Do DDR programs solely reach former child soldiers or can other children and young people who have been affected by violence and conflict utilise DDR's programs?
25. Do DDR programs address the structural causes of what leads child soldiers to being recruited or abducted into conflict in the first place?
26. How do you feel that we are to best carry out these short-term interventions, while building long-term sustainable capacity?
27. I have a few questions about the success of these programs. How would you describe how best to measure the success of DDR programs? Do you feel that it is too soon to judge the success of DDR programs given that many of them have started in the past decade? What are the main things that you feel impede DDR program's success?
28. David Rosen was talking about how when he was looking for a publisher for his book, the one thing that he was quite strict about was that he did not want the image of an African child with a gun on the front cover as this reinforced the stereotype of what a child soldier looks like. His question was how do you promote the issue of child soldiers without reinforcing stereotypes and I'm curious what your take on that is.
29. David Rosen speaks about the shift in public mentality over child soldiers, pointing out that Andrew Jackson, former US President, was a child soldier and he was framed as a hero. Now, however, child soldiers are generally publicly viewed as victims. Any thoughts as to what accounts for this shift?
30. What do you think of children facing a judicial system for their actions while acting in the capacity of a child soldier? Do you think that there is a certain amount of reconciliation in the process of juvenile justice and that we should not solely embrace the western concept of child soldiers being innocent victims?
31. Do you believe that the UNICEF definition is adequate? Do you believe that there should be many different categories of child soldiers?
32. Can you please discuss the extent to which you think that international human rights law, international humanitarian law and other international standards provide an adequate protective framework for the rehabilitation of former child soldiers?
33. One figure for the first DDR programs in Sierra Leone was budgeted by the UN for \$34 million. However, only \$965,000 went towards the tens of thousands of child soldiers. Have you found that with the increasing amount of attention given towards child soldiers, that funding towards their rehabilitation has increased?
34. What are the details of the conflict in Uganda? Can you give an update as to the current situation, especially with respect to child soldiers?
35. Do you find that there is much collaboration among local and international NGOs, UNICEF and other UN agencies to share best practices as to what works for child-centred reintegration centres?

Appendix B: Interview Consent Statement

My name is Lianne Minasian and I am an MA student at the Institute of Commonwealth Studies, University of London. I am conducting research on DDR programs for former female child soldiers in Uganda and I plan to write an MA dissertation based in part on what you and others tell me in these interviews.

If you agree to be interviewed, we will talk about your experience with or knowledge of these programs, as well as your attitudes towards them. I may also ask questions about your knowledge of the experience of former female child soldiers in Uganda. As we talk, I will take written notes about our conversation so I can remember the most important parts after I leave.

Your participation in this interview is completely voluntary. If I ask a question that you do not want to answer, you do not have to answer. If, at any time, you want to stop the interview, you can tell me and we will stop. There is no problem if you choose not to participate or stop the interview. It is completely your choice.

I will make every effort to protect your privacy at all times. I will not use your name in anything I write as a result of this study and I will not tell anyone that I interviewed you or what we talked about. Please certify that you have read and understood this statement and that you give consent to be interviewed.

Signature

Date

Print Name

Appendix C: Conference on War-Affected Children Agenda

Location: Birkbeck College, 32 Tavistock Square, London WC1H 9EZ
Organiser: Dr. Karen Wells, Senior Lecturer and Programme Director International Childhood Studies, Department of Geography, Environment and Development Studies

10.20am

Dr. Heather Montgomery, Open University (Room B20)
Brief Introduction

10.30am - 1pm

Dr. Susan Shepler, Assistant Professor, International Peace and Conflict Resolution Division, School of International Service, American University, Washington DC, and expert consultant. *Trends in scholarship on child soldiering over the past decade.*

Claudia Seymour, School of Oriental and African Studies.

Ambiguous agencies: coping and survival in eastern Democratic Republic of Congo.

Srirak Plipat, Head of Regional Programmes, Coalition to Stop the Use of Child Soldiers, London.

Current challenges of child soldiering and strategies to deal with them.

Helen Buxton, Peace Direct, London,

Bringing the child soldiers home: True life stories from Peace Direct's disarmament programme in the Democratic Republic of Congo.

1 - 2pm

Lunch (Room B04)

2 - 3.30pm

David Rosen, Fairleigh Dickenson University, US, author of *Armies of the young: Child Soldiers in War and Terrorism*, Rutgers University Press, 2005.

Child soldiers and the age of enlistment.

Siobhan McAlister, Transition and Social Justice Initiative, Queen's University, Belfast. *Childhood in Transition: Experiencing conflict and marginalisation in Northern Ireland.*

Liz Yarrow, Children and Armed Conflict Unit, Essex University.

Administrative detention of children involved in armed conflict.

3.45 - 4.30pm

Discussion groups

4.30 - 5pm

Group reporting back and next steps

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