



**THE HARD ROAD TO PEACE IN
NORTHERN UGANDA:
Analysis of Contrasting Perspectives on the Northern
Uganda Peace Negotiations.**

Graduate School of Development Studies

A Research Paper presented by:

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in partial fulfillment of the requirements for obtaining the degree of
MASTERS OF ARTS IN DEVELOPMENT STUDIES

Specialisation:
**Conflict, Reconstruction and Human Security
(CRS)**

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The Hague, The Netherlands
December, 2008

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Dedication.

This work is dedicated to the whole of Gulu Support the Children Organization (GUSCO) family for having granted me the necessary recommendations to be awarded a fully pledged NUFFIC Scholarship especially the Chairperson Board of Directors Hon Betty Akech Okullu. I honestly dedicated too this work to my dear wife Acau Collet and my son Obol Lennon Saviour who endured my absence at home for all the period that I was away, my dear I love you two very much.

To my Father Mr. Obol Oryang Seraphine and my Mother Mrs. Akello Christine Obol for their encouragement and support they offered me to undertake the study especially my Mother who nearly lost her life in a motor accident but recovered for the betterment of her children. To my brothers and sisters (Jeniffer, Susan, Kevin, Thomas, John, Samuel and Lawrence) who offered prayers to me in this long period.

And finally to all the children that have been affected by the insurgency in the North especially those in LRA captivity that the windows of peace will soon be wide open than ever and that we shall receive, rehabilitate and reunite you with your families and communities once more. Thanks to the almighty God for having guided me in this noble undertaking.

Acknowledgments

I wish to thank my supervisor Dr. Helen M. Hintjens for guiding me throughout the entire process of writing my research paper. Her timely and valuable comments and feedback made me to achieve my work as I had planned. I also thank her for having accepted to supervise me on this topic that I felt so much attached to even before I had thought of joining the Institute of Social Studies and for giving me leading tips to academicians and other writers who have written extensively on the conflict in the North and the Great Lakes region as a whole. Also for the motherly guidance she offered me at a time when my mother had an accident. Her support and encouragement pushed me through for which I remain greatly indebted.

Special thanks go to my second reader Dr. Bridget O' Laughlin for her well thought out comments during the research seminars and later as well. Her valuable comments enabled me critically reflect on the issues raised and shaped the course of this study.

Dr. Dubravka Zarkov as the course convenor deserves my heartfelt appreciation for her motherly guidance right from the time I sought to undertake Conflict Reconstruction and Human Security (CRS) as a programme, in the development of the research ideas and most especially for having given me encouragement and support at a time when my dear Mother had an accident.

Loes Keyzers deserves special thanks for having encouraged me at the initial time when I was seeking to apply for CRS programme having been my supervisor in 2005 when I undertook a post graduate programme in CYD. Thanks a lot Loes for the inspiration you instilled in me to enable me to reach this stage in life.

My sincere thanks go to all the lecturers in the department of CRS for their teaching expertise that enabled me understand and appreciate better concepts and theories involved in the study of conflict, Governance and Human Security and Conflict Resolution Mechanisms and their applicability which were vital in the development of this thesis.

I also wish to thank NUFFIC through the Netherlands Embassy in Uganda for offering me the Scholarship for my study at ISS. It has been a dream come true to be associated with this great Institution. Special tribute to Harry Abel, the Fellowship Officer at the Royal Netherlands Embassy in Kampala, Uganda for all the support and hard work that he has continued to do for our mother country Uganda in the academic work.

I also wish to extend my appreciation to the programme administrator, Josée Haanappel, course mates Lisa, Diana, Rachel, Beatrice, Archana and Margot with whom we continued to share our ideas and experiences throughout the course period.

Finally to my friends (Yvette, Leksana, Nurman, Jacky, Annel, Tappy, Tamar, Simon, Emmanuel, Murangira, Rediet, Charles, Katema, Moses, Robert, Tabu) with whom we shared our valuable time in and outside the Institute. We hope to keep the spirit of networking going to improve the face of humanity facing growing threats. May the living God continue to guide you all.

List of Acronyms.

DDR	Disarmament, Demobilization and Reintegration.
DRC	Democratic Republic of the Congo.
ECF	Equatoria Civic Fund.
FEDEMU	Federal Democratic Movement of Uganda.
FPA	Final Peace Agreement.
FRELIMO	Resistencia Nacional Mocambicana.
GUSCO	Gulu Support the Children Organization.
HSM	Holy Spirit Movement.
HURIPEC	Human Rights and Peace Centre
ICC	International Criminal Court.
IDPs	Internally Displaced Persons
LRA/M	Lord's Resistance Army/Movement.
NGOs	Non governmental Organizations.
NRM/A	National Resistance Movement/Army.
NUREP	Northern Uganda Reconstruction Programme.
PRDP	Peace, Recovery and Development Plan.
RENAMO	Frente de Libertacao de Mocambique
SPLA/M	Sudan People's Liberation Army/Movement.
TRC	Truth and Reconciliation Commission
UN	United Nations.
UNLA	Uganda National Liberation Army
UPDA/M	Uganda People's Democratic Army/Movement
UPDF	Uganda Peoples Defense Forces.
USA	United States of America

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Abstract

This study addresses the Northern Uganda conflict, which has been on-going since 1986. It is primarily focused on the difficult question of why the violence has persisted since then. In doing this, we have analysed the reasons for the war to begin with. We have noted the colonial divide and rule between North and South, the grievances of the failed 1985 Nairobi Peace Talks between the Military Junta of General Tito Okello Lutwa and the NRM/A rebels under their leader Museveni that resulted in the overthrow of the former government in 1986, as well as the human rights violations inflicted on defeated UNLA soldiers and affected Acholiland communities. These were among the main reasons the conflict started up after the NRA/M assumed power. At one level, the conflict can be viewed as a struggle for political power and control between North and South and its effect have retarded development efforts including in other regions of the country. Conflict resolution mechanisms have been largely unsuccessful to date. Reasons for this include both the lack of a clear approach by the government and the unwillingness of the LRA/M to genuinely negotiate for peace. A three-pronged strategy (military pressure on the LRA, offers of amnesty and negotiations) have at different times produced failed peace settlements. The lack of clear political leadership from the LRA, military support from the Khartoum government to the LRA and lately the ICC arrest warrant have further complicated the terms and progress of the Juba Peace Talks, which started in July 2006 with no end in sight.

This study concludes that the government needs to enhance its commitment to the implementation of peace accords. With the help of the International Community, the government could establish a Truth and Reconciliation to address the various human rights violations that have plagued the North of the country since the war started. This study also highlights the need to prioritise development efforts in Northern Uganda to address economic disparities with other regions of the country. There is also a need to revisit the ICC arrest warrant in the context of traditional “Mato Oput” justice system widely practiced in Acholiland. All these measures could help promote national accountability and reconciliation in Uganda as a whole. Finally, the long-term process of reconstruction and reconciliation in Uganda is seen as depending crucially on the Ugandan people’s understanding of their own history.

Relevance to Development Studies

This study acknowledges the challenges involved in peace building in a given context, namely that of Northern Uganda. Of particular interest is the intra-state conflict which in the case of Northern Uganda means the state is both victim and perpetrator in the conflict, in relation to a group of its citizens and an armed group of 'rebels'. The study points to the need for a credible Mediator (third-party intervention) to ensure that security guarantee and power-sharing pacts designed are credible for all sides. This could enable combatants to shed their partisan armies and territories. This in turn might make it possible for them to commit to peace deals even if such measures might initially increase their vulnerability to surprise armed attacks.

Peace processes usually suffer failure during the crucial implementation phase. The situation in Northern Uganda is no exception to this rule. The experience of the 1988 Peace Accord, after which some key commanders and senior members of the UPDA were targeted by government forces, while others disappeared, tended to undermine subsequent faith in future peace settlements. This is an example of some of the challenges to successful peace negotiations in Northern Uganda.

Having credible guarantees is a factor that matters in moving towards a negotiated settlement. There is also a need to address long-held grievances including exclusion from mainstream politics and the economy of a country. Land reforms, governance reforms and changes in the administration of a country's resources can all lie behind civil wars and form part of the solution to such violent conflicts. In the absence of such reforms contributing to reinforcing the desire for peace, the chances are high that combatants will once again resort to war.

Keywords

Northern Uganda - Acholiland – civil war – peace agreements - conflict – mediation.

Chapter 1: Problem Description and Methodology

1.0 Introduction

This chapter introduces the context of the Northern Ugandan conflict on which this study centres. It includes the problem statement, the study's objectives, the main research questions, justification and methodology used in this study. Finally it also lays out the structure of the paper in a chronological manner for the reader's benefit and understanding.

1.1 Contextual background

Northern Uganda and Acholi land in particular have been the scene of bloody and protracted rebellions since at least 1986, when the National Resistance Movement/Army (NRM/A) first came to power. For more than twenty years, a brutal war has devastated the areas with the destruction of properties, killing, maiming and abduction of civilians, and the massive displacement of the population (Harlacher et al. 2006). This war has been between the Lord's Resistance Army (LRA), its predecessors the Uganda People's Democratic Army/Movement (UPDA/M), the Holy Spirit Movement (HSM) led by Alice Lakwena (Gersony 1997:22-30) and the government of Uganda. The fighting has been mainly in the Acholi Districts of Gulu, Amuru, Kitgum and Pader and has continued almost unstopped since 1986 (Human Rights Focus (Gulu) August 2004). In 2002, the war spread to the surrounding districts of Lira and Soroti especially after the government launched operation Iron Fist in Southern Sudan in March 2002. This was a military strategy to wipe out the LRA from their bases in Southern Sudan. The later consequences were more disastrous than at first estimated. This was not the final military blow to the insurgency that it was expected to be (Acker 2004:337).

Like many contemporary wars, the main victims have been the civilian population, who have been targeted for killings, abduction, rape and maiming by both sides. Many who have not suffered physically have nonetheless been deprived of their homes, lands and livelihoods, with widespread human rights violation, the destruction of social and economic infrastructure, and detention and torture of those suspected of collaboration with the rebels. At one point over 1.5 million people were languishing in so-called "protected camps" for the internally displaced. Here the civilians lived in desperate poverty and in despair about the future (Baines et al. 2006) with arguably the worst human living conditions ever experienced in the living memory of the Acholi people. Many people have lived in such camps for a decade or more, in conditions the UN's chief humanitarian officer, Jan Egeland, characterized as "a human tragedy," "a moral outrage," and "the biggest neglected humanitarian emergency in the world" (Harlacher et al. 2006:1). The number of deaths and abductions in over

these twenty two years has been estimated to be over 65,000 persons.¹ Of these, 25,000 children are believed to have been forcefully recruited through abduction, a combination of propaganda and violence being used to brainwash those recruited into rebel activities (Gusco 2006). The high estimated number of abducted children has been challenged by some, such as (Allen 2006) and others. None deny however that massive abduction and deaths have occurred during this protracted conflict. The abduction of children and adults by the LRA became a particular feature of the conflict after the failed peace efforts of 1994 (Acker 2004:337). Despite being its main victims, the Acholi people have often been blamed for the continuation of the war, and often are accused of supporting the rebels in spite of the LRA's attacks on those same civilians (Human Rights Focus (Gulu) August 2004).

The war in northern Uganda has defied the trends of relative peace and stability that has been enjoyed by the rest of Uganda since the advent of the NRM/A government in 1986. If peace and development are ever to be brought to the Northern region of Uganda, it will be important to understand the causes of the current violent conflict. More specifically, there is need to understand the roots of the fighting, and to consider why both the numerous peace initiatives and various more military-based strategies have failed to bring the conflict to an end. This study critically reviews two broad interpretations through considering the approach of a few selected authors who have written on the conflict in some depth. The most important have been the work of (Walter 1999), (Lucima 2002), (Allen 2005), (Bainomugisha and Tumushabe 2005) as well as the report (Gersony 1997), the work of (Caroline 1997) and of the (Human Rights and Peace Centre (Huripec) Faculty of Law and Studies October 2003). These are some of the main texts and the views that emerge from these studies are related to local perspectives among stakeholders and the affected population in Gulu as to why it has been so difficult to end the conflict in this part of the country. Gulu is the case study site of this study, and the views of affected and involved community members.

This research tested the views of those in Gulu in relation to themes in the literature from two specific angles. The first is the question of the lack of credible guarantees in resolving civil wars. This is the approach used by (Walter 1999). The key article of Walter used in this research is: "Designing Transitions from War". The second issue is the justice issue in the country and the starting point used is a study by (Allen 2005) on "War and Justice in Northern Uganda: An Assessment of the International Criminal Court's Intervention". Whereas Walter's work concentrates on having an agreement that guarantees combatants to shed off fighting and their conquered territories, Allen in his report focuses on historical injustices from colonial to post-independence times. These two broad approaches to understanding the reasons for failed peace accords in Northern Uganda have been used to organise this study and the field findings from Gulu. These twin analyses helped to draw out conclusions about how peace building has been handled in

¹ Ibid.

Uganda since 1986 and why it has not worked so far. A secondary goal is to arrive at some modest recommendations to address the challenges of bringing about peace in future.

1.2 Problem Statement

Since 1986, when the war began, various peaceful means of ending the conflict have been proposed and pursued, but with limited tangible results. These have included the first peace accord that was signed barely six months into the insurgency and was initiated by elders from Acholiland with the blessing of President Museveni (Bainomugisha and Tumushabe 2005:20-25). There followed the Betty Bigombe-led initiative of 1993-1994, the Kacoke Madit, A Diaspora Peace Initiative, in 1998, The Nairobi Peace Agreement of 1999 and the Carter Centre-led initiative among others.² These initiatives demonstrated that at different times and places, and from various starting points there has been a constant search to end the conflict peacefully both locally and internationally. Most of these efforts were regionally restricted and involved only limited participation of the directly affected population, with the exception of the Kacoke Madit initiative, started in London and which brought the suffering of the people of Northern Uganda during the previous 12 years to the attention of the world public in 1998. Current peace talks in Juba in Southern Sudan are thus the latest in a long line of efforts to end the conflict and stop its devastating effects both on the population and on the economy, now largely geared around war and relief operations.

This study critically reviews the reasons advanced in the literature for the numerous failures and disappointments of the various peace efforts in the past designed to reach a negotiated settlement. These started in 1988 and continue to date. Specifically, the study assesses the circumstances in which peace negotiations have failed to bring the conflict to an end, under the two broad themes identified.

The first broad theme is the question of credible guarantees that need to accompany peace-making efforts, as argued by (Walter 1999) on the basis of her knowledge and experience with the ending of the war in Mozambique. She emphasizes that credible guarantee on the terms of the peace agreement to include security guarantees and power sharing pacts as being vital for an agreement to be reached and honoured. Another part of this argument is about the important role of third party mediation, as noted by (Mwagiru 1996). This was another, minor line of argument followed in analysing why peace accords to end the conflict in Northern Uganda have failed.

The second broad theme is that because of long-held grievances with historical roots in a given setting, which could involve for example exclusion from political processes of a country, human rights abuse, the absence of land reforms, or governance deficit among others as noted by (Allen 2005) given his

² Ibid pp 20-51.

assessment of the International Criminal Court (ICC) intervention to the conflict in Northern Uganda. These injustices need to be addressed for the successful end of a civil war and this was one line of thought followed in analysing failed peace efforts to the conflict in Northern Uganda as argued by Allen.

The arguments and prescriptions in these two key studies, together with the experiences and lessons drawn from the other studies mentioned were related with the views of different local key stakeholders in Gulu. By contrasting analyses contained in the literatures with local stakeholders' perspectives some insights and key issues emerged in the effort to explain why such initiatives have failed in the past and how lessons might be learned to improve future prospects for peace.

The focus of the analysis has been a single question: Why it has been so difficult to end the conflict in Northern Uganda? The conditions that Walter listed in her argument as being required for successful peace talks and the arguments advanced by Allen were set against a broad overview of field based research with the affected population. The aim was to establish how these views from institutional representatives and individuals in Gulu related to key perspectives from scholars. Gulu was also chosen for the field research as a site of relative stability where it was possible to research views on the conflict, as well as sufficiently close to the violence to be a site of conflict itself.

Bringing in the three aspects of credible commitment, addressing injustices and incorporating fully the views of the local population to analysing failed peace efforts to the conflict was hoped to help better understand how people have been theorizing and understanding the difficulties of ending violent conflict-especially in Northern Uganda.

1.3 Problem Justification

Over time a great deal of efforts have been devoted to finding ways to end the violent conflict in Northern Uganda, with few tangible results. Notable among them was The Peace Accords of 1988 which offered an opportunity to 2,000 ex-UPDA (Ruddy Doom and Vlassenroot 1999:16) who surrendered and were integrated into NRA/M. But the exclusion of the political wing at the time meant that this agreement did not prove binding on both parties. The killings of some of the commanders of the UPDA who had already surrendered posed a series challenge to the implementation of other issues that were embedded in the agreement (Caroline 1997:155). The studies that describe this early failed peace agreement suggest that the two themes of this study can be divided up for logical purposes: credible guarantees and the need to address long-standing grievances. Analyzing studies of earlier failed peace agreement was the starting point for this study. Key ideas were compared and contrasted with the ideas of people living and working amidst the conflict. Looking in depth at the themes that emerged helped the researcher to understand how theories of mediation and conflict resolution can be related to the broader context in which such practices happen and make sense as in the context of Gulu

The perspectives on the factors that have led to failures of the peace processes in Uganda were identified and analysed in a systematic way, something which was lacking in many existing studies. Conflict resolution mechanisms are always argued from specific theoretical, political and policy perspectives, as well as from the social-historical context of the specific violent conflict. Understanding the perspectives and contexts that the authors presented allowed for better understanding of how the mechanisms for conflict resolution were developed on the ground including those drawn from academic and policy practitioners.

The analysis focused on data, their sources, and the two key academic analyses the researcher used to construct his arguments. Interviews were conducted with selected stakeholders concerning arguments as identified by the researcher in the field. The selected stakeholders were people who have been involved directly and indirectly in peace efforts in the region during the period that the conflict has lasted. This helped to critically assess what many authors have said in their work about the peace processes in northern Uganda. In this way, this study intends to contribute something new to analysing strategic recommendations to find a peaceful end to the conflict and perhaps identifying some possible ways forward through recommending specific forms of cooperation, mediation and governance reforms within the broader context of Uganda as a country to bring about a sustainable and just peace

1.4 Research Objectives and Questions

1.4.1 Objective

The main objective of this study is to analyse why numerous peace initiatives have failed to produce an end to the conflict in Northern Uganda since 1987.

1.4.2 Research Questions

The major research questions are:-

- Why has it been so difficult to settle the conflict in Northern Uganda?
- Explore how an analysis of different views (local population, experts, academicians, politicians etc) on of peace making in Northern Uganda can contribute to prospects for peace in future in Uganda.

1.5 Methodology

This study is based on a reading of the literature around peace and justice issues in relation to the war in Northern Uganda, and on field based interviews carried out in Gulu Municipality in Gulu District, during July-August 2008. Among this, one of the most affected communities in Northern Uganda, eighteen interviews were carried out one being in the Netherlands.

The research was undertaken using qualitative methodology. The researcher was aware of the vast amount of research already conducted in the field of conflict resolution in relation to Northern Uganda. The researcher's

objective was to synthesis the views of these sources and relate those to the perspectives of stakeholders involved directly on the ground in Northern Uganda. This required the researcher to conduct interviews and consider how the views expressed there could be related methodologically to those expressed by scholars on the key issues of why the war continues.

1.5.1 Literature review

The literature review involved going through earlier research and getting as much information as the researcher could and systematically searching relevant materials and documents to find out how the continuation of the war is explained. These sources included books, reports, and unpublished texts³, as well as general literature on war and conflict and on peace negotiations that provided useful hints on possible reasons for the continuation of the Northern Uganda war. These writings were all useful since recent writings and explanations of the conflict highlight the root causes of the conflict in line with current mainstream political thinking in the country. The views of leaders tend to come through, and some authors may not even be that interested in ending the conflict. All these earlier writings proved valuable in giving a broad range of explanations to the background to the current conflict. Also recent publications by some stakeholders were consulted and government sources of information. Major newspapers in the country (The New Vision, The Monitor) were all consulted. Finally, my own experience in working on issues of conflict in the area of study was instrumental in providing me with the background needed to carry out this research.

1.5.2 In-depth interviews

In-depth interviews were used to gain deeper understanding of how people view the reasons for the continuing fighting in Northern Uganda, evoking more discussions especially on view points and opinions about why peace agreements have not worked in the past and at present. The interviews were conducted with religious leaders (02), traditional leaders (02), and local government officials (03).

1.5.3 Interviews with Stakeholders

This research also very much reflected on the views of the affected community and other stakeholders that are involved in peace building work in the area. In this the researcher interviewed Non governmental organization (NGO) workers (02), LRA ex-commander (01), security analysts (02), lawyer (01), academician (01) and representatives of the affected communities (04). The emphasis was to get varying views of the peace process to the conflict in order

³ LRA submission on Accountability and Reconciliation (Agenda item 3 on June, 01 2007, Time Line analysis of the conflict and the Final Peace Agreement between The Government of Uganda and The Lord's Resistance Army April 2008.

to understand better some of the challenges/obstacles that have been involved in the peace building work.

The interviews generated information that helped in indentifying and analyzing views and insights from people and institutions locally thus helping to make the data more valid and reliable. All these respondents were purposively chosen by the researcher on the basis of their ability to provide information and their points of view concerning why the conflict continues. The information obtained through interviews helped the researcher to relate local perceptions about the war with what has been in circulation through secondary sources. One of the aims of this work is to include the views of representatives of the directly affected and vulnerable communities of Gulu (northern Uganda) into analysing why conflict resolution efforts have been unable to end the fighting in Northern Uganda. This perspective has been lacking in much of the literature the researcher has come across.

1.6 Data Analysis

The analysis has focused on a critical review of literature on the conflict. This was related to the views, narratives and discourses gathered during interviews. With interviews, the researcher reflected on perspectives adopted in the academic works. Data analysis focused on how processes of peace negotiations are identified, who the key actors are said to be in the processes of mediation and suggestions for conflict resolution mechanisms offered by the authors of academic works, and by interviewees were both considered and these views constitute the next chapter.

1.7 Limitations

While much has been written about the conflict in northern Uganda, I was able to select only a small, representative number of academic texts that focused particularly on the failure of the numerous attempts to bring the conflict to an end. The empirical part of the study was conducted in the northern district of Gulu (Gulu municipality) as Gulu is one of the districts where the insurgency began and a central district for Acholi tribe and the regional headquarters of the Northern Uganda districts. It is also a place where a considerable number of NGOs and other humanitarian agencies – who have been stakeholders in the peace processes, are based. Gulu is a hub and as such working there facilitated gaining access to information and eased access to respondents for interviews and discussions. Since the researcher is very familiar with the environment, there was no language obstacle, and there is also some trust, since the researcher is known having lived and worked in Gulu since 2001.

Getting government respondents and political leaders who have been directly involved in peace negotiations turned out to be quite difficult in practice. This in part explains the reliance on secondary texts and on interviews with some stakeholders and representatives of the affected communities. These discussions enabled the researcher to discover various analyses of the peace process and of their eventual failure to achieve peace. Equally, a critical analysis of newspapers articles produced in the country (The New Vision-government owned and the Monitor-privately owned) in the form of press releases,

opinions and position papers in the last one year were useful. These sources helped to bridge the gap between official views and those accessible to the researcher in Gulu.

Reliability and authenticity of secondary data about the war were a challenge due to their embedded nature in society and their apparent or implicit ideological leanings. Direct responses from the field helped to clarify how different actors see war and peace issues in Northern Uganda, and helped to get a perspective on the literature by academic and NGO sources. A related challenge was to deal with my own biases having witnessed the conflict unfold from one phase to the other and having worked with children returning from captivity for the last six years. Certain literatures that the researcher read were in sharp contrast to his own line of thought. The researcher had to stand back and reflect on their arguments and it was through this reflective process that I have eventually been able to appreciate the importance of gaining a perspective on different ways of thinking about the war, and the failure of the peace initiatives taken so far. This reflective process has enriched this study.

1.8 Ethical Considerations

Ethically, the researcher observed appropriate ethical standards that guided him right from the beginning till the end of the research work. His role in the information gathering was based on principles of honesty, observance of confidentiality, seeking full consent from interviewees, and protecting data and key sources of information where appropriate. Informed consent was obtained from those interviewed and they were able to understand what it meant to participate in the study. Many chose not to have their names and other details disclosed. Prior consent was sought before using any information that might lead to someone being identified by their description (name, job, location). Full acknowledgment of people who have helped in the research has been considered and this included those who preferred to remain anonymous (by changing their names).

Confidentiality of the respondents in the exercise was a key ethical issue considered during the research given the sensitivity of the issues that were discussed with informants, and given the delicate security situation in northern Uganda. Respondents were re-assured that information collected would be kept confidential and not supplied to any third parties. The aim of the research was and still is to improve the situation, not to endanger the life of any of the respondents.

1.9 Organization of the paper

This paper is organized into six chapters. Chapter 1 considers the background information to the study as well as the methodology. Chapter 2 focus on review of concepts and theories of why conflicts are hard to settle. Chapter 3 addresses briefly competing perspectives of credible guarantee and historical injustices on ending the war in Northern Uganda. Chapter 4 is concern with the credible guarantees to the peace processes and uses the argument by (Walter 1999) as central and relate the failures of the various peace initiatives to her approach. Chapter 5 is concerned with tackling the historical injustice

frames using the argument by (Allen 2005), by first analysing the root causes of the war and link it with the reasons for failures as the argument by Allen and others. Chapter 6 draws conclusion and some modest recommendations to the whole study.

Chapter 2: Theories about why conflicts are hard to settle

2.1 Introduction

This chapter highlights two sets of explanation to end a civil war. One is the Credible Commitment theory advanced by Walter and the Injustices approach as argued by Allen into understanding why peace initiatives fail to end a conflict. Few concepts used in understanding these approaches are addressed here as well.

2.2 Theories of Civil War Resolution

Theories of conflict resolution have been advanced at different points in time by different authors seeking to clarify what approaches can best help end civil war or limit its duration in a particular context. These include; Utility Choice Theory, International Relations Theory, Institutional Theory, Credible Commitment Theory and The Injustices Approach. In this chapter, specific attention has been paid to the credible commitment theory and the injustices approach by Walter and Allen respectively and their applicability in the context of northern Uganda.

2.3 The Theory of Credible Commitment

Civil conflict resolution is a field of peace studies that has gained attention due to the ambitious objectives it sets out to achieve. It is not always a simple undertaking. One important proponent of this type of theory of conflict resolution has been (Walter 2002) who argues that for any peace negotiations to succeed, there need to be credible guarantees for the parties involved in the settlement. This study adopted this theory as one of two main approaches to analysing why peace processes and initiatives regarding the conflict in Northern Uganda have failed in the past. In her work, Walter argues that resolving the underlying issues over which a civil war has been fought is not enough to convince the combatants to accept and implement a peace agreement. Her view in this respect can be seen to contrast with that of Allen, for example, who precisely stresses the need to deal with the underlying justice issues (Allen 2005). For Walter, to end a civil war through a negotiated settlement, the combatants must clear the much higher hurdle of designing credible guarantees so that the terms of the agreement itself are adhered to. This is something, argues Walter that parties will have difficulty doing on their own, without mediation. Walter further argues that the presence and willingness of a third party to verify and enforce demobilization and the willingness of the combatants to disaggregate political, military, and territorial power are crucial for the peace agreements to be reached, and to succeed by being respected by all (Walter 2002:43). This view of conflict resolution deserves careful consideration and can be related to what other scholars and local actors have said and written about the failed peace accords in the case of

the Northern Uganda conflict. How the affected community in Gulu views the failures of the peace initiatives to this approach is part of the picture in this respect.

2.4 Concepts linked to Credible Commitment Theory

Three concepts in particular - cooperation, mediation and governance - are central to this approach and can help enhance our understanding of why conflict resolution mechanisms have not worked in the past. Each is now addressed in turn. In Section 2.5 we will deal with Allen's historical injustice framework.

2.4.1 Cooperation

Cooperation is a central concept in understanding why some civil wars end relatively soon with successful implementation of peace agreements, whilst others do not, and so turn into more protracted conflicts. According to (Walter 2002:19-21), cooperation can be viewed in three different ways. (i) During the negotiation phase when combatants choose whether or not to initiate talks. (ii) During Bargaining phase during which combatants choose whether to reach and sign a peace settlement, or not. (iii) An implementation phase, in which combatants choose whether or not to execute the terms of any peace agreement arrived at. This last stage is the most challenging to achieve and is often ignored by many scholars. Yet as Walter suggests, this might be the reason why so many civil war negotiations have failed. Uncertainty can be created in the short run when government and rebels are obligated to demobilize, disengage, and disarm their separate militaries in order to eliminate competing armies and rebuild a national military force. This can bring a lot of anxiety, weaken cooperation thus making enforcement difficult to achieve. In the long run, handing over a conquered territory to a new government can create room for exploitation and this may be an important reason why the civil war in Northern Uganda has not so far been ended by a successful peace settlement.

Some of these challenges can be managed through better and more enforceable treaties. Combatants can apply the three strategies of cooperation to the problem of demobilization through restructuring the demobilization in a way that is enforceable, increases transparency and ensures that the possibility of cheating or abandoning earlier commitments is detected and punished in time. By designing costly signals that communicate their honourable intentions in order to build an atmosphere of trust, careful implementation of the final stage of peace agreements can play a vital role in peace-building and ending fighting (Walter 2002:22).

2.4.2 Mediation

Mediation is the second of three key concepts that apply in negotiations over civil conflicts, which has in general been on the rise since the end of the Cold War. Statistics shows that in around 60% of all armed conflicts worldwide, mediation is used as a way to end a civil war (Colijn 2008). Mediation can be

done by individuals, organizations or by states. Facilitating the process of negotiation through mediation between warring parties appears to be more successful than either bringing in concrete proposals or manipulating adversaries into finding peaceful solutions that are in their interests. Again, according to Walter (Walter 2002:13-14) mediation basically serves three purposes; (i) supplying missing information, (ii) transmitting messages, (iii) highlighting common interests and encouraging meaningful communication so that the combatants can locate a common middle ground. Mediation can also play an important procedural role; where mediators can arrange for interactions between the parties, control the pace and formality of the meetings, and structure the agenda in order to keep the process focused on the issues; this can make a real difference to the chances of successful negotiations. Mediators can reward concessions made by the parties and punish cases of intransigence so that disagreement becomes more costly (Walter 2002:14). All these aspects tell us that the successful settlement of a civil war depends vitally on the quality of mediators – usually from ‘outside’ however defined (Mwagiru 1996:174-179). The question is to what extent this view is shared both by the literature on the Northern Uganda experience and by a range of local actors and sources, centred on Gulu as the area of study.

2.4.3 Governance

Finally, the third concept is governance, which has been differently defined by various institutions for a range of purposes. This paper adopted the definition used by the World Bank (1994) in which governance is defined as the manner in which power is exercised in the management of a country’s economic and social resources. The World Bank has identified three distinct aspects of governance: (i) the form of political regime; (ii) the process by which authority is exercised in the management of a country’s economic and social resources for development; and (iii) the capacity of government to design, formulate, and implement policies and discharge functions. Systems of governance in place helps to ascertain how incumbents are held accountable to the populace most especially how participatory the citizens are involved in matters of national interests. In line with this argument, attention has been paid the extent to which governance issues have been exercised in the management of the conflict in Northern Uganda under the government of President Museveni since 1986.

2.5 The Historical Injustice Framework

Historical injustice framework is necessarily, and unavoidably specific to one context. Thus to theorise historical injustice in Northern Uganda requires an understanding of Northern Ugandan history. To propose a mediator does not. Allen and others who refer to the need to address perceived historical injustices in whatever form (land, access to resources and employment, armed forces, education, political representation etc.) is vital to analyse failed peace initiatives in the context of northern Uganda.

2.6 Concepts related to historical injustices approach

Conflict resolution that results into a settlement owes more to its attention to addressing the wider grievances issues upon which a conflict starts. Of central importance here are colonial policy of divide and rule, post colonial politics of class, identity and ethnicity and structural violence that have characterized the Ugandan state.

2.6.1 Colonial policy of divide and rule

Colonial policy of divide and rule has more to account for the injustices that characterized the events of Uganda today. There is a politicized division between the groups of the north, south, northwest and south west and in between the kingdoms notably as that of Buganda and the rest of the country. As (Allen 2005:9) noted, these divisions were exacerbated by The British system of indirect rule and this became linked to divisions among Protestants, Catholics and Muslims. This was entrenched further under multi-party politics introduced in the country at the eve of independence. This policy impeded the emergence of a Ugandan nationalism and generated ethnic, religious and regional divisions that were to contribute in later years of instability and political violence (Otunnu 2002:11).

2.6.2 Post-colonial politics: class, identity, ethnicity

Post colonial governments especially the one of Obote and Amin toed along ethnic lines that had been exacerbated by colonialism. At Independence, Obote, a northerner became executive Prime Minister and later head of state, much to the chagrin of many in the south. Allen observed that Obote drew support from the army, which had been dominated by northerners. This could have partly been attributed to few other opportunities from that part of the country and because the British wanted to exclude the economically and powerfully southerners (Allen 2005:9-10) since people from the north were largely recruited into the armed forces and to work in plantations in the south while those in the south were employed in the administrative units of government. This dominance was later to be exploited by post colonial governments to entrench themselves.

2.6.3 Structural violence

Throughout its, existence as a nation, Uganda has been a country of violent conflict. The abrogation of the 1966 constitution, abolition of kingdoms and declaring Uganda a republic in 1967 under Obote administration showed how reliance on the national army as an institution was proving to dissenting views. The 1971-1979 military rules by Amin were yet another black spot in the history of the country. In all these, the military has been at the core of gross human rights violations meted on particular ethnic groups and in many instances; the military killed with impunity(Commission 1994:11-18) and (Allen 2005:10-11). Governments were kept in power more by the military rather than

by democratic decisions of the population. This means grievances over the institution of the state have ever been on the rise.

2.7 Conclusions

Credible guarantees and addressing the historical injustices that characterize a given society is important and serves different purposes. Walter arguments are meant to achieve pragmatic peace in more of a universal context and have succeeded and failed as well depending on the context. Allen argument in this case is more contexts specific to the issues at hand. I find Allen approach valuable in that long held grievances upon which a conflict arises needs to be paid critical attention to if peace settlements are not falter at the implementation phase.

Chapter 3: Competing Perspectives on ending the War in Northern Uganda

3.1 Introduction

Violent conflict is a dynamic process and the aims, attitudes and methods involved in warfare change during the course of time (Ruddy Doom and Vlassenroot 1999:22). It is on this basis that the reasons for relative failure of numerous peace initiatives advanced were analysed over the period 1986-2008; the time scale of the conflict. Analysis of the reasons advanced has been categorized under two broad thematic categories;

- The lack of credible guarantees (Chapter 4)
- Issues of injustice with historical roots in colonial and post independence rule (Chapter 5).

Each of these will be now treated briefly in relation to the Northern Uganda context, in order to clarify the differences and overlaps in these approaches. We continue to rely mainly on the perspectives of Walter and Allen respectively, but with use of other secondary data, interviews and other sources in this chapter.

3.2 Lack of Credible Guarantees during negotiations

According to (Walter 1999:129), peace negotiations usually end in a settlement when there are credible guarantees on the terms of the agreement that go beyond the background sources of discontent, whether related to land reforms, majority rule, or other underlying grievances that could have started and helped perpetuate the war. A treaty that encourages the combatants to shed off their partisan armies and surrender conquered territory, an issue that makes them at times more vulnerable. Walter concludes that these security guarantees are only assured through third-party intervention and mediation.

She advances two main lines of thought as to why there are usually breakdown in peace negotiations. One is that competing factions do not want to reach an agreement as they are not interested in making concessions (Walter 1999: 30-38). For example, it is interesting to explore this argument in relation to the experience of the failed peace negotiation of 1993-1994 under Betty Bigombe then a government minister (O'kadameri 2002). Analysts of this peace process contend that this initiative finally failed due to suspicions between the LRA and the Government of Uganda. An interviewee who was part of the team observed during my interview with him that:

. As the negotiation was going on, he could note a lot of unwillingness on both parties to agree to the issues before hand. The climax of it was when Kony asked for a period of time to assemble his troops and yet he was unwilling to do so implicitly and the government was not ready for it at the time.⁴

There were indeed a lot of suspicions on all sides. Kony had asked for 6 months in order to assemble his troops, a move that government intelligence believed amounted to a lack of commitment to the peace process. The President then announced a 7 day ultimatum for rebels to hand over their weapons, and stated that failure to do so would invite the government army to 'deal with' the rebels once and for all. The government imagined that the rebels were linking up with the government of Sudan to launch a surprise attack on the army and on innocent civilians. This marked the end of the negotiations and the war took on another direction. Had there been a credible guarantee through an influential and widely trusted outside mediator that had guaranteed the security of the various combatants, perhaps these peace talks might have succeeded. As noted by Walter, a credible mediator supplies missing information to each side, transmits messages, and looks to highlight common interests and so encourage meaningful communication between the combatants so that they are able to locate a common middle ground (Walter 2002:13-14).

This position serve to note that, the presence of a credible mediator is vital in supplying missing information and securing the cooperation of the two sides during a negotiation process which was lacking in this case. Needless to say, it also tells us the hurdles that competing sides in any negotiation process carry along with them that they do not want to let go.

3.3 The Historical Injustices framework and war in Northern Uganda

Addressing long-term obstacles are very important if peace is to be realized in northern Uganda. Designing credible guarantees in any negotiated settlement is one step in the direction of ending a civil war. Grievances could include issues like land reforms, gross human rights violation on a particular group, and governance deficit among others. The successful end of the Mozambique in the period of 1990-1992 though owes a lot to a credible commitment and internal reforms that had the long grievances issues between FRELIMO and RENAMO addressed that paved way for outside intervention to deliver the peace (Walter 1999:144-153). This sub section highlight the failure of numerous peace efforts in line of long held historical injustices and grievances that have characterized northern Uganda from independence to date particularly in relation to governance issues.

⁴ Interviewee in category C, (interviewed on 12 July 2008). This individual was a key contact between the government and the LRA delegation at the Pagik Peace talks. He remains a very useful contact throughout the entire period of the conflict usually having direct contact with the elusive rebel leader.

3.3.1 Tackling the political and economic marginalization of the North

At the heart of the rebellion lies the looting of wealth in Acholi by the NRA soldiers who were masquerading as liberators after the overthrow of the Okello's regime that worsened the economic conditions of the people. Cattle thefts in the 1987 by Karamojong warriors and the destruction of the crops, vehicles, farm implements, tractors and other valuable properties have been perceived as a deliberate effort to marginalize the region and make them subordinated to the government of the day. An interviewee noted that "she witnessed the cattle raids and the destruction of properties and it was not the Karamojong warriors but rather NRA/M soldiers disguised in another form."⁵ This sentiment links up with what has been referred to as the tragedies of the war and is corroborated with what (Acker 2004:344) noted that the lost of cattle theft not only had serious economic consequences; but also destabilized the social fabric of the Acholi community as animals were the basis for the traditional source of household welfare provided by the men. With this sense of loss, many of the men were easy target for the recruitment by the UPDA- the first uprising against the NRA/M government. Quoting Behrend, Acker noted that there are consensus regarding the identity of the cattle thieves though the NRA have often times been accused as he cattle raiders. In the stalled Juba peace process, the LRA position paper in June 2007 by (Ojul 2007)⁶ noted that the destruction of properties and the loss of livestock needs to addressed if peace agreements is to be realized, an aspect the government delegation were not willing to engage in, arguing , they had not gone there to "discuss history." This undermined the negotiation process and failure of the rebel leader to sign the document in April 2008 owes more to the lack of attention to addressing some of these grievances.

3.4 Conclusions

This has been briefly on credible guarantee and the historical injustices to the failure of numerous peace initiatives. The next two chapters go into depth to analyse these failures. Chapter 4 looks at the short-term guarantee issues and chapter 5 then consider the much harder questions of long-term structural changes to resolve the historical injustices and how they have been perceived over time through culture and traditions.

⁵ One Interviewee in Category C representing the affected communities.

⁶ Unpublished document.

Chapter 4: Reliable Post-‘Settlement’ Guarantees

4.1 Introduction

This chapter will analyse how efforts at peace settlements undertaken at different times in the course of the conflict in Northern Uganda by different organizations and institutions have failed to end the conflict. It presents each peace initiative in historical order, but mainly in order to identify patterns of mediation, cooperation and failures of the peace process in each case. It considers the views of some of those involved in trying to end the conflict over the past decades in relation to questions arising from the ‘credible guarantees’ approach. The key question is why numerous peace initiatives have so far failed to work in the case of Northern Uganda since 1987 when the first peace effort was brokered and the LRA has continued its insurgency since then. The chapter ends with the researcher’s own interpretation of what went wrong during these numerous peace accords.

4.2 A Review of Peace Settlements

The review of peace initiatives to end the conflict will be weighed against the conditions advanced by (Walter 1999). In her argument, Walter argues peace processes ends into a settlement when the terms of the agreement are well crafted that guarantees the security of the combatants and the power sharing pact. This can best be done through a third party intervention-Mediator for reaching a negotiated settlement. It’s against this overview that the analysis for failed peace initiatives in the Northern Uganda context will follow.

Since 1986, various local, national, regional and international attempts have been made to bring the conflict to a peaceful end. For a long running conflict like the one of Northern Uganda, the reasons why negotiations failed are complex and cannot be attributed to one particular dialogue process. Reviewing previous peace initiatives provides the opportunity to reflect on the effectiveness of those interventions and to seek lessons for redress.

4.2.1. Credible Guarantees in the Pece Peace Agreement 1988

The first attempt to end the conflict in the north came barely six months into the insurgency. This effort was initiated by elders from Acholi sub region led by and elder and a politician in an effort to negotiate with the UPDM/A having received blessing from the President (Lamwaka 2002:29). The elders believed that the war was causing a lot of suffering to the local population thus the need to end it. The five man delegation trekked to the bases of the UPDA in the jungles of Southern Sudan after 145 days, returned back, prepared a report and submitted to President Museveni recommending peace talks but was to exclude the UPDM/A political wing who were based outside country and the military wing felt betrayed by them (Bainomugisha and Tumushabe 2005:20). After a period of negotiation from 31st October 1986- 3rd June 1988, an agreement was signed in Pece. Among other things in the agreement, there

was offer of amnesty for the fighters for certain crimes like treason, theft or torture. The amnesty did not cover aspects like murder, kidnap with intent to murder, rape and those who did that would face trial. The agreement also allows for the integration of the fighters into the national army. Like many peace agreements, implementation of peace accord is always a challenge and the Pece agreement was to suffer a similar fate.

One reason advanced for the failure of this effort has been its exclusive nature. UPDM/A political wing and hardliners who were living in Nairobi and London, other local politicians from the area were excluded from the onset of the peace talks. Most of these hardliners were later to form another movement-The Holy Spirit Movement of Alice Lakwena. There were allegation that some people in government doubted whether President Museveni had sanctioned the talks. Others wanted the UPDA to surrender rather than negotiate, while the rest wanted the military strategy to continue given the experience of the failed Nairobi Peace talks. For the latter, failure of the Nairobi Peace Talks demonstrated how President Museveni could not be trusted. The whole process was undermined when one of the UPDA senior commanders Mike Kilama was killed in February 1990 as he attempted to flee the country. The government has never issued any official explanation for Kilama's death nor demonstrated regret. (Bainomugisha and Tumushabe 2005:24) observed that following Kilama's death, several former UPDA officers were arrested due to allegation of coup plot against the government, while others fled outside the country. Lamwaka noted further that this arrest created two scenarios; one is that those arrested later died in prison and this severely eroded popular support that the negotiation had created. Secondly, government failed to fully implement provisions in the agreement especially rehabilitation and development projects giving the impression that it lacked a firm commitment to develop the north, or that it even had a hidden agenda to 'under-develop' it. Within the short period of breakdown, Kony's group took advantage and recruited the remaining fighters and the conflict took another dimension than it was anticipated.

Divisions and power struggle among the UPDM, its external wing and its military wing coupled with communication breakdown weakened their potential and undermined their ability to put forth a strong agenda for negotiations. This could have given the government team an upper hand in the negotiation process to impose decisions on them having also suffered a major defeat at the hands of the NRA at Corner Kilak.⁷ When asked at a conference in Kampala why the external wing of the UPDM was not involved in the negotiation, UPDM chairman in Gulu, Charles Ali said "they had no room for opportunists" (Lamwaka 2002:30). One interview noted that "what kind of peace treaty was the government going to achieve when it was aware that the political wing of the UPDM was left out."⁸ The leadership in exile thus felt excluded from the negotiation process and opposed it. These divisions created unfinished business for the peace process.

⁷ Ibid p.20.

⁸ An NGO worker in Category N interviewed on 10th July 2008.

Another crucial challenge to this negotiation was the lack of a third party intervention- mediator to the whole process who could have put forward a credible agreement in place that guarantee the security of the combatants. This negotiation process was driven by army-army negotiation without the involvement of the government officials as well as the external wing of the rebels. The team lacked adequate skills of negotiations and sense of judgement of one another intentions. The spatial amnesty offered was viewed as more of a trick rather than a gesture of good will before the peace talks. According to (Bainomugisha and Tumushabe 2005), the parties to the talks lacked credible support and participation of key actors to the conflict like UPDM Chairman Eric Otema Alimadi and the overall commander of UPDA-Brigadier Odong Latek who later rejected the agreement and reaffirmed military campaign even when people were warming up for peace. This shows that the lack of enforceable guarantees as advanced by (Walter 1999:133) was lacking as various interests were at conflict with one another. The death of a senior commander was the final blow to the whole process. (Walter 1999:134) acknowledges that “once groups have sent their soldiers home, laid down their weapons, and surrendered occupied territory, they become extremely vulnerable to a surprise attack.” The whole peace process lacked a third party mediation who could have guaranteed the safety of the fighters as this was more of an army-army negotiation with limited competence and skills in negotiation.

4.2.2 The 1990 Addis Ababa Peace Agreement

This peace agreement was signed with the UPDM who were excluded from the Pece accord and came on 14th July 1990 after several months of negotiations. The peace process involved government representative Ateker Ejalu and UPDM leaders based in London, Lusaka and Nairobi. (Lamwaka 2002:33) noted that through their representative, government offered full amnesty and invited the UPDM leaders to return home and contribute to the re-building of the country as they had expressed their grievances as harassment of the northern people, lack of development in the north, and dismissal of northerners from public service. Without a military wing, the prospects that the UPDM could mount a political recovery could have been judged as very slim. Nevertheless, the government went through with the negotiations, in which former prime minister during Obote II government Otema Alimadi who led the UPDM during the talked returned home.

According to (Bainomugisha and Tumushabe 2005:26),through the Addis Ababa agreement , the UPDM leadership had hoped that they prevail over the Holy Spirit movement faction under Joseph Kony and when Otema Alimadi was interviewed in 1999, having returned back to the country in 1992, he said “all the government’s commitments made since the 1990 agreement were fulfilled. His disappointment was that despite his pleas, the rebellion in northern Uganda had continued.” But no one could have foreseen how costly the absence of Joseph Kony from the negotiating table during this period would prove to be. Failures to end the conflict though this agreement can be viewed in two fronts. One is the lack of information gathering by the parties to the conflict, the presence of a mediator could have reminded the parties of the

faction of Joseph Kony who was excluded from the talk. This talk was organized by government with no trace of any outside intervention. Guarantees to the military forces given the event of two years ago when commanders of the UPDA were killed were fresh in the minds of the fighters.

4.2.3 The 1993-1994 Government Negotiations

In November 1993, government of Uganda initiated talks with the LRA driven by their success in Teso and due to increased pressure from the donors and the opposition. This talk was led by Betty Bigombe then a minister, an Acholi and a close confidant of President Museveni. Her major task was to persuade the LRA to give up rebellion and end the suffering in northern Uganda (Bainomugisha and Tumushabe 2005:26-27). This effort came after a military offensive against the LRA code named 'operation north' meant to wipe out the rebels but did not. The rebels were weakened but not defeated. In this operation, there were brutality and gross-human rights violation on the civilian population which apart from alienating the population from government affected confidence building efforts by Bigombe. Through a contact, Bigombe was able to organise series of meetings with the LRA leadership beginning with one at Pagik on 25th November 1993 in Gulu District to when she met face to face with Joseph Kony-the LRA leader. The rebels put forth a number of requests to government which included, offer of amnesty to all the fighters, that they were simply returning home and not surrendering, they should be called people and not rebels and that the NRA should cease hostilities in order to allow the LRA organise their men to return home. The last option according to Kony would take six months. (Bainomugisha and Tumushabe 2005) observed that the six months was later interpreted by government as a trick by Kony and his men to re-arm retrain and replenish their forces that were perceived to be at a verge of total annihilation from government forces. Despite these skirmishes, an agreement was reached and signed on 2nd February 1994 but did not deliver the much cherished peace due to a number of reasons. One weakness with this agreement was that it lacked a strong guarantor and skilled facilitation as well as lack of clear support from government. The behaviour of government military officers who participated in the talks is of concern here. Most of the army officials wanted the rebels to negotiate surrender while Bigombe preferred a peace settlement where everybody was a winner. (O'kadameri 2002:40) noted that in one of the meeting, Brigadier Mugume told LRA commander Otti-Lagony that he "thought Otti-Lagony had come to negotiate his surrender." The LRA team felt humiliated by this and other remarks and this made negotiating for Betty Bigombe very hard as she tried to both facilitate a process and act as a representative of the government.

Several Acholi elders remained sceptical of Bigombe's role and designs of government by appointing a woman for such a job. The process also suffered from the cultural biases and prejudices against her as "a woman venturing in men's affairs of war." (Bainomugisha and Tumushabe 2005:27).

This view was corroborated by an elder in the interview that, “at the time, people were more sceptical of President Museveni of appointing Bigombe and yet there were elders who knew the history of the rebellion very well.”⁹ With lack of support from elders who have been labelled to have blessed the rebellion, the peace process was not to last long.

According to (O'kadameri 2002:41), the peace efforts ended abruptly when President Museveni on 6 February 1994 acting on ‘intelligence report’ issued his now famous 7-days ultimatum to LRA to surrender, otherwise government would defeat them militarily claiming the LRA had taken advantage of the talks to perpetuate ‘banditry’ and killing of the people. From this marked a new trend in the LRA operation as they relocated to Southern Sudan where they obtained military backing and the war resumed with renewed intensity amidst deepened mistrust. The peace process died when two elders who had picked up the process from where it had reached died under mysterious circumstances on their way to meet the LRA commanders in the bush.

From this, we can draw the lesson that, information was missing or was not being shared by the two parties to the conflict as there was no mediator who could have encouraged meaningful communication, structured the agenda and controlled the pace of negotiation. Since the talk was government led, with no third party intervention, the talk suffered set backs and Acholi was plunged into a long and dark period of war and destruction.

4.2.4 The 1996-1998 Initiatives

With the collapse of the 1993-1994 peace talk and as the LRA establishes their base in the Sudan, the dynamic of the conflict changed radically. What had been a local and potentially manageable insurgency became embroiled in the turbulent and violent politics of Southern Sudan (Anonymous 2004)¹⁰. With LRA becoming more equipped, they made brutal and seasonal incursions into Uganda pillaging and abducting children. With the level of atrocities, it became apparent that the rebellion could not be ended militarily; the community and the Acholi community in the diaspora became more embroiled in exploring ways of ending the conflict peacefully. The first of such meeting was the Kacoke Madit (meaning ‘big meeting’ of Acholi) held in London to discuss the conflict and human costs. This meeting also gave the conflict, an international attention and interest for the first time. The meeting drew Acholi elites living in the Diaspora, the Government of Uganda and the LRA/M to discuss ways ending the conflict (Bainomugisha and Tumushabe 2005:36). One of the resolutions of this meeting was the contact with Sant’ Egidio to discuss with the organizers of meeting, possibility of mediating an end to the LRA/M conflict with the starting point of negotiating the release of the Aboke girls (Obita 2002:42) drawing attention to the consequences of a war that had failed to gain international attention. Several meetings took place between the officials of

⁹ An elder in category C interviewed on 24th August 2008 in Gulu.

¹⁰ Unpublished document. Anonymous Author.

Sant' Egidio first with LRA/M in May 1997 and later involving the government officials as well in June 1997. In the last meeting, the LRA delegation presented list of their grievances to government team which was adopted and follow up meeting was thus agreed for a later period as they consult their respective leaders.

One thing that characterized the failure of this initiative was the infighting between LRA/M external political wings because of power struggle. According to (Obita 2002:42-43), in one of the meeting organized for LRA High command in Khartoum, one member of the diaspora-Powell Onen Ojwang stormed the meeting and his appearance subsequently changed the course of events and the balance of power within the LRA/M external representation. Powell was later to sway the LRA to maintain a military approach to the conflict thus rendering the effort of Sant' Egidio ineffective.

4.2.5. Equatoria Civic Fund (ECF)

Dr. Leonzio Onok, a Sudanese Acholi based in Kenya initiated the Equatoria Civic Fund (ECF) peace process with support from Comic Relief to facilitate and promote peace negotiations between the government of Uganda and the LRA/M. After consultation; a meeting was organized in London on 18th October 1997 between the two parties to the conflict. The government was represented by Owiny Dollo and the LRA/M was represented by Alfred Obita and Professor Hizkias Assefa (Obita 2002:43). The meeting concluded that the representatives inform their leaders accordingly and seek their approvals for further deliberations. This initiative was initiated as the meeting with Sant' Egidio was also going on and could not yield much result.

One reason advanced for the failure of this initiative was that there were two parallel peace initiatives (Sant' Egidio and ECF) running at the same time and perhaps could have accounted for both efforts failing as both facilitating organization were not aware of each other's initiative. The power struggle between Alfred Obita and Powell Onen was affecting the peace initiatives. According to (Bainomugisha and Tumushabe 2005:39), the power struggle between these two, lack of transparency and the lack of full disclosure to the third party mediating the peace process resulted in the total collapse of the peace process that had gained momentum. Here again we can see that the mediator has not been availed necessary information for cooperation in a negotiation process. Obita was disowned by the LRA/M having been imprisoned first and Onen was arrested in July in 1998 on fraud charges and imprisoned and with the two out of the spotlight, the peace processes collapsed completely.

4.2.6 The 1999 Nairobi Agreement

This peace initiative was started by the Carter Centre in 1998 aiming at normalising relations between governments of Uganda and Sudan and by extension, to address the cross border conflict (Barnes and Lucima 2002 :6). This process has been kick started the previous year through the careful work of Jongmoi Okidi-Olal, a United States based Acholi sponsored by the Acholi Diaspora network, Kacoke Madit. He was able to secure a meeting from the

President of both Uganda and Sudan as well as the Sudanese People's Liberation Army/Movement (SPLA) and LRA senior commanders and given the dynamics of the war, Carter centre was zeroed on to mediate (Bainomugisha and Tumushabe 2005:39). Okidi-Olal contribution exemplifies the important catalytic role that individual interventions can play within the wider peace processes in moving the peace agenda forward. (Neu 2002:46) observed that relations between Uganda and Sudan had severed in 1995 when Uganda government accused Sudan of supporting the LRA in retaliation of Uganda government support to the SPLA/M. The nature of these kinds of support complicates efforts for conflict resolution and peace building in a context like that of the LRA. Much as Uganda's request for the mediation was less clear apart from reducing military spending to conform to World Bank requirements on debt repayment and support to LRA making their defeat militarily difficult, Sudan appeared to have been under threat to improve on its international image especially after the Clinton Administration declared it a terrorist state for its alleged role in the assassination attempt on Egyptian President Hosni Mubarak and for hosting Osama bin Laden, accused of masterminding the 1988 bombings of the US embassies in Kenya and Tanzania.(Neu 2002:47). By exploiting the Carter centre relations, Sudan is thought to have hoped to help improve its relations with the US. The centre has also received invitation from Joseph Kony for mediation but from John Garang the then leader of SPLA/M was not forthcoming and so the center decided to concern itself with the invitation from the two head of states. The centre major goal was to restore bilateral relations by holding talks between the four warring parties. A series of meetings were organized in Sudan, Uganda, London to address various issues of concern, central to it was the issue of the Aboke girls that had become a very highly political issue in Uganda and abroad (Neu 2002:48-50). Talks were later held in Nairobi between the two countries focusing on issues normalizing relations and after a tense period of work, an agreement was agreed upon and signed. Like many agreements, implementation is a challenge and the optimism that the agreement created vanished.(Otto 2002:52) observed that;

“When the Nairobi Agreement was signed by Presidents Yoweri Museveni and Omar al- Bashir in Nairobi Kenya, on 8th December 1999, there was real expectation that the accord would provide the critical impetus for resolving the northern Uganda conflict. Significantly, Uganda's Parliament passed the Amnesty Bill, which offered immunity from prosecution to those who had engaged in 'armed rebellion' against the National Resistance Movement (NRM) government, a day before Museveni travelled to Nairobi. From a northern Uganda perspective, the optimism that greeted the signing of the agreement was however, short-lived. Within a week, hundreds of Lord's Resistance Army (LRA) fighters crossed from Sudan into Uganda and attacked civilian and military targets in Kitgum and Gulu districts. The Uganda government reacted by accusing Sudan of bad faith in failing to comply with the terms of the agreement. The government of Sudan replied that it was unable to stop the LRA from crossing into Uganda.”

These negotiations broke down due to holding back information to the mediator to facilitate sharing. Both Ugandan and Sudan delegates could not agree on one of the contentious issue of the Aboke girls that had been

abducted and held under captivity with the LRA in Sudan. (Neu 2002) noted that the Ugandan delegation to the negotiations wanted the girls to be returned for the relations to be normalized between the two countries but the Sudanese government objected to it arguing that Uganda was singling this case and using it to draw negative attention to Sudan to the rest of the world. Even in this negotiation; the military leaders of both LRA and SPLA/M were excluded from the talks by the respective governments and yet the agreement was to be binding and enforcing. Credibly, the agreement was not and its implementation suffered a setback even before the inks that were used had dried on the documents.

4.2.7 The Juba Peace Talks

The Juba peace talks that started in July 2006 offered yet another opportunity to end the two long decades of civil war that has caused untold suffering to the people of northern Uganda. It is mediated by the Government of Southern Sudan under the auspices of its Vice President Dr. Riek Machar. This talked experienced frequent delays and periods of no activity, and after months of intensive negotiations, were concluded on February 29, 2008. The peace agreement comprised of seven sections and includes; cessation of hostilities agreement, permanent ceasefire, disarmament, demobilization and reintegration (DDR), accountability and reconciliation, comprehensive solutions and its protocol, implementation mechanisms and implementation schedule to the final agreement. The Final Peace Agreement (FPA) was meant to be signed on 18th April 2008 by Joseph Kony in Ri-Kwangba and President Museveni on the 15th April 2008 in Juba (Nyakairu 2008). Kony failed to appear and the process collapsed unexpectedly. A number of reasons have been advanced for this. Some of the factors include, tribal jealousy, greed for money and the bad advice by the rebels' advisers from the Diaspora sabotaged efforts to sign a peace deal to end more than 20 years of war in Uganda claimed the ex-LRA negotiator David Nyekorach Matsanga¹¹. Kony was persuaded to snub the deal and rearm by two Acholi members of the Diaspora Matsanga alleges. The LRM has been seen as sabotaging the peace efforts and falsely using tribal lineage and the discourse of democracy, justice and equality to justify their fighting. Matsanga, who is a Ugandan but not an Acholi, said that while he made efforts to bring a degree of rationality to the negotiating table, he was considered an outsider and ignored.

Infighting and defections have been factors to the failure of this approach. The death of Vincent Oti, one of the fierce LRA commanders is believed to have dealt a blow to the whole process as he was the one in touch with the outside world than the elusive leader. Its alleged Kony killed Oti as the latter had planned to kill the former (Nyakairu and Matsiko 2008). With Oti now apparently dead, Kony and commander of the LRA's Sinia Brigade Dominic Ongwen are the only two remaining commanders indicted by the

¹¹ <http://www.iwpr.net/EN-acr-f-344162>

International Criminal Court for crimes against humanity in 2005. A fifth rebel wanted by the ICC – Raska Lukwiya – was killed by the Ugandan army in August 2006 in South Sudan.

The ICC arrest warrant is believed to have deterred the LRA from reaching an agreement in Juba. The arrest warrant issued includes crimes of rape, murder and abduction of children to be used as child soldiers among others. Kony is quoted to have said that he will sign the agreement but will not disarm until ICC indictments are lifted (Egadu et al. 2008). Much as during the discussion on justice for war crimes, there was an agreement for Ugandans to try and deal with rebel atrocities internally¹² through the establishment of a division within the High court system of Uganda, its appears less convincing that this was feasible and the deal was snubbed.

The quality of the mediator has been a reason of concern as the talk progressed. The chief mediator Dr. Reik Machar was seen as a bias mediator in the eyes of the LRA delegation due to his association with the SPLA/M and the NRM and his self appointed role as the chief mediator. History is afresh with the relations he has had with the government in Kampala which compromises on his impartiality as the talks preceded. Closely related to this is the composition of the LRA delegation to the peace process, where its said that with the exception of Martin Ojul, the rest of the team members were people in the diaspora with no direct grasp on the reality of life he conflict has caused in northern Uganda (Hafstad 2008:79).

4.3 Conclusions.

Credible guarantees are vital for the success of any peace accords. The experience of peace building in the northern Uganda conflict is that this was been lacking and even where mediators were present; they were often denied valuable information that could have saved the peace process at various times. There are lessons to be learned from these talks. These include the need for a varied and inclusive approach rather than a centralized and state-dominated approach. The next chapter looks at failure of the peace efforts from the perspective of injustices and grievances that have characterized Uganda as a country.

¹² Opcit

Chapter 5: Tackling Historical Injustice Frames

5.1 Introduction

This section explores the view that in failing to address the root causes of the war, peace negotiations have so far failed to achieve their goals. In doing this it focuses on the historical injustices that date back to colonial time, right to immediate post independence governments to the current political administration in Uganda, as suggested by (Allen 2005) and others as forming the core causes to the war. Analysis of such causes are very useful tools for making sense of the conflict and for seeking long term remedies for preventing conflict and should strengthen the resolve to explore possible approaches for ending this conflict peacefully. Failures of the peace processes are then related to these injustices. The chapter concludes with an analysis of what it might mean to deliver justice and peace in the context of the Northern Uganda conflict

5.2 Perceptions of Root Causes of the Conflict

The ‘root causes’ of the conflict in the north are often discussed in a national and historical context that cites a north-south divide, the grievances of the loss of political power in 1986 as the main causes of the strife.. These perceived causes are discussed briefly here.

5.2.1 North-South divides

The conflict in Northern Uganda can be seen as having its roots in a crisis of legitimacy of the Ugandan nation-state, its institutions and their political incumbents. This view in part reflects on how the Ugandan state was created during European expansionist times but also reflects the nature of post-independence political settlements. (Otunnu 2002:11) has observed that “this did not only undermine the faltering legitimacy of the state; but also impeded the emergence of a Ugandan nationalism and generated ethnic, religious and regional divisions that were to contribute in later years to instability and political violence.” The colonial policy of divide and rule and the subsequent use of ethnicity as a political tool by the political elite through which they acquire and maintain political power arguably lie at the heart of continuing conflict in the North. Evidence from historical sources and the statements of the different actors in the post-colonial period point to this factor as being behind the break out of the war in the “Luwero Triangle” (Human Rights and Peace Centre (Huripec) Faculty of Law and Studies October 2003:5). The north of the county from Lake Kyoga which is largely Nilotic was used as a preserve of labour plantations in the south which are largely occupied by Bantu speakers. In the south, cash crops such as coffee and sugarcane were grown while the north was left to grow cotton whose returns were low and always over a period of time and had low prices attached to it. Due to this binary division, people’s perception of Uganda as one country is grossly lacking (Refugee Law Project 2004). The Baganda in the south who cooperated under

the British system of divide and rule were rewarded with the capital, parliament, university, main hospital and other infrastructures all built within Buganda territory. The British also categorized people on the basis of their competency, productivity, usefulness and others, a stereotyping and labelling that has persisted to date in terms of its effects on people's perceptions. (Refugee Law Project 2004:10) quoting HURIPPEC, Doom and Vlassenroot also noted that this policy categorized people of the North as having certain inherent traits that made them brutal and a 'martial tribe' unsuitable for rational political administration and economic governance, a distinction which opposed northerners to the peaceful communities of the south. Two security analysts that the researcher interviewed feel that this prejudices against the people of the north though not intended to undermine mutual coexistence, has alienated the north from the south in many aspects of development. The HURIPPEC report concludes that the British might have exacerbated these prejudices and rivalries, but they did not initiate them as many were present before colonial times. It should be noted that divide and rule policies were to make governing easier for the British and to make co-ordinated resistance by Ugandans unlikely (Allen 2005) .

Post independence governments of Obote and Amin toed along the lines of ethnic sentiments and mobilised political support along ethnic lines. And in this way, notions of nation building eluded Ugandans.¹³ This British colonial policy recruited people mostly from the North into the army and the people from the South into administrative positions. At the advent of independence when Obote took over the mantle of leadership, many people in the south felt isolated and marginalized (Allen 2005:9-10) and even when Amin took over power, the feeling did not change much. It ought to be noted that the perception of political domination in Uganda by one ethnic group at the expense of the other has fuelled several regional conflicts since then. Quoting Yoweri Museveni's interview in the Drum Magazine (Refugee Law Project 2004:11) quoted Yoweri Museveni who was interviewed in the Drum Magazine that

"The problem in Uganda is that the leadership has mainly been from the north. The southerners who are mainly Bantu have played a peripheral role all these years since independence in 1962... We are not against the northerners as such, and if a popular man from Acholi or Lango or even Madi wins, he will have our mandate".

These kinds of perception are what characterized the NRM/A bush war that brought the present government to power in which they castigated the people of northern Uganda for 'dominating' the government, something they thought should end (Human Rights and Peace Centre (Huripec) Faculty of Law and Studies October 2003:5) Even when subsequent elections have been held in the country, the NRM government have turned tribal and ethnic sentiments to create fear and win votes from other region outside the north(Leopold 1999:227).

¹³ Ibid pg 10-12.

5.2.2 The Grievances of the 1985 Nairobi Peace Accord

Another reason advanced as a root cause to this war has been the struggle for political and economic power. The climax of this is often attributed to the Nairobi Peace Accord of 1985 that was later called “Peace Jokes.” Prior to this, in 1985, Acholi military officers led by General Tito Okello Lutwa had overthrown Obote II government and established a military government (Allen 2005:10-11). The military government was shorted lived in that the Nairobi Peace Process did not live to its expectation in that NRM soldiers under Museveni overthrew the military regime. This sense of betrayal was the beginning of problem to the defeated soldiers of the Uganda National Liberation Army (UNLA). (Temmerman 2001:108) reaffirmed this bitterness of loss of power when the defeated soldiers would be saying “we paved the way for Museveni by overthrowing Obote, and Museveni paid us back by betraying us”.

According to (Barnes and Lucima 2002 :5), the beginning of the conflict with the UPDA soldiers was “triggered by the NRM’s methods for consolidating control over the northern parts of the country”. This view is widely shared by the affected communities of northern Uganda (Acholi especially) in that there was mistreatment of surrendering ex-soldiers of (UNLA) under the command of Gen. Tito Okello by the NRA officers when they had just taken power in 1986. One interview lamented that “for many Northerners, this is seen as the turning point of the distance between President Museveni’s administration and the people of northern Uganda.”¹⁴ Memories of the events collected over that period have pitted the government with the Acholi people since then to date. Two other interviewees for this study could hardly come to terms with that they witnessed in 1987 at this time when asked of the experiences this time around in 2008. “The soldiers were ruthless, beating any civilian they came across, asking for former fighters of UNLA who happened by then not to be in the vicinity. Others human rights violations included rape of young girls, mothers as well as men in full view of other family members let aside elders”¹⁵. Rape especially of an ‘Acholi man’ before his family and clan members was taken as an abuse against Acholi heritage. Many of those who witnessed this continued harassment with their children took to the bush for self defence. According to (Human Rights and Peace Centre (Huripec) Faculty of Law and Studies October 2003:46-47) interviews with the people in camps, they noted that to “add salt to injury, these ‘highly disciplined’ NRA soldiers went ahead to defecate in people’s water and pots, in millet, posho, and other preserved dry foodstuffs. At this stage, another Acholi idiom was invoked: “*Acholi deg anymar*” meaning, “Acholis do not condone treachery.” (Bainomugisha and Tumushabe 2005:13) reaffirmed further when they noted what G. Kanyeihamba observed that:

[.....] the NRA High command was to make an error by entrusting one of these joining groups (FEDEMU), with responsibility of mopping up the remnants of

¹⁴ A lawyer interviewed on 13th August 2008

¹⁵ Interview with Traditional leaders held on 17th July 2008.

the UNLA in northern region of Uganda where that group inflicted so much havoc and terror on the population there that the consequences would alienate the majority of the population in that region from the NRM for decades.

With these levels of human rights abuses, came divergent response to horrendous acts carried out on innocent civilians. As violence continued, many took to armed struggle and this did not help subsequent improvement of relations between the government and the people of northern Uganda.

5.3 Injustices framework approach to analysing the failed peace efforts to the northern Uganda conflict.

(Allen 2005:10-11) noted that most analysts of Ugandan politics explained the state construction as chaotic and violent and as such the fighting that engulfs the northern part of the country was not unusual. Ethnic divisions had been politicized by post colonial governments to entrench themselves in power and reliance on the military (which was predominantly drawn from the north) was the order of the day as seen under Obote and Amin's reigns. Since the disputed elections of 1980, violent uprisings have characterized most parts of the country, beginning with the NRA bush war to the current LRA insurgency in the north (ibid) and (Apuuli 2008:52-55) According to Allen, the current insurgency in the north and its aftermath bore its roots from the killings in Luwero by the UNLA, and from then, the battle fields later shifted to the north where belief in the spirit world (traditions and culture) has played a pivotal role in affecting people's beliefs in joining the initial rebellion of Alice Lakwena to the Joseph Kony the leader of the LRA (Allen 2005:11-20). The government continued military approach to end the insurgency with use of helicopter gunships has caused untold suffering to the people of the north as seen by the effects of Operation North in 1991, the 7 days Ultimatum by President Museveni in 1994, operation "Iron fist" of 2002 and 2004. The LRA have responded by the use of violence and cutting people limbs and lips to serve as a deterrent against not support their objective of toppling the government. Child abduction has been deliberately used by the LRA a weapon of choice to keep the size of their forces and keep people fearful of their atrocious acts (Vinci 2006:87-92).

Allen notes that with increased atrocities, the government later referred the case to the ICC where an arrest warrant was issued for the rebel commanders in 2004. With the arrest warrant there were reduced LRA atrocities but was later to affect the Juba peace process as noted in chapter 4. Against this background by Allen and the overview of the causes of the war, the points below addresses failure from the perspective of lack of attention of injustices that have characterized the north for the last 22 years and beyond.

5.3.1 Breach of previous agreements

One reason for the failure of peace negotiations in the northern Uganda conflict has been the experiences of violations of previous initiatives starting with the failed Nairobi peace talks of 1985. The Acholi claim that President

Museveni cannot be trusted as agreements have never been implemented fully. An interviewee¹⁶ observed that ‘when the Pece peace accord was signed in Gulu in 1988, there was a lot of optimism that the end of the conflict was insight but death of some of the commanders of the UPDA like Mike Kilama caused the process to falter.’ Even during the 1993-1994 Bigombe led initiative, Joseph Kony and some his commanders had not forgotten the experiences of 1988 when they were left out of the peace process having expressed interest to join (Allen 2005:32). To four respondents especially the local leaders at the district that were interviewed , the experiences of the failed 1985 Nairobi peace accord that keeps coming up as having paved way for NRM rule has affected peace negotiations to the conflict in northern Uganda. To most Acholi, ‘this was a slap in the face for their role in national leadership.’ This has been coupled with the gross human rights violation at the advent of NRM rule in Acholiland, acts perceived to dehumanise the Acholi people and undermine their sense of identity .One respondent¹⁷ interviewed as part of this thesis believed that the support of the people in the diaspora have been the reason the war has defied all peaceful means to end noting their advise to Joseph Kony not to accept the recent Juba peace talks that Kony snubbed at the very last moment. This view is equally shared by (Allen 2005:32).He concludes by saying that they have ‘nostalgia of the past’ and its as if they have some ‘wounds in their mind’ and have not come to terms with the administration of the NRM rule. The failure of the Juba peace talks as expressed by LRA negotiator Matsanga had a lot of infighting from the diaspora people and this was rimisicent of the 1996-1998 initiatives in which power struggle, lack of transparency and lack of full disclosure to the third party mediating the peace process resulted into the total collapse of the peace process (Bainomugisha and Tumushabe 2005:39). Newspaper analysis and interviews appears to support this argument in the sense that they are seen as spoilers and have become profiteers in the conflict¹⁸. The sense of betrayal by the diaspora (LRM) on the government has affected peace building efforts all these time.

5.3.2 The belief in a military strategy and lack of engagement by Government of Uganda

The Acholi are indeed aware of the extent of the damage that the war has caused to them by both parties to the conflict. One of the respondents¹⁹, the researcher interviewed expressed frustration at the “government use of the military approach to defeat the LRA that has not yielded much nor has it ultimately brought security to the civilian population that continue to languish in camps and believes the government considers the LRA as a continuation of

¹⁶ An NGO worker interviewed on 4th August 2008.

¹⁷ Interview with a religious leader

¹⁸ See <http://www.iwpr.net/EN-acr-f-344162>

¹⁹ Lawyer interviewed in Gulu 13th August 2008.

the defeated UNLA fighters.” This mutual belligerence in rejecting the option of peace has been a source of resentment and frustration to the people of Northern Uganda. This argument is corroborated further by government sources who argued that whenever, there are peace negotiations going on, the LRA takes advantage to rearm, regroup and launch attacks on civilians and military targets. The government insistence to the military option owes more to keeping the “army occupied;” otherwise, they posed a serious threat to the stability of the nation²⁰. According to (Bainomugisha and Tumushabe 2005:54-55), to Museveni, the “NRM/A revolution is suppose to be a total victory over the old order and therefore bent on defeating Kony militarily.” This can be confirmed when the President said in 1986 as he swore the oath of Presidency that “NO ONE should think that what is happening today is a mere change of guard: it is a fundamental change in the politics of our country” (Museveni 1992:21) The government believed that they can defeat the LRA militarily has undermined peace negotiations coupled with their carrot and stick approach of negotiations and militarily.

5.3.3 The Role of Sudan and the United States

According to (Allen 2005:32), (Acker 2004), (Nyeko and Lucima 2002:18) and (Ruddy Doom and Vlassenroot 1999:24-25), the role of Khartoum government has been an impediment to the failures of earlier peace efforts to end the violence in northern Uganda especially after the 1993-1994 peace effort. Bashir’s administration support to the LRA which has been in the form of military trainings, supply of food aid and ammunitions have been in retaliation to Uganda government support to the SPLM/A which have been through many forms like signing of secret military cooperation (Amaza 1998:136). This is the injustices of hostile neighbourhood that has characterized the process of peace building in the northern Uganda conflict especially after 1994 when the rebels relocated their base to Sudan. An LRA ex-commander interviewed as part of this study agreed that Khartoum government ‘trained us in the use of land mines as explosives’ that characterized LRA operations for quite some time and in that the scale of LRA atrocities more than doubled on innocent civilians in northern Uganda. (Allen 2006:72) observed that , ‘following the 9/11 terrorist attacks on United States, the LRA were included in the Terrorist Exclusion List of the United States of America (USA) Patriot Act of 2001’ and the Sudan was put under pressure to cut supply to the LRA though there is doubt if Khartoum has not kept contact with the LRA.

The role of the US to this conflict has rather been contradictory; at one stand it’s supporting the Ugandan government against what it perceives as the Khartoum’s desire to spread ideas about Islamic fundamentalism to the south and supports the SPLM/A as a liberation movement, as it finances the war against the LRA which it has labelled as a terrorist organization. While this goes on, the US also supports the need for a peaceful resolution to the conflict. As (Human Rights and Peace Centre (Huripec) Faculty of Law and Studies

²⁰ Interview with an Academician held in Netherlands 30th October 2008

October 2003:7) noted in their work that this more of a ‘divide and rule’ approach to global and ethnic conflicts and conclude that abducted children who constitute over 80% of the LRA forces are labelled terrorists; while those whose duty is to protect citizens from abduction are regarded as friends to the US. With the Prosecutor of the ICC intending to issue arrest warrant for President Bashir for crimes in Darfur²¹, observers, analysts and the affected community are left wondering what fate this arrest warrant might have on the peace building process in Northern Uganda

5.3.4 Governance issues under the NRM System of Administration

Governance under the NRM have tailored on the determination by the government to maintain power at any cost and has been viewed as a contributing factor for the failure of numerous peace efforts to end the conflict in the north. From 1986-1996, the NRM ruled Uganda as a one party state in which all political parties were banned from actively participating in national politics of the country. This has been coupled with political manipulation of the constitution since 1986, ²² turning politics of individuals into ‘state politics’ through which the state laid out the political agenda for individuals that undermine freedom of association. This curtailed discussions especially when it came to the northern conflict since it has not been a priority of government. Its acts more when there are international concerns to the suffering of the people in those areas. This links itself up with the economic motive of the top military commanders of the Uganda People’s Defense Forces (UPDF), LRA and collaborators among the affected community to continue the war though which they make substantial financial and material gain a position strongly supported by all the people that the researcher talked to. According to (Bainomugisha and Tumushabe 2005:55) and the (Human Rights and Peace Centre (Huripec) Faculty of Law and Studies October 2003:6) presence of ‘ghost soldiers’ on the UPDF pay roll, corruption in the army, acquisition of faulty military equipment including helicopter and tanks and low level theft have all affected the operational efficiency of the army in their attempts to defeat the LRA militarily. The war in Acholiland has become a ‘big gravy train’ and an income generating project for some of the commanders. This also provides another insight into the continuance of the “no party” political system that has characterized the NRM system of governance. And thus the corruption in the military coupled with the monopoly of power has curtailed the prospect of the never-ending war.

²¹ <http://www.icc-cpi.int/library/cases/ICC-02-05-160-ENG.pdf>. Accessed on 16th October 2008.

²² Even when multiparty politics were re-introduced in Uganda in 2000, in 2005 President Museveni ruling NRM amended terms limits in the 1995 constitution as he would have been not eligible to stand for election having stood in 1996 and 2001. He thus stood and won Presidential Election in 2006 amidst rigging as per the Uganda Supreme court ruling of 2006 that acknowledged some irregularities in the process but contend that it was not sufficient enough to cause changes in the overall results. .

5.3.5 An Acholi War

One reason advanced by most political commentators for the failure to resolve the conflict has been that it's a local uprising viewed as an Acholi conflict and yet the conflict has national, regional and international dimensions. For most of its atrocities, the LRA operation has been confined to the Acholi districts with the exception when it crossed from Sudan to Lira and South after 'operation iron' in 2002 which was meant to draw a final onslaught to the insurgency but ended causing more destruction to the civilians and the military. According to (Bainomugisha and Tumushabe 2005:55-56), the brutality of the LRA on innocent population and the failure to present the causes of the war has alienated the rebellion from the rest of the country and through this, it has not generated political pressure at the national level to force government and the rebels to initiate negotiations. The LRA evolution from the defeated UNLA army of 1986 blamed by most people in the south for the atrocities during the Luwero war as they fought the NRA has made it hard to gain national sympathy. The 'killings' in Luwero has largely been taken by other people as a narrative for the NRA to win the war because of the dominance of the Acholi ethnic group in the army. The government has continued to play its card along the narratives when it comes to the need for a negotiated settlement to the conflict; that this is another ethnic uprising, as an Acholi war though the media and other sources. The use of 'Luwero Triangle' has become a convenient catch word by the NRM to confuse the origin of the war for ethnic purposes in order to confuse Ugandans especially during election times to support NRM. (Human Rights and Peace Centre (Huripec) Faculty of Law and Studies October 2003:25) quotes Kintu Musoke, the then Prime Minister of Uganda and a Muganda that "The Acholis have to pay for what they did in Luwero" and such secretarian statements have persisted to date.. The conflict in the north is about social and economic injustice. It's about remaining or not remaining on the map of Uganda. One interview with a NGO staff noted that the failures of numerous efforts also owe itself to the 'perceived paranoid hatred of the Acholi as a tribe and the fear that there is a deliberate grand design to annihilate them.' According to (Allen 2005:10) "it has become common to use Acholi as a shorthand for all those alleged to have killed civilians in Luwero." Allen then concludes that though the Acholi became the dominant group under Tito Okello government after the coup in 1985, many of the soldiers he met were not from north at all and their number in the UNLA could be less than 40%. With such narratives not challenged and fear of state persecution, ending the war has been a myth.

5.3.6 Conclusions

One could put it that the rise of the rebellion in this part of the country is attributed to the British colonial policy through which Acholi ethnicity was constructed thus leading to unjustified mistrust of them and other northerners compounded by systematic underdevelopment of the area as a long term course. The Acholi people endured suppression since colonial days by being related to the services of the army at the expense of administrative jobs. Their dominance in the army posed a potential threat to post-independence governments to date. The immediate causes relate the grievances of the failed

1985 through which the military Junta of Tito Okello Lutwa lost power to the NRM in 1986 one month after an agreement was signed in Nairobi.

Failures of the numerous efforts have been attributed to the lack of a clear approach by government to engage the LRA.M and the rebels' unwillingness to commit to a settlement. Grievances over the loss of properties and livestock including cattle coupled with gross human rights violations lies at the heart of failures of peace efforts.

Chapter 6: Conclusions and Recommendations

6.1 Introduction

This chapter presents conclusions and recommendations in two broad categories: credible guarantees and historical injustice issues. The aim is to find an end to two decades of war that have fractured Acholi society.

6.2 Conclusions

Failures of numerous peace accords in the protracted war in the north have had its roots in the deeply divided history of Uganda. Drawing from the colonial history of divide and rule to the grievances of the failed 1985 Nairobi Peace Talks as some of the prime factors in this ongoing violence in Northern Uganda, the analysis also noted other factors of gross human rights by the advancing forces of the NRM/A when they assumed power especially the section of FEDEMU fighters, Diaspora factors, ICC arrest warrant and the identity of the protagonists involved in the war as factors in the failed peace accords. Governance deficit, the presence of conflict entrepreneurs, being an Acholi war and the lack of clear objectives and the non involvement of major stakeholders in peace negotiations have had devastating effects on the civilian population.

Noted is the issue of governance deficit linked to the war that has not allowed people to exercise their rights of association as a point of contention in this debate. This has not allowed for majority of the people of Northern Uganda to participate fully in the development of their country as a unit.

In an nutshell, the lack of a clear approach by government (use of amnesty, negotiations and the military approach) at different phases of the conflict and the unwillingness of the LRA/M to fully commit to peace settlement of the conflict has made the war drag on to date.

6.3 Recommendations

This sub-section addresses key issues to be considered through mainstreaming victims views into the conflict resolution and peace building process. In terms of broad thematic areas, the study has covered two sets of recommendations classified under the terms of credible guarantees and the question of addressing the social, economic and political injustices that have characterized Uganda since colonial times.

6.3.1 Credible Guarantees

The government of Uganda and the LRA with the help of regional governments and the International Community should work to ensure that a more comprehensive peace agreement is arrived at; agreeable to all the interested parties. Terms of the agreement should guarantee the security of the warring parties, integration of the rebels to form a national army as well as provision for a power sharing pact. This then calls for the need of credible mediator.

6.3.2 Government of Uganda should remain open to peace negotiations

The government needs to be very cautious in engaging the LRA in a military offensive in future as it might be becoming more difficult for them to win and defeat the LRA. Recent remarks suggest there are some fighters who might like to surrender. The LRA peace team that negotiated in Juba should be engaged further as the search for peace continues and efforts should be made to convince Joseph Kony-the LRA leader to sign the final peace agreement that was due to be signed on 10th April 2008. Patience and tolerance are vital at this painstaking stage.

6.3.3 Defer the International Criminal Court (ICC) Arrest Warrant

Kony and his fighters should be allowed to return to Uganda under a peace accord and the ICC arrest warrant should be lifted or deferred for a period of at least one year so that this can be possible as the Rome Statute states under article 17 on issues of admissibility (ICC 1998:17) stipulates. This would help to ensure that local domestic trials in the Special Division of the High Court and the traditional justice systems of 'Mato Oput' could come into operation for a time so that crimes allegedly committed by the rebels could be addressed. At the same time impunity should not be condoned on either sides. These trials should be for both the LRA and the UPDF as well who have been accused for committing atrocities. This measure was already proposed in the Juba Peace Talk document that was not signed in April 2008. This proposal needs to be taken further. It is only when the local justice systems fails to address these crimes to the levels of international legal standards that international justice system should be called upon bearing in mind that the interests of victims need to be served first so that healing and reconciliation can be fostered.

6.4 Addressing the social, economic and political inequalities in the country

Addressing the inequalities should entail the following actions:-

6.4.1 Establish a Truth Commission and Reconciliation Commission

The need for the establishment of a truth and reconciliation commission (TRC) that could address the wider grievances issues in Uganda could be far reaching way to cement the broken relationships created in this country by the long history of war. The remit of such a TRC could date back to the time of the Luwero bush war. This commission would need to be independently constituted and be viewed as impartial. Key to their mandate would be the task of documenting human rights violations of the crimes (war crimes, more than human rights violations), noting the discourse of prejudices that has been used against people of northern Uganda who have been viewed as second class citizens. Unless this is carefully crafted in the agreement to address these

differences, Uganda shall continue to be embroiled in conflict that might degenerate to an imaginable level

6.4.2 Prioritise Development in the North

Development of the North should become one of the top priorities of government in a post-conflict era. The government has constituted developmental project to address the needs of the people emerging from war such as the Peace, Recovery and Development Plan-PRDP and the Northern Uganda Reconstruction Programme-NUREP. But it has been of concern that financial allocation to such plans has been so meagre that the wide challenges that have been generated by the insurgency have not been addressed. At a time when peace talks are still ongoing, government should capture the momentum involved by engaging in more long term developmental projects to benefit returning IDPs (internally displaced persons). At the height of the insurgency in 2004, the government re-allocated money from other Ministries to Defence to defeat the LRA militarily. This could as well be a time to engage in a peace-building form of diversion, to consolidate initiatives to undermine the prospects of war now the LRA have been pushed further into Democratic Republic of the Congo (DRC) to around Garamba.

6.4.3 Harmonise the Amnesty Law, Terrorist Act and International Criminal Court (ICC)

The LRA has been classified by the government of Uganda and the US government as a terrorist organization and as such the members could face tougher penalties when convicted either in Uganda or in the United States. At the same time, the amnesty law pardons all those who have taken arms against the government upon surrender. The Terrorist Act and the Amnesty law are at conflict in Uganda and sends unclear messages to the rebels. Matters have been made worse with the ICC arrest warrant over top LRA commanders over human rights abuses including crimes of rape, murder and crimes against humanity. There is thus need for both the government and the ICC to clarify on the overlaps of these issues in order to encourage the rebels to denounce rebellion and commit to a peaceful end to the conflict.

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Appendix

A. Interview Guide

1. What factors contributed to the rise of the rebellion in 1986?
2. What are some of the factors why numerous peace initiatives/processes in the Northern Uganda conflict have not yielded and end to the ongoing violence by the LRA?
3. How have traditions and culture played a role in this conflict.
5. Comment on the roles of
 - a. Acholi Diaspora
 - b. Sudan and United States of America.
 - c. International Criminal Court (ICC)
 - d. The government of Ugandain finding and end to the conflict in Northern Uganda.
6. In your opinion, what could best be employed and adopted to find an end to the ongoing violence

B. List of the 18 People interviewed by category

1. Religious Leaders (02) represented by the symbol R.
2. Traditional Leaders (02) represented by the symbol T.
3. Local government officials represented by the symbol G.
4. NGO workers (02) represented by N.
5. LRA ex-combatant (01) represented by B.
6. Security Analysts (02) represented by S.
7. Lawyer (01) represented by L.
8. Representatives of the affected communities (04) represented by C.
9. Academician (01) represented by A.