

# **Getting to Peace? Negotiating with the LRA in Northern Uganda<sup>1</sup>**

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Getting to peace is not a straightforward process. In Uganda, internal conflict has raged for more than 20 years between the Government and the Lord's Resistance Army. The construction of a comprehensive negotiated settlement is at the mercy of conflicting ideologies and influences at the international, national and grassroots levels. This paper examines the Juba peace talks, the major actors in the negotiation process, and tension between prosecution and amnesty.

## **Background and History of Current Conflict**

Uganda's modern history has been filled with conflict and violence, since it declared Independence from the British in 1962. The first term of the country's first Prime Minister, Milton Obote, was characterized by significant numbers of riots and armed attacks.<sup>3</sup> Much of this violence was in protest of his consolidation of power throughout the country.

In 1971, Obote was overthrown by his army commander, General Idi Amin Dada. Amin seized power, then began a reign of terror, systematically murdering and torturing those he considered to stand in his way.<sup>4</sup> He targeted those who were seen to have supported Obote,

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<sup>3</sup> Dirk Berg-Schlosser and Rainer Sieglar, *Political Stability and Development: A Comparative Analysis of Kenya, Tanzania and Uganda* (Boulder: Lynne Rienner Publishers, 1990), 196.

<sup>4</sup> Nancy G. Wright, "Uganda: History From 1971," *Encyclopedia of Africa South of the Sahara*, ed. John Middleton (New York: Charles Scribner's Sons, 1996) 306.

especially people of Acholi and Langi descent, many of whom had tended to dominate the military. In 1972, more than 70,000 Asians who living in Uganda were expelled, and their property and businesses confiscated. Throughout Amin's period in office, soldiers and police conducted brutal campaigns of torture.<sup>5</sup> It is estimated that between 300,000<sup>6</sup> and 500,000<sup>7</sup> Ugandans were killed during this period, which earned Amin the nickname "the butcher."

Amin's forces were defeated in 1979. Interim governments were appointed in 1979 and 1980. In 1980, Obote returned to power. He retaliated against those who were perceived to have supported Amin. The paramilitary apparatus of the state began another campaign of torture, resorting to rape, torture, looting and destruction of property.<sup>8</sup> Approximately 300,000<sup>9</sup> to 500,000<sup>10</sup> were killed during this period. Obote remained in office until July 1985 when he was overthrown, again by a faction of the Ugandan military. From July 1985, a military council governed for six months, until it, too, was overthrown.

In 1986, Yoweri Museveni and the National Resistance Movement seized power. He abolished all political parties except his own. He and his troops had been fighting against the regimes of Amin and Obote, as well as the transitional regimes, in Uganda, since 1971. At the time of writing, Museveni remained in power.<sup>11</sup>

As with his predecessors, Museveni has faced considerable opposition from many of the 56 different ethnic groups throughout the country. Between 1986 and 2006, Museveni faced

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<sup>5</sup> Berg-Schlosser and Siegler 199; Edward Khiddu-Makubuya, "Paramilitarism and Human Rights," in *Conflict Resolution in Uganda*, ed. Kumar Rupesinghe (Oslo: International Peace Research Institute, 1989) 141-157.

<sup>6</sup> Philip Briggs, *Uganda* (Old Saybrook, CT: The Globe Pequot Press, 1998) 23.

<sup>7</sup> Yoweri Kaguta Museveni, *Sowing the Mustard Seed* (London: Macmillan, 1997) 41.

<sup>8</sup> Berg-Schlosser and Siegler 199, Khiddu-Makubuya, "Paramilitarism" 153.

<sup>9</sup> *Uganda* (Brooklyn: Interlink Books, 1998) 53; Thomas P. Ofcansky, *Uganda: Tarnished Pearl of Africa*. (Boulder: Westview, 1996), 55.

<sup>10</sup> Abdul Nadduli, LC5 District Chairman, interview with author, 17 Nov. 2004, Luweero town, Uganda.

<sup>11</sup> Museveni was returned to power in the first multi-party elections since his accession to power on 23 February 2006, reportedly with 59% of the vote.

more than 27 armed insurgencies.<sup>12</sup> One of the longest-lasting, and most devastating is the conflict in northern Uganda. “The conflict in Acholiland began soon after Uganda's last regime change in January 1986. It was triggered [in part] by the NRM's methods for consolidating control over the northern parts of the country.”<sup>13</sup> Joseph Kony, leader of the Lord’s Resistance Army (LRA), continues to abduct children to conscript into his rebel forces; the boys are used as soldiers, and the girls are used by him and his fellow rebels as their wives, as well as carriers of supplies and even as soldiers. Kony and his troops perpetrate brutal abuses on the people of northern Uganda. Abducted child-soldiers themselves are often forced to commit the most heinous of acts, and often against their own families.<sup>14</sup> In one community, 79% of people reported having witnessed torture, 40% had witnessed killing, and 5% had been forced to physically harm another.<sup>15</sup>

Northern Uganda has been devastated by this conflict, which “has over the years spread across the entire northern region and parts of the east.”<sup>16</sup> It is worth noting here that that part of the population which is now twenty years old and younger has never known anything but the conditions of war and insecurity. Between 30,000 and 45,000 children have been abducted by

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<sup>12</sup> These include rebellions by the Action Restore Peace, Allied Democratic Forces, Apac rebellion, Citizen Army for Multiparty Politics, Force Obote Back, Former Uganda National Army, Holy Spirit Movement, the Lord’s Army, Lord’s Resistance Army, National Federal Army, National Union for the Liberation of Uganda, Ninth October Movement, People’s Redemption Army, Uganda Christian Democratic Army, Uganda Federal Democratic Front, Uganda Freedom Movement, Ugandan National Democratic Army, Uganda National Federal Army, Ugandan National Liberation Front, Ugandan National Rescue Fronts I and II, Ugandan People’s Army, Ugandan People’s Democratic Army, Uganda Salvation Army, and the West Nile Bank Front. Compiled from Lucy Hovil and Zachary Lomo, *Working Paper 11: Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda*, (Kampala: Refugee Law Project, Feb. 2004), 4; and Lucy Hovil and Zachary Lomo, *Working Paper 15: Whose Justice? Perceptions of Uganda’s Amnesty Act 2000: The Potential for Conflict Resolution and Long-Term Reconciliation* (Kampala: Refugee Law Project, Feb. 2005), 6.

<sup>13</sup> Catherine Barnes and Okello Lucima, “Introduction,” *Accord* (2002) 11: 1.

<sup>14</sup> Lucy Hovil and Joanna Quinn, *Working Paper 17: Peace First, Justice Later* (Kampala: Refugee Law Project, July 2005), 3.

<sup>15</sup> Tim Allen, *War and Justice in Northern Uganda: An Assessment of the International Criminal Court’s Intervention* (London: Crisis States Research Centre, Development Studies Institute, London School of Economics, Feb. 2005), 24.

<sup>16</sup> UN Office for the Coordination of Humanitarian Affairs, “Uganda: War-ravaged north rues Museveni win,” IRINnews.org (1 March 2006); available from [www.irinnews.org/print.asp?ReportID=51960](http://www.irinnews.org/print.asp?ReportID=51960); accessed 10 March 2006.

the LRA,<sup>17</sup> which has resulted in the phenomenon of “night commuting” wherein up to 25,000 children living in these areas, at the height of insecurity, have walked for miles each night to sleep in the relative safety of centres guarded by the Ugandan military, to avoid being abducted.<sup>18</sup>

At the time of writing, it is estimated that 1.8 million<sup>19</sup> people are internally displaced (IDP) within the region and living in ostensibly protected camps for the internally displaced, a figure which represents more than 80% of the region’s population. These camps are an “integral part of the Ugandan government’s anti-insurgency policy. In some places, anyone who refused to move from their rural homes was forcibly displaced.”<sup>20</sup> Effectively, the people were “herded into camps where they [are forced to] survive on relief aid.”<sup>21</sup> Recent reports estimate that 1000 people die each week as a result of the deplorable conditions within the camps;<sup>22</sup> government officials readily admit that “basic infrastructure and services in the IDP and refugee camps... are still inadequate and below standard.”<sup>23</sup> Resettlement, or “decongestion,” as it is called by the Government, has begun.<sup>24</sup> “While roughly 230,000 people have left the camps, few have

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<sup>17</sup> Tim Allen points out that “the scale of abduction is a matter of speculation” due to insufficient monitoring. See Allen, *War and Justice in Northern Uganda*, iii.

<sup>18</sup> “*When the sun sets, we start to worry...*”: *An Account of life in Northern Uganda*, OCHA/IRIN, November 2003, 8.

<sup>19</sup> Geresome Latim, Secretary to the Paramount Chief of Acholi, interview by author, 22 Nov. 2004, Gulu town, Uganda; also World Vision, *Pawns of Politics: Children, Conflict and Peace in Northern Uganda* (Kampala: World Vision, 2004), 4.

<sup>20</sup> Allen, *War and Justice in Northern Uganda*, 23.

<sup>21</sup> Moses Odokonyero, “Acholi’s political ‘Elephant breed’ fails,” *The Monitor* (Kampala), 10 March 2006.

<sup>22</sup> Betty Bigombe and John Prendergast, “Stop the Crisis in Northern Uganda,” *The Philadelphia Inquirer*, 21 February 2006.

<sup>23</sup> Ministry of Finance, Planning and Economic Development, “Discussion Paper 8: Post-conflict Reconstruction: The Case of Northern Uganda,” Aug. 2004, 32.

<sup>24</sup> IRIN News, “Uganda: IDPs unlikely to meet deadline to vacate camps,” 26 Dec. 2006; [article on-line]; available from <http://www.irinnews.org/report.aspx?reportid=62892>; accessed 28 April 2007.

actually returned home. Most have been relegated to smaller resettlement camps where conditions are often as bad (or worse) than the older, more established sites.”<sup>25</sup>

Yet Museveni has recently begun to claim that “the LRA have been defeated,”<sup>26</sup> that “[t]he conflict in the north has been finished. We have defeated Kony,”<sup>27</sup> and that “security in northern Uganda ha[s] been restored.”<sup>28</sup> He “has urged the people of Lango and Teso to go back to their homes... Museveni said he would give resettlement kits like iron sheets, food for six months, oxen, and ox ploughs to the people as they go home...”<sup>29</sup> It has become increasingly apparent, however, that the people of northern Uganda now living in camps may never be able to return to their homes.<sup>30</sup> “As people begin to venture back to their villages, conflicts have already begun to erupt over land whose boundaries have been blurred by long displacement, disfigured by war, and rendered uncertain by ambiguous laws... ‘Some people had begun constructing homes in their villages, but this has stopped due to conflicting reports on the status of the peace process.’”<sup>31</sup>

In this case, enforced ‘communities’ that have sprung up within the IDP camps may be formalized, and the camps themselves will become permanent. If this happens, the forcible dislocation of people from their traditional homes and *gemeinschaft*<sup>32</sup> communities could further hamper the process of attaining freedom from war. Furthermore, the situation of permanent displacement is likely to have a direct impact on

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<sup>25</sup> Enough, “Northern Uganda Monthly Report,” April/May 2007, [article on-line]; available from <http://www.enoughproject.org/region/northern-uganda/overview.php>; accessed 20 April 2007.

<sup>26</sup> Hudson Apunyo, “Abia IDP Camp Marks 2nd Anniversary of Massacre,” *The Monitor* (Kampala), 14 Feb. 2006.

<sup>27</sup> “Uganda: Museveni sets priorities after re-election,” IRINnews.org, 27 Feb. 2006, [article on-line]; available from [www.irinnews.org/report.asp?ReportID=51938](http://www.irinnews.org/report.asp?ReportID=51938); accessed 9 March 2006.

<sup>28</sup> Agness Nandutu, “Museveni blames donors over funds,” *The Monitor* (Kampala), 10 March 2006.

<sup>29</sup> Apunyo, “Abia IDP Camp Marks 2nd Anniversary of Massacre.”

<sup>30</sup> “UNDMT Technical Group Status Report: Preparatory Planning for Displaced Persons” as cited in Chris Dolan, “Understanding War and Its Continuation: The Case of Northern Uganda,” (Ph.D. diss., University of London, 2005), 167.

<sup>31</sup> Enough, “Northern Uganda Monthly Report.”

<sup>32</sup> Ferdinand Tönnies divided societies into two distinct groups: “*Gemeinschaft* society is one in which people live together in primary groups, tightly wound around the institutions of kin, community and church... In *gesellschaft* society, by contrast, people frequently leave their primary groups for association with people who may be strangers. One chooses one’s occupation, place of residence, and marriage partner. Ties to primary kin, place of origin, and church are loose and may be cut off entirely.” See Rhoda E. Howard, *Human Rights and the Search for Community* (Boulder: Westview, 1995), 25-26.

the economic sustainability of the region: as urban centres grow and the needs of a population unable to grow its own food or provide for other basic requirements multiply, the need for skilled workers is likely to increase. Meanwhile, the majority of those living in the camps at present possess none of the knowledge required, and thus it is likely, at least for this generation, that those living in IDP camps will be reliant on additional assistance from others.<sup>33</sup>

In reality, however, the war is far from over. It is not known precisely how many rebel soldiers remain “in the bush”—a local colloquialism that refers to the theatre of war—with the LRA; estimates range from 200 to 20,000. But a succession of peace talks held over the years have broken down, and none have been undertaken since early 2005, when talks broke off and the chief negotiator, Betty Bigombe, was forced to discontinue negotiations. Peace talks begun in August, 2006, and held in Juba, South Sudan, have been beset by a number of problems, and eventually broke off. In mid-April, 2007, the LRA was “persuaded... to rejoin the talks... and extend the cessation of hostilities until the end of June.”<sup>34</sup> At the time of writing, those peace talks continue, having successfully completed two phases of negotiations.<sup>35</sup> The third, and possibly most contentious agenda item has to do with questions of reconciliation and accountability.<sup>36</sup>

## Negotiations

Museveni and the Government of Uganda (GOU) have faced a number of insurgencies, as detailed above. For many years, the response by the Government of Uganda to such rebellions was simply to ignore them. In 2006, after his re-election as President, Museveni claimed that

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<sup>33</sup> Hovil and Quinn, *Peace First, Justice Later*, 9.

<sup>34</sup> Enough, “Northern Uganda Monthly Report.”

<sup>35</sup> *Agreement on Comprehensive Solutions Between the Government of the Republic of Uganda and Lord’s Resistance Army/Movement Juba Sudan*, 02 May 2007, Juba, South Sudan. See also Megan Rowling, “Peace or Justice in Northern Uganda?” *Reuters AlertNet*, 09 May 2007; [article on-line]; available from <http://www.alertnet.org/db/blogs/20316/2007/04/9-101818-1.htm>; accessed 18 May 2007.

<sup>36</sup> UN Office for the Coordination of Humanitarian Affairs, “Talks delayed over accountability questions,” *IRINnews.org* (11 May 2007); available from [www.irinnews.org/print..asp?ReportID=72101](http://www.irinnews.org/print..asp?ReportID=72101); accessed 17 May 2007.

“the conflict in the north has been finished. We have defeated Kony.”<sup>37</sup> Although the war in northern Uganda and other uprisings continue, as late as May, 2007, the Minister of Internal Affairs continued to claim that “Uganda is a perfectly peaceful country.”<sup>38</sup>

Alternatively, the Government has tried to put down such insurrections militarily. Such military responses have been numerous, and largely unsuccessful—with disastrous consequences for the population in the north.<sup>39</sup> Operation Iron Fist in 2002 was one of its most severe responses. More than 10,000 UPDF soldiers reportedly participated in large-scale raids against the LRA, which resulted in many more displacements and abductions.<sup>40</sup> Yet the conflict in northern Uganda remains unresolved.

Over the years, a number of peace talks and negotiated settlements have been attempted between the Government of Uganda and the Lord’s Resistance Army. These have included the Pece Stadium Accord (1988) the Addis Ababa Accord (1990) and another series of peace talks (1994), all of which failed.<sup>41</sup> Talks held in 2005 under chief negotiator, Betty Bigombe, were also forced to stop. All such efforts undertaken over the years have broken down. Peace talks that began in August, 2006, and that have been held in Juba, South Sudan, have been beleaguered by a number of problems, and eventually broke off as well. But in mid-April, 2007, the LRA was “persuaded... to rejoin the talks... and extend the cessation of hostilities until the end of June.”<sup>42</sup> At the time of writing, those peace talks continue.

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<sup>37</sup> UN Office for the Coordination of Humanitarian Affairs, “Uganda: Museveni sets priorities after re-election,” IRINnews.org (27 Feb. 2006); available from [www.irinnews.org/print.asp?ReportID=51938](http://www.irinnews.org/print.asp?ReportID=51938); accessed 9 March 2006.

<sup>38</sup> “Minister Rugunda woos Indian investors,” *New Vision (Uganda)*, 6 May 2007.

<sup>39</sup> Hovil and Quinn, *Peace First, Justice Later*, 3.

<sup>40</sup> Keith Somerville, “Uganda’s Rebels Keep the Faith,” *BBC News Online*, 3 July 2002; [article on-line]; available from <http://news.bbc.co.uk/2/hi/africa/2083241.stm>; accessed 16 May 2007.

<sup>41</sup> *Listen to the People: Peace and Reconciliation in Northern Uganda* (Kampala: HURIPEC, 03 May 2004), 92-93.

<sup>42</sup> Enough, “Northern Uganda Monthly Report.”

## Lord's Resistance Army

A number of groups have been active in the Juba talks, and influential in various aspects of the talks. One of the key players is the Lord's Resistance Army. In May, 2006, the LRA, through South Sudanese Vice President Riek Machar, approached the GOU to begin peace talks. In exchange, Museveni "promised to grant... Kony amnesty,"<sup>43</sup> which was subsequently rejected by LRA negotiators, since "amnesty presupposes surrender... [and means] you are no longer available for discussion."<sup>44</sup> As discussed further, below, the intricacies of the International Criminal Court and the national amnesty have complicated things considerably.

The LRA itself is divided. Like its counterpart, the National Resistance Army (NRA), which became the National Resistance Movement (NRM) when it seized Kampala in 1986, the LRA also refers to itself the LRA/M, signifying the presence of an active "political" wing separated from the military arm of the group; the existence of the political wing dates to at least June 1998.<sup>45</sup> Many of those who have been involved in the LRM, and particularly those involved in the negotiations in Juba, are

drawn mainly from politically active Ugandan refugees exiled in Africa and Europe... who have lost touch with Uganda. Save for 2 members, the rest of the members of LRA delegation fled from Uganda during M7's war of vengeance and reign of terror in eastern and northern Uganda. The common term used to describe them was and still is 'the Diaspora Ugandans' which to a larger extent is meant to make them sound like 'the Diasporas are offspring of a generation that left Uganda before M7 grabbed power by the gun.[']<sup>46</sup>

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<sup>43</sup> "Uganda LRA rebels reject amnesty," *BBC News Online*, 07 July 2006; [article on-line]; available from <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/5157220.stm>; accessed 07 July 2007.

<sup>44</sup> *Ibid.*

<sup>45</sup> Statement by David Masanga, LRM representative, Institute for African Alternatives, London, June 27, 1998, in Human Rights Watch, *Hostile to Democracy: The Movement System and Political Repression in Uganda* (London: Human Rights Watch, 1999), 92.

<sup>46</sup> *To Whom it May Concern: A Synopsis on Uganda Peace Talks*, [article on-line]; available from [http://www.radiorhino.org/htm\\_material/archiv/text/press/monitor/A%20Synopsis%20on%20Uganda%20PeaceTalks%20070208.htm](http://www.radiorhino.org/htm_material/archiv/text/press/monitor/A%20Synopsis%20on%20Uganda%20PeaceTalks%20070208.htm); accessed 16 May 2007.

“Few of the 17-member LRA/[M] delegation that arrived in Juba... have combat experience and many of them are based abroad.”<sup>47</sup> There is some doubt as to whether the LRM represent “the LRA proper, because they are from the Ugandan Diaspora... [They are accused of] putting forth all manner of issues, loading down the agenda with things that the Lord’s Resistance Army as an entity never fought for, and does not represent the people of Northern Uganda on it.”<sup>48</sup> Prior to the Juba talks, the LRA had never been known to have any clear political agenda.<sup>49</sup> In late 2006, a split occurred among the political wing of the LRM,<sup>50</sup> leaving the direction the LRM will pursue up in the air.

The relationship between the LRM and the LRA is curious. Kony and his top commanders have been largely absent from the talks, and there is speculation that they have little to do with the talks at all, although it was Kony who led the delegation on rapprochement.<sup>51</sup> “As many of the LRA delegation do not live in Uganda, it is debatable whether they have the influence to negotiate on behalf of the leadership in the bush.”<sup>52</sup> Many, including Kony, remain in the bush, although as part of the peace settlement, they were meant to assemble in safe zones. Reportedly, the LRA continues to carry out attacks on the civilian population.<sup>53</sup> “In the rigidly hierarchical LRA, Joseph Kony is the key to a peace deal, and efforts to engage him must be

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<sup>47</sup> “Ugandan rebel peace talks begin,” *BBC News Online*, 14 July 2006; [article on-line]; available from <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/5175602.stm>; accessed 14 July 2006.

<sup>48</sup> John A. Akec, “Why Naivasha success story could not be repeated in Uganda talks?” *Sudan Tribune*, 9 April 2007. Akec also argues that it is “neither correct nor fair to depict the Acholi Diaspora as those who caught the LRA bandwagon into Juba at the last minute to advance their personal agenda. They have every right to form the core of LRA/M negotiating team in Juba and are well equipped to speak on behalf on [sic] Northern Uganda. Liberation struggle is a voluntary thing and it does not require mandate from anyone. LRA/M was restricted and banned from establishing offices in the West as SPLM did. We must bear that in mind when comparing LRA/M lack of visibility in the West.”

<sup>49</sup> Will Ross, “Ugandans ask ICC to spare rebels,” *BBC News Online*, 16 March 2005; [article on-line]; available from <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/africa/4352901.stm>; accessed 16 March 2005.

<sup>50</sup> Emmy Allio, “LRA split on peace talks,” *New Vision (Uganda)*, 16 Nov. 2006.

<sup>51</sup> “Uganda: Give peace a chance, northern leaders tell ICC,” IRINnews.org (2 June 2006); available from [www.irinnews.org/print..asp?ReportID=53685](http://www.irinnews.org/print..asp?ReportID=53685); accessed 13 June 2006.

<sup>52</sup> “Ugandan rebel peace talks begin,” *BBC News Online*.

<sup>53</sup> Chris Ocowun, “LRA rebels kill 7 in Amuru ambush,” *New Vision (Uganda)*, 1 May 2007.

enhanced.”<sup>54</sup> The Ugandan government has “long articulated [the] position that what is wanted is ‘a pure deal directly with Kony.’”<sup>55</sup>

### Government of Uganda

So the adage goes, “it takes two to tango.” As such, the GOU is the other critical player in the Juba talks. When Kony approached the GOU about ending the conflict, Museveni issued a “two-month ultimatum ‘to peacefully end terrorism’ or face a combined force of Ugandan and southern Sudanese troops.”<sup>56</sup> A further statement issued by the government indicated that “if [Kony] got serious about a peaceful settlement, the government would guarantee him safety.”<sup>57</sup> Yet when the talks began, the GOU was “angered by what it regards as belligerent remarks by rebels at the opening ceremony... [T]he Ugandan delegation at one stage threatened to return home on what was scheduled to be the first full day of talks.”<sup>58</sup>

Like the LRA, the Government, too, is divided in its approach. For, while Government statements indicate a certain decision, it is not uncommon for prominent individuals to spout other opinions. Museveni has maintained a hard line on the conflict in northern Uganda over the years. In 2005, for example, he stated: “This is the last warning to those fools. We are preparing a last dose for Kony... We want peace everywhere.”<sup>59</sup> His approach in Juba has mirrored this tack—save for the many times that he has apparently waffled on the issue of amnesty, as discussed below. Museveni’s cabinet ministers, too, are known for public statements that widely

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<sup>54</sup> Cawthorne, “US and UK Urged to Send Envoys to LRA Peace Talks.”

<sup>55</sup> Akec, “Why Naivasha success story could not be repeated in Uganda talks?”

<sup>56</sup> “Uganda: Museveni gives rebels ultimatum over northern war,” IRINnews.org (17 May 2006); available from [www.irinnews.org/print..asp?ReportID=53402](http://www.irinnews.org/print..asp?ReportID=53402); accessed 13 June 2006.

<sup>57</sup> Ibid.

<sup>58</sup> “Tense start to Uganda peace talks,” *BBC News Online*, 15 July 2006; [article on-line]; available from <http://news.bbc.co.uk/go/pr/fr/-/1/hi/africa/5183656.stm>; accessed 18 July 2006.

<sup>59</sup> “Uganda's Museveni vows to punish corrupt troops,” *Reuters AlertNet*, 04 Apr. 2005 [article on-line] available from <http://www.alertnet.org/thenews/newsdesk/L04222434.htm>, accessed 28 Apr. 2005.

contradict the official party line. The head of the Uganda delegation in Juba is Minister of Internal Affairs Ruhakana Rugunda. On that angry day, Rugunda “was more conciliatory, saying that they had come to negotiate and conclude peace.”<sup>60</sup> In the months since, Rugunda has continued to stress that the GOU is committed to a peaceful resolution.<sup>61</sup>

But, while the GOU included conflict as one of the five main pillars of its Poverty Eradication Action Plan (PEAP), conflict resolution is only listed as one element among more pressing needs such as security and disaster management.<sup>62</sup> As stated in the PEAP, “Government recognises that dialogue offers one of the most desirable options to ending insurgency, it has the obligation to protect its citizens, their property and resist external aggression. Government therefore mounted a military campaign to complement other efforts to end this insurgency.”<sup>63</sup> Yet the Government allocated only \$164,239 CAD, which represents a scant 0.01% of the national budget, to conflict resolution efforts in Northern Uganda in the 2004-2005 budget.<sup>64</sup> It continues to view efforts in the north through the lens of economics, dealing with issues of conflict in financial terms: “the approximate cost of the conflict in the North has been estimated at 3% of GDP.”<sup>65</sup>

### Northern Ugandans

Many northerners, however, argue that these efforts have not been enough, or at least that they have not been sincere. One senior parliamentarian from within the political opposition said, “When a madman is in your house, you must bend your back deeply to make sure that he is dealt

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<sup>60</sup> “Tense start to Uganda peace talks,” *BBC News Online*.

<sup>61</sup> Ruhakana Rugunda, “Keynote Address,” Stakeholders Consultative Meeting on the Juba Peace Talks: A search for durable peace in Northern Uganda, Kampala, Uganda, 30 Aug. 2006.

<sup>62</sup> Uganda’s Poverty Eradication Action Plan is the Ugandan equivalent of a Poverty Reduction Strategic Plan.

<sup>63</sup> Government of Uganda, *Poverty Eradication Action Plan 2004/05-2007/08* (Kampala: Ministry of Finance, Planning, and Economic Development, 2005), 101.

<sup>64</sup> Confidential interview by author with Office of the Prime Minister official, 30 Oct. 2004, Kampala, Uganda.

<sup>65</sup> Government of Uganda, *Poverty Eradication Action Plan 2004/05-2007/08*, 113

with. He has not done this. Museveni knows that the north is full of opposition, and that if they were pacified, they would mount serious opposition. So it's better to keep them disconnected and devastated politically, socially and economically."<sup>66</sup>

The people of northern Uganda have borne disproportionately the brunt of the suffering caused by the conflict. Displacement, abduction, mutilation, and despair are a reality for the more than seven percent of Ugandans that live in the north. Yet their voices have been largely eclipsed in the fray.

Still, northerners themselves have made substantial efforts toward ensuring a lasting peace. One such effort took place in March 2007, when the Acholi held a *wang oo*<sup>67</sup> attended by "about 150 people, who included elders, MPs, and opinion leaders from the Acholi districts of Gulu, Kitgum, Amuru and Pader... which was funded by DANIDA and the Canadian government. It was organized by the Acholi cultural leader, Rwot David Onen Achana."<sup>68</sup> The conference was organized as a buffer between the Ugandan and LRA delegations in Juba, both of which had at that left the negotiations. Delegations from northern Uganda, including the Acholi Parliamentary Group,<sup>69</sup> the office of the Acholi Paramount Chief,<sup>70</sup> and the Acholi Religious Leaders' Peace Initiative<sup>71</sup> have been present in Juba since the beginning of the talks, acting almost as shock absorbers between the two parties. Such groups have provided advice and advocated on behalf of the people of northern Uganda.

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<sup>66</sup> Confidential interview with opposition Member of Parliament by author, 03 Nov. 2004, Kampala, Uganda.

<sup>67</sup> The *wang oo* is a traditional talk held in a communal fire place. The *wang oo* held in March 2007 was organized as a larger peace conference.

<sup>68</sup> Gloria Laker, "LRA shun Acholi meeting in Juba," *New Vision (Uganda)*, 4 March 2007.

<sup>69</sup> Chris Ocowun & Justin Moro, "Acholi MPs visit Kony," *New Vision (Uganda)*, 1 Oct. 2006.

<sup>70</sup> Paul Harera, Richard Linga and Frank Nyakairu, "Juba talks resume this week, says Dr. Machar," *The Monitor (Kampala)*, 04 Mar. 2007.

<sup>71</sup> "Sudan-Uganda: Rebel delegation quits talks, seeks 'neutral' venue," *Reuters AlertNet*, 12 Jan. 2007 [article on-line] available from <http://www.alertnet.org/thenews/newsdesk/IRIN/52f555f5c065e0f37d335222dd75c65.htm>; accessed 17 May 2007.

## International Community

The character of the international community surrounding the Juba talks is itself diverse. The Government of South Sudan (GOSS), under the leadership of Vice President Riek Machar, and, later, President Salva Kiir have been instrumental in getting talks started. It was Machar whom Kony initially approached, and who acted as intermediary between the two groups. Their involvement is the reason for the selection of Juba as a venue for the talks. By early 2007, however, the LRA/M had asked for talks to be moved to another country, citing distrust of the GOSS,<sup>72</sup> whose earlier incarnation as the Sudanese People's Liberation Army had fomented much of the conflict between the GOU and the LRA.

Much of the impetus for and interest in the current situation in northern Uganda came about when a "group of seven plus one" states banded together to advance the cause. Prior to this time The Group of Seven Plus One is composed of Belgium, Germany, Ireland, the Netherlands, Norway, Sweden and the United Kingdom and Canada. This group has pledged to support the peace talks morally and financially.<sup>73</sup>

The United Nations, too, has increased its involvement in the region. The Security Council formally expressed its support for "bringing to justice LRA leaders responsible for war crimes" and called on the Ugandan government "to 'commit themselves fully' to a long-term and peaceful solution to the conflict" in November, 2006.<sup>74</sup> United Nations High Commissioner for Human Rights, Louise Arbour, has also been vocal about pushing for a settlement that includes a

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<sup>72</sup> *To Whom it May Concern*, 1.

<sup>73</sup> The Government of Canada pledged \$1.5 million to the process in December, 2006, and an additional \$2.5 million in February, 2007, making Canada the largest bilateral donor. Government of Canada, "Canada calls on Ugandan parties to maintain commitment to Juba peace talks and announces \$2.5 million toward peace efforts," available from <http://www.reliefweb.int/rw/RWB.NSF/db900SID/RMOI-6Y22R5?OpenDocument>; accessed 20 Feb. 2007.

<sup>74</sup> "UN wants LRA to release captives," *New Vision (Uganda)*, 17 Nov. 2006.

justice remedy.<sup>75</sup> Jan Egeland, Under-Secretary General for Humanitarian Affairs, with the Office for the Coordination of Humanitarian Affairs (OCHA), too, exercised considerable influence in the region. He met several times with all parties to the conflict, and went some way to facilitating the on-going talks, providing logistical support and observers.<sup>76</sup> Egeland's successor, Sir John Holmes, has continued to apply pressure.<sup>77</sup> And in December 2006, United Nations Secretary-General Kofi Annan appointed former Mozambican President Joaquim Chissano as Special Envoy dedicated to the Juba talks.<sup>78</sup>

The involvement of the United States, however, is considerably more difficult. It has seized on Uganda as its headquarters for all activities in Eastern Africa, particularly since the bombings in Kenya and Tanzania in 1998. Yet the U.S. has refused to become involved in the Juba process, despite repeated calls.<sup>79</sup> Although the United States has openly supported the prosecution of the LRA, they have also chosen to support Museveni's offer of amnesty.<sup>80</sup> One obstacle, of course, is that the U.S. is itself not a signatory to the International Criminal Court and has refused to sign.

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<sup>75</sup> Matthew Russell Lee, "UN's Louise Arbour Calls Lord's Resistance Army a 'Criminal Enterprise' With No Political Agenda," Inner City Press at the UN, 28 Feb. 2007; [article on-line]; available from <http://www.innercitypress.com/arbours022807.html>; accessed 17 May 2007. See also "UN High Commissioner for Human Rights urges Uganda and Lord's Resistance Army to commit to principle of no-impunity for serious violations," United Nations Office of the High Commissioner for Human Rights (OHCHR), 11 May 2007; [article on-line]; available from <http://www.reliefweb.int/rw/RWB.NSF/db900SID/YSAR-734LBR?OpenDocument>; accessed 17 May 2007.

<sup>76</sup> "Uganda: There is hope for peace in the north—Egeland," IRINnews.org (15 Nov. 2006); available from [www.irinnews.org/print.asp?ReportID=61567](http://www.irinnews.org/print.asp?ReportID=61567); accessed 13 May 2006.

<sup>77</sup> "War-hit Uganda to lag for 'years'," *BBC News Online*, 17 May 2007; [article on-line]; available from <http://news.bbc.co.uk/go/pr/fr/-/1/hi/africa/6664625.stm>; accessed 17 May 2007.

<sup>78</sup> "Joaquim Chissano Appointed UN Special Envoy for LRA-Affected Region," Uganda-CAN [article on-line]; available from <http://www.ugandacan.org/item/1846>; accessed 17 May 2007.

<sup>79</sup> Caroline Andresen and Chrissie Coxon, "The Myth of U.S. Engagement in Uganda," Think Progress [article on-line]; available from <http://thinkprogress.org/2006/07/24/uganda-us/>; accessed 18 May 2007.

<sup>80</sup> "Uganda: US gov't demands trial for rebel leaders," IRIN CEA Weekly Round-up 338 for 1-7 July 2006.

## **“Justice” and its Complications**

All of this activity has taken place against the backdrop of questions of justice and accountability, on the one hand, and reconciliation on the other. This has often been portrayed as a debate between peace versus justice, which seems to pit the International Criminal Court against the Amnesty Act. In reality, however, the situation is much more complex.

### Amnesty Act

One part of this, of course, has been the Amnesty Act, which was passed in November 1999 by the Government of Uganda, and subsequently enacted in January 2000. Under the terms of the Act,

An amnesty is declared in respect of any Ugandan who has at any time since the 26th day of January, 1986 engaged in or is engaging in war or armed rebellion against the government of the Republic of Uganda by:

- (a) actual participation in combat;
- (b) collaborating with the perpetrators of the war or armed rebellion;
- (c) committing any other crime in the furtherance of war or armed rebellion; or
- (d) assisting or aiding the conduct or prosecution of the war or armed rebellion.<sup>81</sup>

By April 2006, the Amnesty Commission had received 20,592 applications for amnesty.<sup>82</sup>

The Act states that rebels may receive amnesty if they voluntarily come “out of the bush”—a local colloquialism for the theatre of war—and surrender their arms. The Amnesty Act also provides for the material needs of those who are given amnesty—colloquially known as “reporters”:

Reporters denounce their activities by signing an affidavit, after which they are registered, receive an Amnesty Certificate, and then, in theory, a package. A standard

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<sup>81</sup> The Republic of Uganda, *Amnesty Act 2000*, Part II, 3(1).

<sup>82</sup> “Amnesty,” *Radio One (Kampala)*, 19 April 2006. The United Nations Disarmament, Demobilization and Reintegration Resource Centre states that by December 2006, that number had grown to more than 21,000; see UNDDRRRC, “DDR Strategy and Approach,” [article on-line]; available from <http://www.unddr.org/countryprogrammes.php?c=37>; accessed 30 April 2007.

package contains 263 000 [Ugandan shillings]<sup>83</sup> in cash (equivalent to 3 months salary of a policeman or teacher at the time the Commission began plus 20 000 [Ugandan shillings] transport money), and a home kit, which includes a mattress, saucepans, blankets, plates, cups, maize flour and seeds. Each package costs the equivalent of 600 000 [Ugandan shillings].<sup>84</sup>

This conception of amnesty is substantially different than amnesties that have been implemented in other situations of transitional justice. The amnesty granted in Chile, for example, was granted to military personnel *after* the conflict was finished, and in *blanket* form, to keep them from being prosecuted in the trials that would come after. The amnesty granted in South Africa as part of the Truth and Reconciliation Commission process was granted on an *ad hoc* basis in exchange for testimony. The amnesty in Uganda has been declared *before* the end of the conflict. While people in Uganda appear to perceive of the amnesty as having been very much a tool to end the war, there is less clarity over the consequences it might have afterward.

#### International Criminal Court

Museveni, though, was never a strong supporter of the Amnesty Act. And in December 2003, Museveni made a formal request to the International Criminal Court to investigate the actions of the Lord's Resistance Army in northern Uganda. Museveni's request was not publicly revealed until January 2004, when the Prosecutor announced it. Of course, this cast an enormous shadow over the work of the Amnesty Commission. It also effectively meant that "the ICC is in [a] sense acting on behalf of the Ugandan state, even though the Ugandan government is itself involved in the conflict... [This] has certainly created an awkward impression."<sup>85</sup>

The Chief Prosecutor of the ICC determined that there was a reasonable basis to open an investigation, and did so in July of 2004. One year later, in July 2005, the Chief Prosecutor

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<sup>83</sup> At the time of writing, 100 Ugandan shillings are worth approximately 5¢ USD.

<sup>84</sup> Hovil and Lomo, "Whose Justice? Perceptions of Uganda's Amnesty Act 2000," 7.

<sup>85</sup> Allen, "War and Justice in Northern Uganda," 39.

issued warrants for the arrest of Joseph Kony and four other senior members of the LRA.<sup>86</sup> Individually, each of the five warrants details the atrocities attributed to the LRA, and to each of the five men, including more than 2,200 killings and 3,200 abductions in over 820 attacks. Kony, for example, is charged with 12 counts of crimes against humanity and 21 counts of war crimes, including “rape, murder, enslavement, sexual enslavement, [and] forced enlistment of children.”<sup>87</sup> To date, 49 applications have been received from people willing to testify against Kony.”<sup>88</sup>

### Negotiating Concessions: Amnesty vs. Prosecution

Of course, the juxtaposition of amnesty and prosecution is cause for consternation, speculation, and much concern amongst those who stand to gain or to lose in the negotiation process. That is, under the terms of the Amnesty Act, Kony and the other members of the LRA are guaranteed amnesty. Yet the International Criminal Court’s indictments, as international law, ought to supersede the national amnesty commitments. There has been a great deal of political wrangling on this issue by each of the parties involved:

#### *International Criminal Court*

The position of the ICC is, in many ways, the most straightforward. The Court continues to press for the arrest and prosecution of Kony and the other four LRA leaders, as per the Rome Statute. The legality of this is not in question. The Republic of Uganda had become a signatory to the Rome Statute on 17 March 1999, and deposited its instrument of ratification of the Rome

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<sup>86</sup> At the time of writing, none of these warrants has been executed.

<sup>87</sup> Chief Prosecutor Louis Moreno-Ocampo, “The Investigation in Northern Uganda,” International Criminal Court, 14 October 2005 ; available from [http://www.icc-cpi.int/library/organs/otp/Uganda\\_PPpresentation.pdf](http://www.icc-cpi.int/library/organs/otp/Uganda_PPpresentation.pdf); accessed 22 February 2006.

<sup>88</sup> Frank Nyakairu, “49 Apply to Testify Against Kony,” *The Monitor (Kampala)*, 15 Feb. 2007.

Statute on 14 June 2002. Uganda has since signed the Declaration on Temporal Jurisdiction, allowing the ICC jurisdiction retroactive to 1 July 2002, the date on which the ICC came into force—even though the investigation of the Chief Prosecutor did not begin until July 2004. The Court has jurisdiction in such cases where the state itself is unwilling or unable to prosecute<sup>89</sup>—which the Government of Uganda most certainly is.

Yet the activities of the ICC are seen by many as a major stumbling-block to the successful outcome of the Juba talks. “The ICC is an unwanted guest in Northern Uganda. It is working very hard to lengthen the nightmare suffered by the people of the region for more than 2 decades... So long as the ICC continues to pursue its case against LRA leaders, it will remain one of the main inhibitors of the Juba peace talks.”<sup>90</sup> International donors, for example, “reduced their support and funding”<sup>91</sup> upon the unsealing of the ICC warrants. And mediators asked the ICC “to withdraw the arrest warrants to enable Mr [*sic*] Kony to negotiate directly with the Ugandan government.”<sup>92</sup>

### *Government of Uganda*

It was Museveni, initially, who took the LRA case to the ICC. Yet less than one year later, Museveni claimed that the GOU would withdraw its referral if the LRA agreed to the use of traditional forms of justice and reconciliation like *mato oput*.<sup>93</sup> In actual fact, the GOU cannot simply withdraw its referral, since “yielding to pressure from the state that referred the situation to stop the investigation would neither be in the interests of justice nor in the long-term interests

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<sup>89</sup> *Rome Statute of the International Criminal Court*, Art. 17.1.a.

<sup>90</sup> Akec, “Why Naivasha success story could not be repeated in Uganda talks?”

<sup>91</sup> Bigombe and Prendergast, “Stop the Crisis in Northern Uganda.”

<sup>92</sup> “Uganda may consider LRA ceasefire,” *BBC News Online*, 02 Aug. 2006; [article on-line]; available from <http://news.bbc.co.uk/go/pr/fr/-/1/hi/africa/5235642.stm>; accessed 8 Sep. 2006.

<sup>93</sup> Alex B. Atuhaire, “LRA probe still on, says AI,” *The Monitor (Kampala)*, 20 Nov. 2004.

of peace and reconciliation.”<sup>94</sup> “The ICC says Uganda’s government referred the case to the court and must honour its commitment.”<sup>95</sup> The question of whether Museveni was simply ignorant of the rules of international justice, or simply playing the political game in hopes of buying Kony’s acquiescence remains.

At the same, time, however, Museveni has, on a number of occasions, promised “a full and guaranteed amnesty”<sup>96</sup> “if the rebel leader ‘responds positively to the talks... and abandons terrorism,’ despite the ICC indictments.”<sup>97</sup> The promised amnesty amounts to a blanket amnesty for the LRA.<sup>98</sup> “We have already committed ourselves and in Africa we keep our word... a statement from Museveni’s press secretary... said.”<sup>99</sup> Museveni “agreed to the amnesty during a meeting... with Salva Kiir, the president of Southern Sudan.”<sup>100</sup>

Nonetheless, Museveni and the GOU have waffled on this principle a number of times. In April 2006, the GOU passed the Amnesty Amendment Bill (2003) to enable the Minister of Internal Affairs, with Parliamentary approval, to prevent specific people from being granted amnesty. The Bill reportedly “excludes Lord’s Resistance Army (LRA) chief Joseph Kony and his top commanders from being eligible for amnesty under the Act.”<sup>101</sup> The President has also

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<sup>94</sup> Amnesty International, “Amnesty International Press Release: Uganda: Government cannot prevent the International Criminal Court from investigating crimes,” AI Index: AFR 59/008/2004 (Public); 16 Nov. 2004; available from <http://web.amnesty.org/library/Index/ENGAFR590082004?open&of=ENG-UGA>; accessed 18 May 2007.

<sup>95</sup> “Uganda ‘must arrest’ rebel leader,” *BBC News Online*, 18 May 2006; [article on-line]; available from <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/africa/4992896.stm>; accessed 18 May 2006.

<sup>96</sup> “Tense start to Uganda peace talks,” *BBC News Online*, 15 July 2006; [article on-line]; available from <http://news.bbc.co.uk/go/pr/fr/-/1/hi/africa/5183656.stm>; accessed 17 July 2006.

<sup>97</sup> “Uganda LRA rebels reject amnesty,” *BBC News Online*, 07 July 2006; [article on-line]; available from <http://news.bbc.co.uk/go/pr/fr/-/1/hi/africa/5157220.stm>; accessed 07 July 2006.

<sup>98</sup> “Uganda” LRA leader moves toward assembly point,” IRINnews.org (20 Sep. 2006); available from [www.irinnews.org/print.asp?ReportID=55651](http://www.irinnews.org/print.asp?ReportID=55651); accessed 6 Dec. 2006.

<sup>99</sup> “M7 rejects Kony hunt,” *New Vision (Uganda)*, 17 Nov. 2006.

<sup>100</sup> “Uganda: Museveni gives rebels ultimatum over northern war,” IRINnews.org (13 June 2006); available from [www.irinnews.org/print.asp?ReportID=53402](http://www.irinnews.org/print.asp?ReportID=53402); accessed 13 June 2006.

<sup>101</sup> Apollo Mubiru and Cyprian Musoke, “Kony denied amnesty,” *New Vision (Uganda)*, 20 Apr. 2006.

continued to threaten the LRA with prosecution, saying that the indictments would not be rescinded until a peace deal is reached. Museveni asked:

'Why should we reward you before you give us peace?' the president asked. 'If the ICC indictments are removed, it will make the terrorists untouchable. The removal of the indictments will be a reward for their signing of the agreement. Otherwise you [rebels] will die in our hands or in the hands of the ICC.' He advised them to take his amnesty offer 'so the community can cleanse them through the traditional system, mato oput. Thereafter, the government would plead with the ICC...' <sup>102</sup>

"Yet Kony and Otti have repeatedly stated that they will not attend the talks while the prosecutions are on-going." <sup>103</sup> Others, however, believe that the warrants "helped bring the LRA to the table, keep it engaged and are not insurmountable obstacles." <sup>104</sup> A bit of a stalemate has developed as a result.

### *Northern Ugandans*

At the heart of all of these discussions are the people of northern Uganda. Those who have lived through the conflict have strong, and somewhat divided, opinions as to what should happen now on issues of both amnesty and justice.

In a 2005 study, "Amnesty was seen to be a mechanism that formalised a process that was already taking place. Many informants [in an RLP study] referred to the fact that they had been "doing" Amnesty before it had become law, as it was a culturally recognised approach to carrying out justice within the specific context." <sup>105</sup> Consequently, many Ugandans appear to

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<sup>102</sup> "Uganda: ICC indictments against rebels should stay, says President," IRINnews.org (21 Sep. 2006); available from [www.irinnews.org/print.asp?ReportID=53402](http://www.irinnews.org/print.asp?ReportID=53402); accessed 6 Dec. 2006.

<sup>103</sup> Nick Grono and Adam O'Brien, "Exorcising the Ghost of the ICC," *The Monitor (Kampala)*, 31 Oct. 2006.

<sup>104</sup> Cawthorne, "US and UK Urged to Send Envoys to US Peace Talks."

<sup>105</sup> Hovil and Lomo, "Whose Justice? Perceptions of Uganda's Amnesty Act 2000, 10.

support the process of amnesty, and “there is passionate support for the Amnesty amongst political activists, churches, NGOs and an influential group of ‘traditional’ leaders.”<sup>106</sup>

One of the greatest supporters of the Amnesty has been a radio station located in Gulu, northern Uganda. Originally established with the help of a grant from the British Department of International Development, MEGA FM was constructed to play a key role in solving the current LRA conflict. One of its most effective programmes, *Dwog Paco* (literally “come back home” in the Acholi language), is broadcast three times each week. Its programming is specifically tailored to be heard by the rebels; it broadcasts former LRA fighters, abductees, and “wives” who give live testimonies about living in the bush and how they escaped from the LRA. Especially important in each broadcast is an appeal to those still in the bush to come home. Between December 2003 and November 2004, more than 1200 children had come out of the bush as a result of these broadcasts—thanks, in large part, to the Amnesty available to them.<sup>107</sup>

Nonetheless, others are reluctant to embrace the Amnesty. As one Christian NGO official said, “The Amnesty Commission must try to redefine its mandate because there are too many loopholes in the system. And there is no element of confession, which is important to add. But at least people will admit to taking part in atrocity. After that, though, they must then confess. Only then will they have healing. The way it is, when they are absolved by the Amnesty, the healing process is destroyed.”<sup>108</sup> Another reported that “the Amnesty Commission is returning kids on an Amnesty ticket, but then they are being charged with treason and put into jail.”<sup>109</sup>

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<sup>106</sup> Allen, *War and Justice in Northern Uganda*, 33.

<sup>107</sup> Confidential interview with MEGA FM producer by author, 20 November 2004, Gulu, Uganda.

<sup>108</sup> Confidential interview with Christian NGO worker by author, 28 October 2004, Kampala, Uganda.

<sup>109</sup> Confidential interview with Christian NGO worker by author, 10 November 2004, Kampala, Uganda.

Others are more forceful in their objection to the Amnesty Act. Some have argued that the Amnesty is simply a means of “buying peace.” “Since coming to power, the government has had a policy of buying rebels out of the bush in order to end conflict, creating a culture of entitlement that has only been reinforced by attaching a package to the Amnesty process.”<sup>110</sup>

About the International Criminal Court, however, people in the north are much more passionate. While aid agencies and human rights groups were enthusiastic about the ICC announcements, “Ugandan organizations tended to be rather more assertive, even openly hostile. Those promoting the Amnesty and negotiating a ceasefire made it plain that they viewed the ICC as a liability, and argued that prosecution could well make circumstances even worse.”<sup>111</sup> This position was reiterated as such:

The issuing of... international arrest warrants would practically close once and for all the path to peaceful negotiation as a means to end this long war, crushing whatever little progress has been made during these years... Obviously, nobody can convince the leaders of a rebel movement to come to the negotiating table and at the same time tell them that they will appear in courts to be prosecuted.<sup>112</sup>

A conference was held in The Hague, the seat of the Court, to help frame the discussion.<sup>113</sup> And delegations of Ugandans have gone to The Hague to discuss the implications of the investigations and eventual prosecutions. In March 2005, ICC officials held invited talks with leaders of the Acholi community in northern Uganda. During the meeting, the delegation and Court representatives “exchanged views on matters of mutual concern in regard to the interests of victims and justice, building on previous discussions in Uganda between officials of the Court’s Victim sections and the local communities in northern Uganda. Strategies for communicating information about the Court to the communities in northern Uganda were also

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<sup>110</sup> Hovil and Lomo, “Whose Justice? Perceptions of Uganda’s Amnesty Act 2000,” 24.

<sup>111</sup> Allen, “War and Justice in Northern Uganda,” 43.

<sup>112</sup> Father Carols Rodriguez, “Public Statement,” in Adam Branch, “International Justice, Local Injustice: The International Criminal Court in Northern Uganda,” *Dissent Magazine*, Summer 2004.

<sup>113</sup> John Mary Waliggo, “Analysis of the Human Rights Situation in Northern Uganda and Position of the Main Actors,” a paper presented at the Round-table on Northern Uganda and the International Criminal Court at the Centre for Justice and Reconciliation, The Hague, Netherlands, 25 May 2004.

discussed.”<sup>114</sup> A subsequent delegation of leaders from northern Uganda met with Court officials in April 2005, and “agreed to work together as part of a common effort to achieve justice and reconciliation, the rebuilding of communities and an end to violence in Northern Uganda... and to integrate the dialogue for peace, the ICC and traditional justice and reconciliation processes.”<sup>115</sup>

These talks revealed grave concerns on the part of those from northern Uganda. Some of the concerns include the potential bias of the ICC, the spoiling of the peace process, and disempowering local justice mechanisms.<sup>116</sup> However, since the complications of war are still a reality, one major concern is the guarantee of security for Ugandans, and for particularly exposed people, like those witnesses who will be called to testify. The situation on the ground is already violent, and they want to ensure that the investigations and ensuing testimony will not cause an escalation in violence. The Court has attempted to address such concerns at several points to date. In December 2005 and January 2006, the Court held status conferences to determine whether or not to proceed based on the underlying concerns for insecurity. Ultimately, on both occasions, the Court ruled that it “intends to continue the process of gathering and analysis of information in relation to the cluster of alleged crimes in the coming months.”<sup>117</sup>

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<sup>114</sup> “Delegation from Uganda holds talks with the Registrar of the ICC,” International Criminal Court, 18 March 2005 (ICC-20050318-94-En); available from [http://www.icc-cpi.int/pressrelease\\_details&id=97&l=en.html](http://www.icc-cpi.int/pressrelease_details&id=97&l=en.html); accessed 22 February 2006.

<sup>115</sup> “Joint Statement by ICC Chief Prosecutor and the visiting Delegation of Lango, Acholi, Iteso and Madi Community Leaders from Northern Uganda,” International Criminal Court, 16 April 2005 (ICC-OTP-20050416-99-En); available from [http://www.icc-cpi.int/pressrelease\\_details&id=102&l=en.html](http://www.icc-cpi.int/pressrelease_details&id=102&l=en.html); accessed 22 February 2006.

<sup>116</sup> Allen, “War and Justice in Northern Uganda,” 44.

<sup>117</sup> “OTP Submission Providing Information On Status of the Investigation In Anticipation of the Status Conference To Be Held on 13 January 2006,” International Criminal Court, 11 January 2006 (ICC-02/04-01/05-76); available from [http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-76\\_En.pdf](http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-76_En.pdf); accessed 24 February 2006.

## Conclusions

The interplay between international criminal justice and political settlements is complicated, particularly in the Ugandan case. While it is true that the Government of Uganda, as a State Party, did refer the case to the Prosecutor in 2003, it is equally true that the role of the International Criminal Court is controversial. And so the ICC is often blamed for the problems that frequently arise in the negotiations process. Indeed, many Ugandans now believe that “the peace process is possibly the only soft landing for both parties in the conflict and the mediating team; this is because without the signing of a comprehensive peace agreement, the chief prosecutor may not be able to withdraw the case.”<sup>118</sup>

Whatever the case, questions of amnesty are also important. Ugandans have clearly stated that peace should be sought first, and that questions of justice must be addressed separately.<sup>119</sup> It is doubtful that the amnesty process, as it is currently constituted, will be able to effectively deal with the large-scale criminality that has taken place in Uganda.

All of these disparate approaches, however, are aiming at the same ultimate goal: the cessation of hostilities. And one day soon, the negotiating parties may finally get to peace.

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<sup>118</sup> Odorach Shanty Francis, *Report on the Acholi Peace Conference in Juba Southern Sudan 1st-4th March 2007*, GUSCO, March 2007 [report on-line]; available from [www.gusco.org/news/Acholi%20Peace%20Conference%20in%20Juba%20Southern%20Sudan.doc](http://www.gusco.org/news/Acholi%20Peace%20Conference%20in%20Juba%20Southern%20Sudan.doc); accessed 15 May 2007.

<sup>119</sup> See Hovil and Quinn, *Peace First, Justice Later*.